

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

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MANITOBA LEGISLATIVE ASSEMBLY
Forty-Second Legislature

Member	Constituency	Political Affiliation
ADAMS, Danielle	Thompson	NDP
ALTOMARE, Nello	Transcona	NDP
ASAGWARA, Uzoma	Union Station	NDP
BRAR, Diljeet	Burrows	NDP
BUSHIE, Ian	Keewatinook	NDP
CLARKE, Eileen, Hon.	Agassiz	PC
COX, Cathy, Hon.	Kildonan-River East	PC
CULLEN, Cliff, Hon.	Spruce Woods	PC
DRIEDGER, Myrna, Hon.	Roblin	PC
EICHLER, Ralph, Hon.	Lakeside	PC
EWASKO, Wayne, Hon.	Lac du Bonnet	PC
FIELDING, Scott, Hon.	Kirkfield Park	PC
FONTAINE, Nahanni	St. Johns	NDP
FRIESEN, Cameron, Hon.	Morden-Winkler	PC
GERRARD, Jon, Hon.	River Heights	Lib.
GOERTZEN, Kelvin, Hon.	Steinbach	PC
GORDON, Audrey, Hon.	Southdale	PC
GUENTER, Josh	Borderland	PC
GUILLEMARD, Sarah, Hon.	Fort Richmond	PC
HELWER, Reg, Hon.	Brandon West	PC
ISLEIFSON, Len	Brandon East	PC
JOHNSON, Derek, Hon.	Interlake-Gimli	PC
JOHNSTON, Scott	Assiniboia	PC
KINEW, Wab	Fort Rouge	NDP
LAGASSÉ, Bob	Dawson Trail	PC
LAGIMODIERE, Alan	Selkirk	PC
LAMONT, Dougald	St. Boniface	Lib.
LAMOUREUX, Cindy	Tyndall Park	Lib.
LATHLIN, Amanda	The Pas-Kameesak	NDP
LINDSEY, Tom	Flin Flon	NDP
MALOWAY, Jim	Elmwood	NDP
MARCELINO, Malaya	Notre Dame	NDP
MARTIN, Shannon	McPhillips	PC
MICHALESKI, Brad	Dauphin	PC
MICKLEFIELD, Andrew	Rossmere	PC
MORLEY-LECOMTE, Janice	Seine River	PC
MOSES, Jamie	St. Vital	NDP
NAYLOR, Lisa	Woleseley	NDP
NESBITT, Greg	Riding Mountain	PC
PALLISTER, Brian, Hon.	Fort Whyte	PC
PEDERSEN, Blaine, Hon.	Midland	PC
PIWNIUK, Doyle	Turtle Mountain	PC
REYES, Jon	Waverley	PC
SALA, Adrien	St. James	NDP
SANDHU, Mintu	The Maples	NDP
SCHULER, Ron, Hon.	Springfield-Ritchot	PC
SMITH, Andrew	Lagimodière	PC
SMITH, Bernadette	Point Douglas	NDP
SMOOK, Dennis	La Vérendrye	PC
SQUIRES, Rochelle, Hon.	Riel	PC
STEFANSON, Heather, Hon.	Tuxedo	PC
TEITSMA, James	Radisson	PC
WASYLIW, Mark	Fort Garry	NDP
WHARTON, Jeff, Hon.	Red River North	PC
WIEBE, Matt	Concordia	NDP
WISHART, Ian	Portage la Prairie	PC
WOWCHUK, Rick	Swan River	PC

LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, March 24, 2021

The House met at 1:30 p.m.

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

Please be seated. Good afternoon, everybody.

ROUTINE PROCEEDINGS

Madam Speaker: Introduction of bills? Committee reports? Tabling of reports? Ministerial statements?

MEMBERS' STATEMENTS

Optimist Park Expansion

Mr. Scott Johnston (Assiniboia): Thank you, Madam Speaker, and good afternoon. Today, I would recognize the newly expanded St. James-Assiniboia Optimist Park and ongoing contributions that it makes to our community of St. James-Assiniboia.

In September 2020, I was pleased to be invited to the grand re-opening and ribbon-cutting ceremony for the Optimist Park field, hosted by City Councillor Scott Gillingham. The Manitoba government worked with the City of Winnipeg on this project.

The Province of Manitoba was pleased to financially contribute more than \$1.7 million as a parcel of land to the relocation and expansion project, which became necessary with the construction of CentrePort Canada Way.

St. James-Assiniboia Optimist board members were tirelessly—worked tirelessly on this labour of love. They can now begin to pursue events and generate economic activity to continue to maintain and upgrade their facility.

The community of St. James-Assiniboia will now be able to enjoy a relocated soccer field, newly constructed playgrounds, new baseball diamonds and improvements to their canteen. With nine top-tier baseball diamonds, the St. James Assiniboia Minor Baseball Association can now host city, provincial, western Canadian and Canadian championships. In

addition, they can continue to offer diamonds to local schools, both junior and senior, for their events.

Madam Speaker, I ask my colleagues today to honour all the volunteers and donors who worked tirelessly to see the St. James-Assiniboia Optimist Park reach its potential.

This facility will encourage more young people to participate in sporting and recreational activities.

Thank you, Madam Speaker.

Ronald Bresch

Mr. Nello Altomare (Transcona): Good afternoon, everyone.

Madam Speaker, I would like to take the time today to acknowledge the contributions of a person who's been a mentor in our community here in Transcona.

Coach Ronald Bresch, who passed away suddenly in 2015, was Murdoch MacKay Collegiate's football coach, teacher and, most importantly, a mentor to young people. Coach Bresch taught his students commitment, the value of hard work and the meaning of family and camaraderie—

Madam Speaker: Order, please. Order. I'm wondering if the member can ensure that his video is on. We have not seen him. Could he—

Mr. Altomare: What happened? Excuse me, Madam Speaker. Sometimes my video just goes, but I'm glad that you can hear me.

Can I continue? May I have leave to continue?

Madam Speaker: Please continue. *[interjection]* Oh, wait. I'm told, no.

Is there leave to allow the member to continue just verbally? *[Agreed]*

The honourable member for Transcona can—*[interjection]*—wrong person? Okay.

The honourable member for Transcona.

Mr. Altomare: Thank you, Madam Speaker.

Everyone loves the story of an underdog, and 10 years ago the late Ronald Bresch led Murdoch MacKay Collegiate's humble football team of 32 players to their first ever championship win, which

to this day has left an everlasting impact on the young people that were part of the team, some of whom realized their ultimate dream and have become professional football players.

Now, six years later, after his passing, his friends, family and former students remember Coach Ron fondly to this day. The members of the Murdoch MacKay championship football team tell me that Coach Bresch was a person larger than life with a tendency to give a hug before a handshake. He was never afraid to tell people around him that he loved them on a daily basis. And it is for this reason that so many of his former students and players are caring parents, partners and coaches who work daily towards making contributions in the communities in which they live.

Coach Bresch may not be here with us today to help celebrate him, but his memory and legacy live on, not only through the football program that he helped build, but through his former players, coaches and loved ones.

I would also like to extend my thanks to the Murdoch MacKay championship team for sharing—me the story of someone who they have held dear and near to their hearts.

Thank you, Madam Speaker.

Madam Speaker: The honourable minister of mental health, wellness and addictions—

An Honourable Member: Madam Speaker, I rise on a matter of privilege.

MATTER OF PRIVILEGE

Madam Speaker: Oh. The honourable member for St. James, on a matter of privilege.

Mr. Adrien Sala (St. James): I rise at the earliest opportunity, as the breach I'll identify has only properly come to light in media yesterday, and since that time, this is the first time the House has convened.

The second test of a matter of privilege, to show in what way my privileges as an MLA have been breached, are based on the following: my abilities to perform my job as an MLA and fundamentally to hold this government to account have been undermined by the government's refusal to allow members of the opposition to meet with the CEO and board chair of Manitoba Hydro or to call regular meetings of the Standing Committee on Crown Corporations.

This is deeply concerning because there are urgent matters that must be discussed regarding

Manitoba Hydro, and the government's refusal and interference in Hydro is impeding my ability to adequately fulfill my responsibility to my constituents to ensure proper management of their Crown corporation.

The Crown Corporations Governance and Accountability Act states the following: that when an annual report of a corporation is laid before the Legislative Assembly, the annual report, subject to any other act, then stands permanently referred to the Standing Committee on Crown Corporations of the Legislative Assembly unless the Assembly otherwise orders.

The last time the Standing Committee on Crown Corporations met regarding the annual reports for Manitoba Hydro was nearly a year ago. We have repeatedly requested meetings to discuss urgent matters with the leadership of Manitoba Hydro—and I table the letters for the House's consideration—but I've received no response.

Now, this is a *prima facie* case of privilege, Madam Speaker, because, as members, it is our privilege to ask questions of those responsible for our Crown corporations to ensure they are being managed properly.

Marleau and Montpetit, from the House of Commons Procedure and Practice, clearly define privilege as, quote, "the rights and immunities that are deemed necessary for the House of Commons, as an institution, and its Members, as representatives of the electorate, to fulfill their functions." End quote.

Many events have taken place regarding Manitoba Hydro over the last year that make it deeply concerning that this government is refusing to call the committee or permit the CEO to meet with the official opposition, specifically the bypassing of the Public Utilities Board and the raising of hydro rates; the refusal of this government to present a general rate application to the Public Utilities Board; the demand for layoffs and wage cuts from front-line hydro workers; the privatization of profitable subsidiaries and the government's interference, which has precipitated a strike.

* (13:40)

It is a member's duty to hold the government to account and ensure these public entities are being properly managed. It is important that we have the opportunity to discuss the corporation at large, to know what is functioning, what is not, and to understand how recent developments and events are

impacting their function. Given the media reports of the government hiding \$5 billion in export sales from Manitobans for nearly a year, this is why this standing committee needs to be called immediately.

Therefore, as a result of the interference of the Premier (Mr. Pallister) and Minister of Crown Services (Mr. Wharton), I move, seconded by the member for Fort Rouge (Mr. Kinew), that the Standing Committee of Crown Corporations be immediately called to discuss the current state of Manitoba Hydro.

Thank you, Madam Speaker.

Madam Speaker: Before recognizing any other members to speak, I would remind the House that remarks at this time by honourable members are limited to strictly relevant comments about whether the alleged matter of privilege has been raised at the earliest opportunity and whether a prima facie case has been established.

Hon. Kelvin Goertzen (Government House Leader): On the two issues that need to be established for a prima facie case of privilege to be considered to be so by yourself, Madam Speaker: on the first issue of timeliness, it is questionable at best whether or not that standard is even met, and that's a relatively low threshold. It wasn't even the earliest opportunity today, and the member opposite himself indicates that he's been contemplating this for some time. So I don't believe it meets that initial threshold.

But on the more substantive issue of whether or not the member's privileges have some way been breached, I would say that all members within this Chamber are looking forward to a Crown Corporations Committee, particularly when it comes to Hydro. I'm sure that there are members of all sides of the House who want to ask questions about the appropriateness of a leader in this Assembly taking sides in a labour dispute. I'm sure that there are members who are going to question that unprecedented situation.

I'm sure that there are many members of the House, and I hope the opposition as well, who want to ask questions regarding the recently released Wall report, which talked about \$10 billion that was wasted because the NDP became cheerleaders for certain projects. I'm sure that members of the opposition are going to want to ask those questions as well. So I think that all members of the House are looking forward to that committee being called.

There are many things that have to be uncovered when it comes to the NDP's mismanagement of Hydro, both their actions more currently under this Leader of the Official Opposition (Mr. Kinew), but also members from the previous administration, Madam Speaker.

And that committee will be called in due course, but it is certainly not a matter of privilege. But we all look forward to the committee to get to the bottom of the NDP scandals, Madam Speaker.

Hon. Jon Gerrard (River Heights): Yes, Madam Speaker, I want to say a few words on this matter of privilege.

I think, clearly, the question of this being called at the earliest possible opportunity, we were—just learned today about the \$5 billion being hidden by the government. This is clearly an example of the sort of things which need to be looked at by the Crown Corporations Committee. *[interjection]*

Madam Speaker: Order.

Mr. Gerrard: As to whether it could have been raised earlier, you know, this is very early in the day today, and we have had previously, occasionally, matters of privilege which have been raised right after question period as—and accepted as the earliest possible time. So I think that there's a reasonable argument that this was raised at the earliest possible time.

I think that the—some of the accusations of the government, for example, that the NDP are interfering on one side or the other of this dispute, that's a bit rich given the way the government has handled a lot of negotiations—or lack of negotiations—with universities and many other organizations, in terms of mandating what is allowable or what is not allowable.

The government has clearly interfered in many, many circumstances, and this should not be a reason for disregarding the imperative of having a meeting of the Crown corporations to deal with Hydro at the earliest possible opportunity. It is our largest corporation. It is extraordinarily important to all Manitobans. And to have \$5 billion hidden and to have other things going on at Hydro, it is really imperative that we have that legislative committee as soon as possible, as the member for St. James (Mr. Sala) has asked.

Thank you, Madam Speaker.

Madam Speaker: A matter of privilege is a serious concern. I'm going to take this matter under advisement to consult the authorities and will return to the House with a ruling.

MEMBERS' STATEMENTS

(Continued)

Madam Speaker: Continuing now with members' statements, the honourable minister of mental health, wellness and addictions.

Paulette Côté

Hon. Audrey Gordon (Minister of Mental Health, Wellness and Recovery): Madam Speaker, I rise today to recognize the contributions of Windsor Park resident Paulette Côté, who recently retired as the community liaison worker at École Varennes school.

During her tenure, she developed a newsletter to promote Indigenous celebration nights, healthy food programs, the St. Mary's Road United Church food bank and intergenerational programming with Riverside Lions Seniors Residences.

Paulette is known throughout the community for the development of a community garden that introduced students to gardening and allowed them to grow cherry tomatoes for the food bank and make sweet green relish and rhubarb compote.

When the COVID-19 pandemic was declared, Paulette and her husband Peter organized the hashtag 2020 #donationdozen auction, where she auctioned his Ukrainian Easter egg art, raising \$3,800 for the food bank.

When hobby farmers offered their land for a larger community garden, she developed the Harvesting for Harvest group and grew vegetables for the food bank and other local Winnipeg agencies.

Paulette and Peter also founded the Winnipeg Soup Fairies project to prepare and serve soup to family and friends that are homebound during the pandemic. They're grateful to the local businesses such as Shannon's Irish Pub and Chef in the House chef, Roger Wilton, that have joined the project to help reach more people.

Paulette believes her accomplishments are due to the unconditional positive regard she shows to everyone in the community. As she says, together, as a community, everything is possible.

Please join me to thank Paulette Côté for her dedication and commitment to the community and wish her continued health and prosperity in her retirement.

Thank you, Madam Speaker.

Hydro Power Sale to Saskatchewan

Mr. Tom Lindsey (Flin Flon): While this Premier (Mr. Pallister) was crying wolf, he was simultaneously performing the cover-up of the century. As it turns out, despite the Premier's claims that Manitoba Hydro is in dire financial state and that rates need to be raised and workers' wages need to be frozen, Manitoba Hydro actually looks quite profitable in the future.

It was recently unveiled that Manitoba Hydro had inked two power sales with Saskatchewan—signed by both the Premier and his supposedly unbiased commissioner, Brad Wall—worth \$5 billion. Skeptical about the Brad Wall review of Manitoba Hydro was already high, given his lack of support for clean energy and his privatization agenda as the premier of Saskatchewan, but now the lid has been blown off completely.

Wall claimed that Manitoba Hydro's future looked bleak but, despite signing the papers himself, he conveniently left out any details of these details with Saskatchewan.

How can we trust anything Brad Wall says or the findings of the report when a multi-billion-dollar deal that he signed—*[interjection]*

Madam Speaker: Order.

Mr. Lindsey: —was excluded from his own review?

In fact, this deal was left out of the review at the directive of the Premier himself because it would go against his plan to paint Manitoba Hydro as unprofitable and then chop it up bit by bit. The Premier knew about this deal that was coming and he still directed Manitoba Hydro to increase rates—*[interjection]*

Madam Speaker: Order.

Mr. Lindsey: —freeze IBEW workers' wages and—sorry.

* (13:50)

In fact, the Premier knew about this deal that was coming. He still directed Manitoba Hydro to increase rates, freeze wages, directly misleading the public and 2,300 employees about the financial state of Hydro.

The strike that is happening today is directly because of—*[interjection]*

Madam Speaker: Order.

Mr. Lindsey: –interference in our Crown jewel. He raised rates on Manitoba Hydro at the stroke of a pen at a Cabinet meeting, despite the fact that he knew Manitoba Hydro–

Madam Speaker: The member's time has expired.

Mr. Lindsey: I ask leave to continue. [*interjection*]

Madam Speaker: Order.

I'm sorry, I'm having a hard time. The member has asked me something and because of the heckling that is going on from both sides of the House, I cannot hear what he actually said to me.

Mr. Lindsey: Madam Speaker, I ask leave to finish my member's statement.

Madam Speaker: Okay.

Is there leave for the member to conclude his statement?

Some Honourable Members: Yes.

Some Honourable Members: No.

Madam Speaker: Leave has been denied.

World Down Syndrome Day

Mr. James Teitsma (Radisson): What is the first word that pops into your head when I say Down syndrome?

I imagine each of us here might answer that question differently. But one word that I really hope does come to the top of our minds is joy. Yes, joy.

A recent study showed that people with Down syndrome are among the happiest on earth. A full 99 per cent of those surveyed said that they are happy with their lives. Madam Speaker, 97 per cent answered yes to the question, do you like who you are? And an amazing 99 per cent agreed with the statement, do you love your family?

Happiness and joy are special commodities. The more you share, the more you give, the more you'll have, and people with Down syndrome have more happiness than most. If you don't believe me, I invite you to join myself and the member for Transcona (Mr. Altomare) for a visit to L'Arche Tova Café to meet some of the wonderful people who work there.

Madam Speaker, on Sunday, we celebrated World Down Syndrome Day. Down syndrome is a naturally occurring chromosomal arrangement that has always been a part of the human condition. It's universally present across all races, genders and

socio-economic conditions in about one in 800 live births.

Now, when prenatal parents receive a diagnosis of Down syndrome for their unborn child, their first reaction may be one of sadness or shock. It takes time for them to understand that, despite having different abilities and medical needs, a child with Down syndrome will be able to live a happy and fulfilling life. Ontario recently passed a law that ensures expectant parents receiving a positive test for Down syndrome are given accurate information and the time they need to process it.

In the same study I mentioned earlier, people with Down syndrome were asked what advice they'd give to expectant parents. Participants wanted parents to know that their child will be happy, that their family will be better because of them and that their baby will love them. These themes of self-worth, value and acceptance were echoed again when participants were asked to provide advice to physicians.

Our community is better when it includes people with Down syndrome, so let's be sure to welcome them with open arms.

ORAL QUESTIONS

Manitoba Hydro Revenue Projections

Mr. Wab Kinew (Leader of the Official Opposition): Madam Speaker, you can call it the cover-up of the century. You can call it rate-gate. You can call it whatever you want, but it's very clear what has happened: the Premier has covered up more than \$5 billion in revenue at Manitoba Hydro, specifically for partisan political purposes.

In the process, he misleads the hard-working Manitobans who pay those hydro bills. He misleads the very Hydro workers who are outside of the building even as we gather here today. And in the process, he hired another Conservative premier, for millions of dollars, and in the end, only serves to undermine that man's credibility as well as his own.

The Premier has to tell Manitobans why he hid the \$5 billion in Hydro revenue.

Was it purely for political purposes, or did he intend also to mislead Manitobans?

Hon. Brian Pallister (Premier): Well, there you go again, Madam Speaker. We know that the NDP ran up a bill to Americanize Manitoba Hydro to the tune of

over \$10 billion, but now, when we make a deal with Saskatchewan, that's supposed to be a bad thing.

I'm sorry but their plan to Americanize Manitoba Hydro undermined Manitoba Hydro for generations to come—[*interjection*]

Madam Speaker: Order.

Mr. Pallister: Our plan—[*interjection*]—our plan to make money for Manitobans and help our neighbours get off carbon-producing energy, Madam Speaker, onto clean—[*interjection*]

Madam Speaker: Order.

Mr. Pallister: —green energy is a darn good plan. That's why we put out a bunch of press releases when we did it.

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

Manitoba Hydro Revenue Request for PUB Hearing

Mr. Wab Kinew (Leader of the Official Opposition): Madam Speaker, the Premier continues to cover up \$5 billion in export sales, and he does it for political purposes. He does it so that he can raise rates on hard-working Manitobans during the height of the second wave. He does it so that he can present a low-ball offer to the hard-working workers at Manitoba Hydro. And he does it so that he can secure a more than \$1-million payment to another former Conservative premier.

Purely for political purposes, he has attacked and undermined our most important Crown corporation. In the end, of course, we know that he seeks to privatize.

Given that he is engaged in the cover-up of a century, given that—[*interjection*]

Madam Speaker: Order.

Mr. Kinew: —the Premier has \$10 billion in export sales that he continues to cover up, will the Premier call for a Public Utilities Board hearing today?

Hon. Brian Pallister (Premier): NDP ignored the Public Utilities Board, went ahead with a \$10-billion waste of time, Madam Speaker, and they did it without consulting the Public Utilities Board. They ignored the Public Utilities Board. If the member opposite and his friends want to have the Public Utilities Board convene, support Bill 35, it'll convene right away.

They're trying to delay. What are they hiding, Madam Speaker? What are they hiding over there that they would block—

An Honourable Member: Cover-up of the century.

Mr. Pallister: What's a cover-up? The member who wouldn't present—the member who colluded with his party to cover up his own personal record, Madam Speaker, speaks about cover-ups today in the House.

The problem—[*interjection*]

Madam Speaker: Order.

Mr. Pallister: The problem, Madam Speaker, the problem the NDP has is no matter how long—[*interjection*]

Madam Speaker: Order.

Mr. Pallister: —and how loud they yell, Manitoba Hydro is \$10 billion more in—[*interjection*]

Madam Speaker: Order.

Mr. Pallister: —is \$10 billion more in debt because the NDP covered up their intentions to Americanize Manitoba Hydro.

We're bringing it home to Canada, Madam Speaker. That's why we're doing these kinds of deals instead of Americanizing it.

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

Mr. Kinew: Madam Speaker, the Premier is attacking and undermining the Public Utilities Board. His Bill 35 will remove PUB oversight from Manitoba Hydro. He does this strictly to continue his \$5-billion cover-up of export sales to Saskatchewan. Even now the Cabinet around him seeks to distance themselves very quickly. Of course, the cover-up of a century is a real career-limiting move.

There is one way to get—[*interjection*]

Madam Speaker: Order.

Mr. Kinew: —to the bottom of the cover-up of the century: it is to call a Public Utilities Board hearing today.

I will table a letter from the member for St. James (Mr. Sala) and myself to the Premier, asking for him to immediately call a Public Utilities Board hearing so that the people of Manitoba can finally hear the truth about the \$5-billion cover-up.

Mr. Pallister: Kind of ironic, Madam Speaker—he's talking about Manitoba Hydro like he actually cares about it.

Madam Speaker, you know, trying to discredit somebody who did an investigation into the biggest scam of Manitoba history, and unearthed a lot of interesting facts that we have to dig deeper on, isn't going to help.

The fact that Americanizing Manitoba Hydro was the goal of the previous NDP administration is bad enough, but the member now speaks in support of that very thing, Madam Speaker. This is a party of cover-up, and that's the captain of cover-up right there.

So the fact of the matter is, Madam Speaker, when we do press releases on deals with Saskatchewan Power, that's not a cover-up. When we generate an additional billion dollars for Manitoba Hydro over years to come, that's a good thing, not a bad thing.

And the NDP and the Free Press are trusting one another, and they shouldn't. The NDP believe the Free Press does their research. They don't. The Free Press believes the NDP do their research. They don't. And so, Madam Speaker, this is what results when neither of these groups does any homework.

* (14:00)

Madam Speaker: The member's—the honourable Leader of the Official Opposition, on a new question.

Hydro Labour Dispute Arbitration Request

Mr. Wab Kinew (Leader of the Official Opposition): Just as a quick aside, on this side of the House, we believe in the freedom of the press, whether they're writing in favour of us or against us, Madam Speaker.

Now, very clearly—

Some Honourable Members: Oh, oh.

Madam Speaker: Order.

Mr. Kinew: —we have a party that does not believe in the freedom of the press, Madam Speaker, and so I'll leave it to them to try and clarify their—*[interjection]*

Madam Speaker: Order.

Mr. Kinew: —attack on the fundamental civil liberties that our society is built on.

But I'll tell you one thing that I am happy about. I'm happy that the 2,300 Hydro workers rejected the low-ball offer that this government presented to them.

I'm glad that those IBEW members stood up for themselves. Because we find out, after they go on strike, after the low-ball offer, that it turns out Manitoba Hydro actually had \$5 billion more in revenue.

Will the Premier finally allow Manitoba Hydro to negotiate fairly with its workers and remove all interference that he's introduced to date?

Hon. Brian Pallister (Premier): The member might've taken economics, but he needs a review, Madam Speaker. The reality of the situation is Hydro's profits this year are pretty good, but if they made the same amount every year for the next 99 years, they'd pay off the principal only, not the interest, on the NDP boondoggle that was the biggest in Manitoba history.

So, Madam Speaker, the—*[interjection]*

Madam Speaker: Order.

Mr. Pallister: —member opposite likes to 'conflaint'—conflate issues, but I don't, Madam Speaker. I'm just going to say, never have I seen a political leader that is so reckless as to take an overt position—*[interjection]*

Madam Speaker: Order.

Mr. Pallister: —against the ratepayers of Manitoba—*[interjection]*

Madam Speaker: Order. Enough. Order. Order.

Could the table please stop the clock.

I'm asking all members—and there's some shrill voices here—I really would like to see us get through oral questions—*[interjection]*—I would like to see us get through oral questions in a respectful manner, in a civil manner, so that we can actually hear the questions and hear the answers.

And I think that nobody likes to be shouted down. And when people continue to shout, when people—other people are speaking, I don't think that is showing very respectful behaviour in this House.

We've got a long, long day ahead of us, and I'm going to ask for everybody's co-operation so that we can move this along today. There's a big agenda this afternoon, and I would ask for everybody—I don't know why people feel they need to be shouting each other down like this. That is not going to get us anywhere, or—it's not in the public's interest either.

And I'm going to give fair warning. If this continues, I'm going to have to start identifying people because, you know, I can't hear, and in order for me to

be able to, you know, rule on anything, I have to be able to hear the questions and the answers and all the words in all of that. That's the expectation of the Speaker.

So I'm asking for your co-operation, please. And maybe you could pretend that there's schoolchildren in the galleries, and maybe that'll help a little bit.

The honourable Premier, to conclude his answer.

Mr. Pallister: Thank you very much, Madam Speaker.

A \$10-billion waste, Madam Speaker, that was done without Manitobans' permission and done disrespectfully to all concerned: 80 per cent of the money spent on the Keeyask project didn't go to any Manitoba workers, didn't go to IBEW employees. It went out of province. That's a question that needs to be addressed.

Madam Speaker, 40 per cent rate hikes under the NDP—40 per cent rate hikes—

Madam Speaker: And the member's time has expired.

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

Mr. Kinew: I want to thank the member for Fort Whyte for confirming the cover-up and the rationale for why he's concealed the \$5 billion in sales. You saw it in the answer right there, Madam Speaker. His entire political story is constructed on incomplete and outdated information that is rendered moot once you learn about the \$5 billion in export sales.

He didn't want to share the information about the \$5 billion in export sales because it would've meant that those 2,300 striking Hydro workers should've negotiated a wage increase instead of the wage freeze that he offered 'em.

This is not an abstract political issue floating around in the ether. This is a cover-up that is costing families' lives. That's money taken out of the mouths of the striking IBEW workers.

Will the Premier apologize today and send the strike to arbitration?

Mr. Pallister: The NDP said to Manitobans: Bipole won't cost you a cent. The NDP told Hydro executives: Go ahead and build it on the west side and don't worry about anything else that your experts say; it doesn't matter. And they covered that all up, Madam Speaker.

The NDP decided that they'd present data to the Public Utilities Board only after they'd already started building Keeyask and put \$1 billion in the ground. That's how little respect they had for PUB, Madam Speaker. And they excluded the bipole line from the hearings entirely. That's how little respect they had for the Public Utilities Board.

Madam Speaker, we're bringing Hydro back into the light. They put it in the dark.

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

Mr. Kinew: Madam Speaker, Keeyask went to the Public Utilities Board. The \$5 billion in export sales did not. The Premier is actively engaging in a continued cover-up of Manitoba Hydro and it is not only costing the workers at IBEW, it is costing all of us. We know that a prolonged strike at Manitoba Hydro will cost a lot of money.

In one case, when Hydro has to bring in replacement workers to cross the picket line, it's already cost \$750,000. That was on day one, after one call, Madam Speaker. I'll table the document for the minister to take a look at. This strike does not make any sense, and it is being launched on false pretenses by the Premier because he concealed the \$5 billion in revenue from the very workers that he was trying to negotiate with.

Will the Premier allow Hydro to bargain fairly, and will he send the matter to arbitration?

Mr. Pallister: I respect the bargaining process enough to understand that the Opposition Leader is being reckless in entering into it. There's no place for him at the table. IBEW's done a great job representing their members for a long time without the member for Fort Rouge sticking his nose in, and he'll—they'll continue to. They don't need his help to do their job. There's a bargaining table. People need to be at one side, IBEW the other side—on behalf of all the owners of Manitoba Hydro—everybody. That's what we respect, Madam Speaker.

So the member understands that the NDP covered up \$10 billion of Americanization waste, and now he's accusing us wrongly, Madam Speaker, of covering up new revenues derived by sales to a fellow Canadian province.

Madam Speaker, I guess, in terms of the relative charges, I'd say I know that the evidence speaks truly to the NDP cover-up of a \$10-billion loss, but it doesn't speak to us covering up a new profit, a profit

that Manitoba Hydro and all Manitobans'll benefit from. We're proud of generating those sales to Saskatchewan, that's why we did a press release.

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

Mr. Kinew: Madam Speaker, those sales are only possible because of Keeyask, so I thank—I guess, thank you, Gary Doer.

When it comes to the strike and when it comes to the failure at the negotiating table, there can only be a fair—*[interjection]*

Madam Speaker: Order.

Mr. Kinew: —negotiation when the government is being honest about the books. And yet they are not, Madam Speaker. It's not a free negotiation when the IBEW members have concealed from them, by this First Minister, \$5 billion in revenue.

Given that his interference, unprecedented as it is, has led to this labour disruption and this labour dispute, will the Premier, step 1, apologize to the workers who are honking outside the Chamber even as we speak, and (2) will he send the strike to arbitration?

* (14:10)

Mr. Pallister: I understand that the recklessness of the member preceded his time in politics, but it's raising its head regularly here, Madam Speaker.

The reality is he's just misdescribed the entire negotiation process, which he wants to be part of but doesn't know anything about. Madam Speaker, that inexperience—*[interjection]*—hurts the people at IBEW.

Madam Speaker: Uh-oh, uh-oh, oh.

Mr. Pallister: That hurts the people at IBEW. It hurts the workers. Because the member's trying now to draw attention to himself and saying, look at me, watch me. I caused a strike. Look at me, he says, I got people to strike. Look at me, he says. Look at the—

Some Honourable Members: Oh, oh.

Mr. Pallister: —drawing attention to himself, Madam Speaker, when really, what he should be doing is focusing on the best interests of workers and ratepayers. And the best interests of workers and ratepayers are not well served by a leader that chooses himself over them.

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

Manitoba Hydro Rates Increase During Pandemic

Mr. Wab Kinew (Leader of the Official Opposition): Madam Speaker, the Premier caused the strike by hiding \$5 billion in revenue from the workers. They were entitled to that information before they got to the negotiating table so that they could bargain a fair deal. The matter should immediately be sent to arbitration.

But that's not even the worst part of what the Premier has done when it comes to Manitoba Hydro. Think back to December 1st. We were at the height of the second wave. Manitobans were losing their lives. Manitobans were losing their livelihoods. What was this team's response? Raise hydro rates in the cover of night.

We now see, with \$5 billion in revenue concealed from the people of Manitoba, that this hike was unnecessary.

Will the Premier apologize to the people of Manitoba for raising rates during the height of the second wave, and will he immediately send the matter to the Public Utilities Board?

Hon. Brian Pallister (Premier): The member opposite gets more and more bizarre with every subsequent comment, Madam Speaker.

The fact of the matter is that the rate increase is an interim increase while we're strengthening the PUB. If the member doesn't understand that, he hasn't read the bill, and if he hasn't read the bill, he's a danger to himself and his party, Madam Speaker. It's reckless behaviour.

And the member is saying—the member is claiming—claiming that this contract with Saskatchewan's the reason for a strike. That's just bizarre behaviour. It's bizarre behaviour on display here today.

Where would we be today if Manitoba Hydro had \$10 billion back that the NDP said let's throw to the Americans? Where would we be today, Madam Speaker? Our workers'd be happier, our ratepayers'd be happier, and the member wouldn't be able to celebrate creating a strike.

Madam Speaker, the fact is, the member's celebrating a strike in the middle of a pandemic. That's just bizarre.

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

Mr. Kinew: Madam Speaker, let's be clear. The Premier raised rates on Manitobans during the worst recession in recent memory. He did it at the height of the second wave.

His whole Cabinet clapped for him and said: Great idea. Let's make life more expensive on every Manitoban as the hospitals are being overrun. Let's make life more expensive as the economy falls into the deepest, darkest pits of recession. Let's raise the cost of living for every single person in the province. With a public hearing? No, the Premier interrupted his Cabinet colleagues, let's do that by burying it in an 'omnibus' bill and not telling anyone about it.

Madam Speaker, now that we've learned about the \$5-billion cover-up, will we hear an apology from the Premier? Will the Premier apologize today for increasing rates on everyday Manitobans at the height of the second wave?

Mr. Pallister: The member seems to be losing his grounding, Madam Speaker, in terms of his arguments. They're bizarre.

The NDP raided the kitchen tables of Manitobans for years and years and years, Madam Speaker.

We brought in a small interim increase that is smaller by 16 per cent than the NDP did under Greg Selinger. Those years, Madam Speaker, were littered with rate increases. They were littered with rate increases: a 40 per cent rate increase under the NDP—*[interjection]*

Madam Speaker: Order.

Mr. Pallister: Madam Speaker, I'm not sure why the members don't understand that they can't take money—*[interjection]*

Madam Speaker: Order.

Mr. Pallister: —off the kitchen tables of Manitobans over 16 or 17 years and not have them notice that that's what they're doing.

Madam Speaker, the fact of the matter is our bill will strengthen the PUB and make sure—make sure—that rate increases are as low as possible going forward.

That's our goal, and that was never the NDP goal.
[interjection]

Madam Speaker: Order. Order.

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

Legislation on Public Utilities Reform Request to Withdraw Bill 35

Mr. Wab Kinew (Leader of the Official Opposition): Madam Speaker, the Premier took money off the kitchen tables from Manitobans when they needed it most. He took it off those kitchen tables at the height of the second wave. He took it away from business owners as they were struggling to keep their doors open.

And did anyone on the other side of the House speak up and raise one objection? Do they do so now? None of them, Madam Speaker. They all stood in line, right with the Premier, with his plan to increase hydro rates. Did any of them speak up and say there should be a public hearing? Do any of them stand up today and—*[interjection]*

Madam Speaker: Order.

Mr. Kinew: —say there should be a public hearing at the PUB? No, they do not. That's why they want to pass Bill 35, Madam Speaker.

But now that we've learned about the \$5 billion cover-up—*[interjection]*

Madam Speaker: Order.

Mr. Kinew: —and we see that Bill 35 is a purely political exercise, will somebody on the opposite side of the House finally stand up and say, we must withdraw Bill 35?

Hon. Brian Pallister (Premier): Madam Speaker, as steamy as the member gets, he helps to reinforce the point that the NDP does not care about working families in this province. Even the Canadian Centre for Policy Alternatives verified that we are among the largest investors in support in the country of Canada. And that is not generally anything that the NDP would ever do. *[interjection]*

Madam Speaker: Order.

Mr. Pallister: They would tax, they would spend and they would debt people, but they would not support them. Madam Speaker, we have. Our spending on health care and education and social services is No. 1 in the country on a per capita basis—No. 1, after five years in government, in spite of the billion-dollar deficits we had to clean up, left to us by the—*[interjection]*

Madam Speaker: Order.

Mr. Pallister: —people on the other side and their friends, Madam Speaker.

So while we clean up the finances, we are also reducing taxes and fees and putting money into the households of our province to support them in these times and in all times.

Madam Speaker: And I have a list, and I'm going to start identifying that list of people that are not heeding the direction of the Speaker in asking for some civility in the House and some respect for people that are asking and answering questions.

There's no need to yell. And I've started my list and I'm going to give you one last chance and that's it. And there's a few of you on that list already.

Mr. Kinew: Madam Speaker, you will note that the Premier (Mr. Pallister) doesn't come anywhere close to trying to defend raising hydro rates at the height of the second wave. Put simply, that was indefensible.

And I'm not surprised that none of his colleagues are standing up to defend the move, either. Making life more expensive on December 1st, at the height of the second wave, in the province most impacted by the second wave? Bad move. Unethical. Mistake—capital M, Madam Speaker.

We know that Bill 35 will compound this and make it the practice for years to come for hydro rate increases not to come from a public, overseen, open hearing but instead to come from this Premier and his Cabinet table. Given the fact that they raised rates at the time when Manitobans could least afford to pay it, that's a major concern.

Will they simply withdraw Bill 35 today?

Mr. Pallister: Madam Speaker, the member advocated—told David Chartrand he'd give him \$70 million of Manitobans' money, but keep it quiet, he said. Before he'd read the agreement.

He hasn't read the bill. If he read the bill, he'd know there's a been a rate—interim rate increase until the Public Utilities Board can be strengthened and it can make those decisions. If the member cared about Manitobans, he would support the bill. But he hasn't read the bill, and so he has strong opinions against something he hasn't read, Madam Speaker.

The record of the NDP on raising hydro rates is clear and it's demonstrative; the record of the NDP on raising the PST on home insurance is clear and demonstrative; raising the PST on hair services on women, Madam Speaker; raising the PST on wills so

people who wanted to prepare their estate would get taxed on it; raising fees on probate; raising fees on car registration; raising fees on everything.

* (14:20)

That's what the NDP is good at: taxing, spending and then lying about it later.

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

Mr. Kinew: It's pathetic that he can't defend his own actions in raising hydro rates in the middle of the second wave, Madam Speaker.

And we know why he wants to pass Bill 35: because it will allow him to increase rates that way every single year for years to come—no public oversight, no public hearing, Madam Speaker, no ability for the people of Manitoba to understand what is going on in Manitoba Hydro.

It's not surprising that the Premier covered up the \$5 billion, Madam Speaker, because it undermines the political story that he is trying to tell. He is trying to spin a false narrative about Hydro so that he can raise rates, he can shortchange workers and he can break up and sell off pieces of Hydro to private bidders.

With Bill 35 making all of those things more possible by removing PUB oversight from Hydro, we stand with the majority of Manitobans and say that it's wrong.

Will the remaining holdouts—the Premier and his Cabinet—finally come to the winning side and agree to immediately withdraw Bill 35?

Mr. Pallister: The winning side wouldn't be the side that endorses harassment and repeated false accusations against defenceless civil servants, Madam Speaker. That would be your losing side right there. That would be your losing side.

And the losing side would be the one that tries to defend a \$10-billion Americanization attempt done in secret by the NDP and take ownership of it. That would be the losing side, Madam Speaker.

And the losing side would be the one that opposed seniors' economic recovery benefits; that opposed Risk Recognition Program, as designed by union advisers; that opposed the MPI COVID rebates—not one, but two—that opposed the Disability Economic Support Program.

And, Madam Speaker, these are not demonstrative actions of a winning side. They are demonstrative actions of a losing side.

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

Manitoba Hydro Review Export Sales Projection

Mr. Wab Kinew (Leader of the Official Opposition): Madam Speaker, the Premier certainly is losing it, just like he lost his credibility on Hydro, just like he forced Brad Wall to lose his credibility on energy as well.

It's very clear that this Wall report was a purely partisan political exercise. The fact that the Premier covered up \$5 billion in revenue and didn't ask Brad Wall to look at that—by the way, Brad Wall knew about the \$5 billion at the time—but the fact that they conspired to omit that information from the report completely undermines all the credibility of that Wall review.

Given the fact that that was purely a sham report, will the Premier today ask Brad Wall to pay back the more than \$1 million that he was paid by the people of Manitoba?

Hon. Brian Pallister (Premier): I understand the member is grasping at straws, and so does he, Madam Speaker.

I understand that his sole strategy is try to belittle a credible person who worked diligently to prepare a factual report that he doesn't want to address. I understand that the NDP wants to cover that up, too, Madam Speaker—[interjection]

Madam Speaker: Order.

Mr. Pallister: —because it keeps the cover-up going.

First, you cover up a \$10-billion Americanization strategy—[interjection]

Madam Speaker: Order.

Mr. Pallister: —and then you want to cover up the report that examined that, Madam Speaker, naturally. I understand the member's desire to cover it up.

We won't cover it up. We won't. What they put into the dark, we'll bring into the light instead: the disrespect they showed to their own board, their appointed board; the disrespect that the member for St. Johns (Ms. Fontaine) showed to the Hydro experts who said, don't go down the west side, you'll waste \$1 billion.

The disrespect, Madam Speaker, it needs to be investigated even further, and that's what we'll do because it'll never happen again. It'll never happen again while this government's in power, but it sure as heck might some day 25 years from now when the member for St. Johns finally gets to the government side.

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

Mr. Kinew: Madam Speaker, so, so far the people responsible for the Premier's cover-up are the member for St. Johns, David Chartrand and, I assume, QAnon.

Madam Speaker, the Premier is grasping. We know that when he says someone doesn't have credibility on Hydro, he's looking in the mirror. We know that when he talks about a fact related to the Wall report, he's talking about the \$5 billion that he covered up and told Mr. Wall not to include in his report.

Now, again, Mr. Wall certainly has many questions to answer, not least of all why did he deny knowledge of this \$5 billion when he was premier when the term sheets were signed? But my interest is on getting answers from the Premier. Clearly, Mr. Wall didn't come up with this himself.

So will the Premier today publish any and all orders and directives that he issued to Mr. Wall and to Manitoba Hydro to cover up the \$5 billion in export sales?

Mr. Pallister: It's okay, Madam Speaker. It's a tactic all bullies use. When they know they're wrong they point at somebody else and say it's their fault. That's what they do, and that's what the member's doing now.

Madam Speaker, here are the facts. Here are the facts. Premier Wall spoke—[interjection]

Madam Speaker: Order.

Mr. Pallister: Premier Wall spoke at the press conference—if the member would have paid any attention—about this very deal. The government issued press releases about this very deal. The member's letting a writer at the Free Press—who pretends to be a journalist, but is not; is an opinion columnist—he is letting that person do his research for him because he's too lazy or does not desire to get to the facts. And the facts are as I just outlined, Madam Speaker.

Now, the member for St. Johns knows this. That's why she's yelling, Madam Speaker. She knows this. She knows. She knows that the NDP government

disrespected its own appointees. She knows they built the project without approval. She knows they tried to avoid the scrutiny of the Public Utilities Board, and she knows—she knows—that that was wrong and that was the wrong thing to do, and now she yells to cover it up. It's such a shame.

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

Mr. Kinew: Madam Speaker, I just want to take a second to chastise the Premier for attacking Mr. Lett, for attacking my colleague. He does so because he doesn't have the courage to engage with me in an honest debate about the failures that he's made at Manitoba Hydro.

And I invite him at any time to engage directly with me because we have the facts on our side, Madam Speaker. We know that he concealed \$5 billion—*[interjection]*

Madam Speaker: Order.

Mr. Kinew: —in revenue from the people of Manitoba simply because it did not fit his political story.

But that's not bad enough. It's not bad enough that that entire get-along gang of Cabinet lackeys applauded him at every turn, but, in fact, what is really objectionable, Madam Speaker, is that he enlisted Brad Wall to help him with the cover-up.

I will table a letter from the member for St. James (Mr. Sala) and myself to the Premier today asking that he immediately publish any—*[interjection]*

Madam Speaker: Order.

Mr. Kinew: —and all orders and directives that he gave to Mr. Wall and to Manitoba Hydro directing them to cover up the \$5 billion in export sales.

Madam Speaker: The member's time has expired.

This might be a good time for me to remind members too, I don't think we need to go down the road of name-calling at any level. So I'm just going to ask members to please back away from that. And we will continue, then, with oral questions.

The honourable leader of the—or the honourable First Minister.

Mr. Pallister: I'm not—

An Honourable Member: I was recognized so, again, I'll repeat my question—

Madam Speaker: No, sorry. Order. Order. Order.

That was disrespectful to the Chair. I made a bit of a mistake here. I should've called the Premier, and I am recognizing him now, so that was inappropriate for the member to do that, so—*[interjection]* And the—and members know the order of speaking. They know the order of questions and answers, so please, let's elevate this debate a little bit.

The honourable First Minister.

Mr. Pallister: Well, Madam Speaker, the member speaks so much about courage and bravery, but fails to demonstrate it in his debate here or elsewhere.

* (14:30)

And the fact remains honest debate doesn't mean false assertions. It doesn't mean false assertions not based on fact, like the member made, for example, when he said that I had interfered and my office had interfered in an arm's-length investigation of unhealthy behaviour by a member of his caucus.

He went out and told the media I had interfered. Because, Madam Speaker, because he didn't like the report, he decided to attack me. And now he doesn't like the Wall report; that's clear. And so he decides to accuse me of wrongdoing.

Madam Speaker, I'm not the one who covered up my record to get in—elected. I'm not the one who did that. I don't have a record of doing that, the member does, and so he has to be careful when he makes assertions about courage and bravery in this place, that he demonstrate those characteristics, that he not fail to demonstrate those characteristics yet again.

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

Manitoba Hydro Revenue Sale of Subsidiaries

Mr. Wab Kinew (Leader of the Official Opposition): Well, and the Premier adds another page to his book: you know you're losing question period when, dot, dot, dot.

And he's right. I do completely reject the Wall report, in particular the recommendation that Mr. Wall made that Manitoba Hydro break up and sell off subsidiaries. We must keep Manitoba Hydro public, Madam Speaker.

Now, the significance of the \$5-billion cover-up of export sales at Manitoba Hydro is relevant to this point because any possible conceivable rationale that the PCs might use to privatize subsidiaries of

Manitoba Hydro completely falls apart when you learn about that \$5 billion in export sales.

Will the Premier finally acknowledge that his house of cards has collapsed as a result of his \$5-billion cover-up being revealed, and acknowledge to people today he plans to privatize subsidiaries and tell them simply which subsidiary is he going to privatize first?

Hon. Brian Pallister (Premier): I believe the Hydro board is—and management have already talked about Manitoba Hydro International, Madam Speaker, as one aspect of what they would like to see brought back to Manitoba. I believe they've already talked about that. That is a decision of Hydro board and Hydro management, and I would respect that.

The NDP apparently doesn't respect the Hydro board, apparently doesn't respect Hydro management. That's why the member opposite has taken sides and now taken credit for organizing a strike because he doesn't respect Hydro management, because he doesn't respect the owners of Hydro, either.

I don't know, if he read the Wall report, and I don't think he has, Madam Speaker, he might have some cogent arguments to make against some of the assertions.

Here's one: There was no doubt the government was fully in support of the projects, even before they were approved. The government proceeded to direct the construction to begin prior to approval by the PUB.

An Honourable Member: No one believes you.

Mr. Pallister: Does he—okay. The member for St. Johns (Ms. Fontaine) says no one believes me.

Read the report. Read the report and then argue factually, Madam Speaker. The member speaks about covers—covering up. If he read the report and—

Madam Speaker: The member's time has expired.

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

Mr. Kinew: Well, for all the skating and dodging today, the Premier finally did confirm that he intends to break up and sell off Manitoba Hydro International, and I have simply one thing to say to that: shame on you, sir.

That is an absolute shame, Madam Speaker. The people of Manitoba own Manitoba Hydro. Hydro must remain public. That's why the people of

Manitoba had a right to know about the \$5 billion in export sales before the Premier raised rates on them, before he low-ball offered the Hydro workers and before he listens to the Wall report recommendation on privatizing subsidiaries.

Given that the Premier has lost all credibility on Manitoba Hydro, will he simply acknowledge today that privatization and higher rates has always been part of the plan, and that's why he hid the \$5 billion?

Mr. Pallister: Well, it was demonstrative, Madam Speaker, just equally as effective as all signing a statement saying they are above the harassment rules—very effective.

What I would say to the member, in respect of the right to know, is this—*[interjection]*

Madam Speaker: Order.

Mr. Pallister: —Manitobans have the right to know what went wrong with the \$10-billion Americanization strategy so it never happens again. Manitobans have the right to know why the government became a cheerleader and then covered it up. They have a right to know why the government proceeded to instruct Hydro—*[interjection]*

Madam Speaker: Order.

Mr. Pallister: —why the government proceeded to instruct Hydro against the wishes of its own board. The people of Manitoba have the right to know how it could be that numbers could be presented, finally, to the Public Utilities Board and then be changed just after approvals were given.

The public needs to know these things, Madam Speaker, because they are the owners of Manitoba Hydro. The member opposite is not. And Manitoba Hydro will come into the light under this government, not stay in the dark where they had it.

Some Honourable Members: Oh, oh.

Madam Speaker: Oh. Order, please. Order, please. Order. Order.

Hon. Wayne Ewasko (Minister of Advanced Education, Skills and Immigration): On a point of order, Madam Speaker.

Madam Speaker: On a point of order.

Mr. Ewasko: On a bit of a ruling, as we were standing—

Madam Speaker: Oh. Order, please. Order.

I am—before moving to addressing this point of order, in order to be fair to the Liberals, I'm going to extend oral questions so that the Liberals get their questions. Otherwise, they would—*[interjection]*

Is there leave to allow the Liberals to have their questions?

Some Honourable Members: No.

Madam Speaker: Leave has been denied.

The honourable member—or, the honourable—the time for oral questions has expired.

Point of Order

Madam Speaker: The honourable Minister of Advanced Education, on a point of order.

Mr. Ewasko: Thank you, Madam Speaker, for the opportunity to rise and speak to a point of order.

Unfortunately, from my seat in the House, as we were standing and giving a round of ovation for our Premier (Mr. Pallister), the Leader of the Official Opposition (Mr. Kinew) sat in his spot, lifted his phone and was using it to take photos at that second.

And I do believe that the rules—and, I mean, I've only been here for about 10 years, Madam Speaker—I believe that the rules are pretty clear that the use of technology and phones in the House, in the Chamber, are not allowable.

And I'd ask for the member to—and I'd ask for the Leader of the Official Opposition to apologize and delete the photo.

Madam Speaker: The honourable Leader of the Official Opposition, on the same point of order.

Mr. Kinew: Yes, Madam Speaker, I thought it was completely shameful that the Cabinet and caucus opposite would stand and clap for a \$5-billion cover-up and so I did take a photo to document the incident.

I would note that the rules have recently changed to permit electronic devices to be used during question period and in the Chamber.

So, of course, I will defer to your learned expertise on the matter, but it was my understanding that once the pandemic rules kicked in, that there was a different allowance for these things to be used. And so again, you know, I'm happy to defer to your expertise, but I'm shining some light on the darkness that exists—*[interjection]*

Madam Speaker: Order.

Mr. Kinew: —on the other side of the Chamber.

Madam Speaker: It looks like maybe the honourable member for River Heights wants to comment on that point of order.

Hon. Jon Gerrard (River Heights): While there may be some ability currently to—temporarily—to use electronic devices like laptop recorders and so on, there is no ability to extend that to taking photographs. That has been outlawed for a long, long time. It is totally inappropriate for photos to be taken within the Chamber, and I hope the Leader of the Opposition will apologize.

Madam Speaker: In regards to this point of order, I would indicate that the member does have a point of order.

* (14:40)

There is never a time in here that taking photos is allowed. That has never been allowed at any point, pandemic or not. So photos in the Chamber are never allowed at any point of time that we are sitting, and that applies to committee rooms as well.

So, I would ask the honourable Leader of the Official Opposition if he would care to apologize and delete that photo.

Mr. Kinew: Madam Speaker, I will—I've already deleted the photo—

Madam Speaker: Thank you.

Mr. Kinew: —as an act of good faith—

Madam Speaker: Thank you.

Mr. Kinew: —and I just want to note, for the permanent record, that that House is—or, this side of the House is absolutely—

Some Honourable Members: Oh, oh.

Madam Speaker: Order. Order.

Oy. Once a Speaker has ruled, it is disrespectful for members to stand and basically disrespect the ruling that the Speaker has just brought down, even if a member is looking to, you know, score some—especially when a member is looking to score some more political points, that when I rule, that's the end of the issue.

So, I don't know if the member wishes to apologize or just—if he wants to just walk away and leave it at that. I appreciate the fact he did delete the picture.

Mr. Kinew: Of course, I respect the institution and the Chair, which you inhabit. So I apologize to you, Madam Speaker.

Madam Speaker: Thank you. I appreciate that. And, hopefully, that should resolve this issue.

* * *

Madam Speaker: Petitions? Are there any—oh. Are there any petitions? Grievances?

Oh—I missed this, so I'm going to revert back—there is a petition.

PETITIONS

Diagnostic Testing Accessibility

Mr. Jim Maloway (Elmwood): I wish to present the following petition to the Legislative Assembly.

The background of this petition is as follows:

(1) Until recently, diagnostic medical tests, including for blood and fluid samples, were available and accessible in most medical clinics.

(2) Dynacare blood test labs have consolidated their blood and fluid testing services by closing 25 of its labs.

(3) The provincial government has cut diagnostic testing at many clinic sites, and residents now have to travel to different locations to get their testing done, even for a simple blood test or urine sample.

(4) Further, travel challenges for vulnerable and elderly residents of northeast Winnipeg may result in fewer tests being done or delays in testing, with the attendant effects of increased health-care costs and poorer individual patient outcomes. *[interjection]*

Madam Speaker: Order. I can't hear.

Mr. Maloway: (5) COVID-19 emergency rules have resulted in long outdoor lineups, putting vulnerable residents at further risk in extreme weather, be it hot or cold. Moreover, these long lineups have resulted in longer wait times for services and poorer service in general.

(6) Manitoba residents value the convenience and efficiency of the health-care system when they are able to give their samples at the time of the doctor visit.

We petition the Legislative Assembly of Manitoba as follows:

To urge the provincial government to immediately demand Dynacare maintain all the phlebotomy,

blood sample, sites existing prior to the COVID-19 public health emergency, and allow all Manitobans to get their blood and urine tests done when visiting their doctor, thereby facilitating local access to blood testing services.

And this petition is signed by many Manitobans.

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

Are there any further petitions? Grievances?

ORDERS OF THE DAY

GOVERNMENT BUSINESS

Ms. Nahanni Fontaine (Official Opposition House Leader): Madam Speaker, in accordance with rule 2(10) and the Sessional Order passed on March 15th, 2021, I would like to table a list of the five bills designated by the official opposition for this Third Session of the 42nd Legislature.

Our designated bills for this session are: Bill 16, The Labour Relations Amendment Act; Bill 35, The Public Utilities Ratepayer Protection and Regulatory Reform Act (Various Acts Amended); Bill 40, The Manitoba Liquor and Lotteries Corporation Amendment and Liquor, Gaming and Cannabis Control Amendment Act; Bill 57, The Protection of Critical Infrastructure Act; Bill 64, The Education Modernization Act.

Madam Speaker: It has been announced that, in accordance with rule 2(10) and the Sessional Order passed on March 15th, 2021, the five bills designated by the official opposition for this Third Session of the 42nd Legislature are: Bill 16, The Labour Relations Amendment Act; Bill 35, The Public Utilities Ratepayer Protection and Regulatory Reform Act (Various Acts Amended); Bill 40, The Manitoba Liquor and Lotteries Corporation Amendment and Liquor, Gaming and Cannabis Control Amendment Act; Bill 57, The Protection of Critical Infrastructure Act; and Bill 64, The Education Modernization Act.

Hon. Kelvin Goertzen (Government House Leader): Madam Speaker, on House business.

In accordance with rule 2(10) and the Sessional Order passed on March 15th, 2021, I'm announcing that the following bills will be considered by the government as specified for this Third Session of

the 42nd Legislature: bills 3, 5, 6, 8, 10, 11, 12, 13, 14, 15, 16–15–

I'll start at 15 again; trying to sneak one in there, Madam Speaker—15, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 36, 37, 38, 41, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 58, 60, 61, 62, 63, 67 and 68.

Madam Speaker: It has been announced that, in accordance with rule 2(10) and the Sessional Order passed on March 15th, 2021, that the following bills will be considered by the government as specified for this Third Session of the 42nd Legislature: bills 3, 5, 6, 8, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 36, 37, 38, 41, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 58, 60, 61, 62, 63, 67, 68.

Felt like somebody should call bingo.

Mr. Goertzen: I felt like the Count from Sesame Street there, Madam Speaker.

All right, could we please call for debate this afternoon and evening, Madam Speaker, bills 55, 51, 27, 3, 10, 11, 13, 38, 60, 15, 46, 30, 52, 67, 58, 48—[interjection]—30, 67, 58, 48, 21, 28, 29, 54, 56, 52, 53, 6, 17, 18, 20, 22, 23, 25, 36, 5, 8, 12, 26, 32, 33, 37, 41, 45, 47, 49, 61, 62 and 63.

And we look forward to having this done by 5 o'clock, Madam Speaker.

* (14:50)

Madam Speaker: In accordance with the Sessional Order adopted on March 15th, 2021, today and tomorrow during orders of the day in the afternoon, the House will be dealing with second reading of government bills that are on the specified track.

Limited debates will be taking place on those days in accordance with rule 2(10), with the exception that after each debate concludes, the Speaker shall put the question on the bill under consideration.

For government bills that have not yet had the second reading motion moved, for each bill, the minister responsible will move the second reading motion and then speak for up to 10 minutes.

An up-to-15-minute question period will be held, followed by the official opposition critic and the independent Liberals getting to speak for up to 10 minutes each.

Once these steps have been completed, the question will be put on the second reading motion. This will happen for bills in the following

sequence: 55, 51, 27, 3, 10, 11, 13, 38, 60, 15, 46, 30, 67, 58, 48, 21, 28, 29, 54, 56, 52, 53, 6, 17, 18, 20, 22, 23, 25 and 36.

Once these bills have been completed, the House will then deal with bills that are already in debate at second reading to complete all of actions that are required to ensure that the question period has finished, and the official opposition critic and the independent members have the opportunity to speak up to 10 minutes each if they have not already done so.

Following this, the question is to be put. The bills in this category are bills 5, 8, 12, 26, 32, 33, 37, 41, 45, 47, 49, 61, 62 and 63. The House is to sit until midnight on Wednesday and Thursday, with points of order and matters of privilege to be deferred until 1:30 p.m. on the following sitting day.

On Thursday at midnight, there is to be no further debate. At that time, second reading motions will be moved and the question put immediately without debate, and the bells can ring for no more than one minute on each question.

SECOND READINGS

Bill 55—The Reducing Red Tape and Improving Services Act, 2021

Madam Speaker: I will now call bill—second reading of Bill 55, The Reducing Red Tape and Improving Services Act, 2021, and recognize the honourable Minister of Legislative and Public Affairs to move and speak to the second reading motion.

Hon. Kelvin Goertzen (Minister of Legislative and Public Affairs): I move, seconded by—nobody took a picture—I move, seconded by the Minister of Central Services (Mr. Helwer), that Bill 55, The Reducing Red Tape and Improving Services Act, 2021, be now read a second time and be referred to a committee of this House.

Motion presented.

Mr. Goertzen: I'm pleased to be in the House this afternoon for second reading of Bill 55, The Reducing Red Tape and Improving Services Act. The legend state—the legislation continues our government's long-standing commitment to reducing red tape on local governments, businesses, non-profits and its citizens.

The proposed repeals and amendments of various legislation will contribute towards the Manitoba government's effort of achieving the red tape reduction target. It's part of the working smarter priority of the government's balanced scorecard strategy.

The Manitoba government is committed to the annual introduction of a bill called The Reducing Red Tape and Improving Services Act—the bill before the Legislature this afternoon—to make it easier for departments to make small changes to legislation that removes red tape, streamlines processes for both stakeholders and government and improves services that Manitobans rely upon, Madam Speaker.

In 2021, there—in this bill, the 2021 bill, there are proposals to amend 11 statutes and repeal two others in their entirety. These proposed changes include phasing out the enhanced ID cards and Enhanced Driver's Licenses in light of the widespread use of passports and NEXUS cards for Manitobans seeking to enter the United States.

And we know that because the border is currently closed for non-essential travel, that this is an opportune time for change, but also understand that there's a reduced usage in these cards over time.

And, as recommended by the Chief Electoral Officer, allowing Elections Manitoba to use electronic document filing and electronic signatures: there are a number of documents, although it won't include all of them, such as the nomination form, Madam Speaker, that can be filed electronically, including annual statements. And this will make this process easier.

Permitting a municipal hearing notice to refer to a property street address rather than its legal description for greater certainty, Madam Speaker; authorizing Crown corporations to hold public meetings virtually rather than only in person; allowing private landowners to take reasonable actions to protect their property from wildlife-related flood damage; enabling Manitoba Public Insurance to provide garage keepers with vehicle ownership information when they are exercising their legal rights to sell vehicles for unpaid fees; removing unnecessary permits for businesses that sell farm equipment; doubling the period of validity from 12 to 24 months for subdivision approval certificates; and streamlining the statute law process to automatically repeal unproclaimed bills that have been passed by the Legislature but not yet brought into force by the government, something that is done in other provinces to ensure that bills do not sit on the unproclaimed docket for decades at times—these are just a few of the changes we are making to improve services and reduce burden—the burden of red tape on Manitobans.

These changes will show that Manitoba continues to look forward while still maintaining critical checks and balances.

The Manitoba government continues to make significant progress in promoting regulatory accountability. As of March 31st, 2020, the number of regulatory requirements across government showed an overall reduction of 9.4 per cent from the April 1st, 2016 baseline measurement of 961,997 regulations, a decrease of 90,824 regulatory requirements. Our ongoing red tape reduction work reflected in this bill will ensure that this progress continues for Manitobans.

In closing, Madam Speaker, I hope that all members will join me in supporting this bill and reducing the burden of red tape on Manitobans.

Questions

Madam Speaker: A question period of up to 15 minutes will be held. Questions may be addressed to the minister by any member in the following sequence: first question by the official opposition critic or designate, subsequent questions asked by critics or designates from other recognized opposition parties, subsequent questions asked by each independent member, remaining questions asked by any opposition members. And no question or answer shall exceed 45 seconds.

Mr. Tom Lindsey (Flin Flon): So, I do have some questions for the minister on this reducing-red-tape-and-hurting-Manitobans bill that he's presenting.

So, why is this government reducing transparency around adult literacy when what we've seen is outcomes have declined every year since this government has been in charge?

Hon. Kelvin Goertzen (Minister of Legislative and Public Affairs): In fact, there's not a reduction in transparency when it comes to adult literacy.

All of us, I believe, take that issue very seriously. What we find, though, is in other jurisdictions around Canada, Madam Speaker, they are not bound by a legislative framework which prevents them from being more nimble and more flexible when bringing in programs. We know that when there are changes that are needed to improve adult literacy, they should happen quickly and not be tied into a legislative framework.

Hon. Jon Gerrard (River Heights): In the change which will eliminate the enhanced driver's education, it brings to mind the question of what the minister and his government are doing with regard to identification for people who don't have driver's licences.

This is now an important issue, particularly with the need for identification for a variety of purposes.

Mr. Goertzen: It's a legitimate question that is asked, and one that has been, you know, wrestled with with other governments and other administrations as they look at the different ways to provide government-issued IDs.

So there is a phase-out period involved here, Madam Speaker. And, of course, there are legacy cards that'll continue on for some time, and they'll continue to work with those who need a form of government ID, as the member indicates, that is something different than the Enhanced Driver's Licence.

* (15:00)

Mr. Lindsey: So, one part of this bill purports to allow landowners to protect their property from wild animals or supposedly the damage, but it takes out what used to be an exemption that landowners couldn't just go killing moose, caribou, deer, antelope, cougar, elks, game birds.

So, is what the minister is proposing with this legislation now open season for anybody who happens to be a landowner?

Mr. Goertzen: No; of course not, Madam Speaker.

Obviously, the legislation is intended to ensure that there's not disproportionate harm that's placed upon a landowner who, for whatever reason—and we could use the example of a dam that is holding back water and flooding unnaturally a landowner's property where they could, in a responsible way, take action so that their livelihood is not unaffected—or not affected, but still being responsible for those that are also downstream.

So, I don't accept the characterization that the member put on the record of Manitobans being irresponsible.

Mr. Gerrard: To the minister, Madam Speaker: the minister, in his introductory remarks, talked about measures that would deal with bills which have been long-standing but which have not been enacted.

And to which sections does this apply in this bill?

Mr. Goertzen: It applies, I believe, to bills that have been on the record for a decade, I believe, Madam Speaker, that haven't been proclaimed.

And there are probably a variety of different reasons why governments in the past have left bills

unproclaimed and not dealt with them, Madam Speaker. I don't know that all those reasons are necessarily nefarious or political reasons. Maybe it's just something that wasn't seen as a priority.

But it does cause some confusion for the public where bills have been passed and there would be an expectation that those bills are somehow, then, enforceable in the province of Manitoba. And by having this in the legislation, it both encourages governments to act upon that and eliminates the confusion for Manitobans.

Mr. Gerrard: Yes, I have a question in terms of Crown corporations being able to hold their meetings either in person or electronically. But the wording of this suggests that the Crown corporations can do one or the other, but not do both in the same meeting.

Mr. Goertzen: This is obviously an opportunity—the pandemic, while it is very difficult for many Manitobans, including members of the Legislature in different ways, Madam Speaker, it's also a learning opportunity for government as we partake in different ways to provide services and to ensure that others have the ability to access different forms of government communication that might not otherwise be available, maybe because of distance.

So, the Crown corporations will be looking to learn from what they've already experienced in the pandemic and continue that to provide information and accessibility for Manitobans all across our province.

Mr. Lindsey: Speaking of unproclaimed bills, I'm assuming, then, that this minister will stand up today and repeal what was then bill 28, which has been proven in court to be unconstitutional. Not only has it caused great confusion amongst working people, but it's caused great harm for Manitobans.

So, will the minister repeal that bill immediately?

Mr. Goertzen: Probably a little bit out of scope in terms of questions, Madam Speaker, but it does allow me the opportunity to talk about the great harm that's been done by the Leader of the Official Opposition (Mr. Kinew) by foisting himself into a labour dispute and taking sides and taking the sides opposite of many Manitobans.

Madam Speaker, I hope that he'll use this opportunity, once he's able to get out of his kitchen, to go to his leader and to say that it is entirely inappropriate for his leader to take sides in a labour dispute.

Mr. Gerrard: Yes, once more on the repeal of acts which have not been proclaimed.

The minister must table in the Assembly a list—a report listing every act or provision of the act that is to come into force but has not been. And I wonder if the minister would consider at the time that that list is tabled, that there be an explanation for why the government has decided not to implement that act.

Mr. Goertzen: It's a reasonable request.

I don't know that that needs to be embedded in legislation or maybe that's something that can be taken upon as a policy of the government. If the member wants to bring that up at committee, I think it's something that, if not dealt with by way of an amendment, potentially could be dealt with by way of a commitment at committee.

Mr. Lindsey: So I want to just move to apprentices, if we could, for a little bit, and ask the minister: why does he think requiring workplaces to have a premises on public works projects is merely a matter of red tape and, really, what it is is a matter of supplying opportunity for young people going forward?

So, why did the minister decide to repeal that specific piece of legislation that offered opportunity and education for Manitoba's young people?

Mr. Goertzen: In fact, there are, of course, and we know how important apprenticeship opportunities are for many Manitobans, and all of us, I'm sure, have people within our lives who've benefited from the opportunity to act in an apprenticeship role.

That's why this government has continued to work with the different trades, work with the different associations who help to govern apprenticeship by virtue of their participation within the various boards, Madam Speaker, to ensure that there are not only opportunities but continuing opportunities and good opportunities for all Manitobans who are working in the trades or want to work in the trades.

Mr. Gerrard: Under The Wildlife Act, the—there's a provision, I understand, which provides that individuals may kill wild animals to defend their property on agricultural land that they lease from the Crown.

Does this provision for wild animals to be killed apply to endangered species?

Mr. Goertzen: There would be specific legislation that protects endangered species in other acts, Madam Speaker.

I think it's another good question to reiterate at committee, but there are legislative provisions that rightfully protect endangered species.

Mr. Lindsey: Just to get back to the apprentice piece for a little bit again.

So, the minister says that they've consulted and really care about creating apprentice opportunities, but, clearly, this bill very specifically removes a requirement that public works projects take on apprentices. Other things that this minister's done just before Christmas, where they changed the apprenticeship ratio, doesn't protect apprentices, doesn't protect Manitobans. Some of the things that they've talked about with the training in other pieces doesn't protect apprentices.

So, again, I have to ask the minister why they think reducing red tape is all about reducing—

Madam Speaker: The member's time has expired.

Mr. Goertzen: I didn't hear the member actually complete his question. He might want to be a little bit more concise if he has an opportunity to ask a question again on this bill.

But I did hear him talk about why we think it is important for young people to have opportunities and jobs in the trades, Madam Speaker, and I think that it is clear that there are many excellent jobs that exist within the trades. I think that those opportunities will continue to grow. I think that there's a greater awareness among young Manitobans, whether they're in high school or post-high school, about the value of having an education and a career in the trades, and we will continue to promote that.

If the member has a question, he may want to pose it more concisely.

Madam Speaker: The honourable member for River Heights (Mr. Gerrard). The honourable member for River Heights needs to unmute.

Mr. Gerrard: I'm sorry, I've completed my questions. Thank you, Madam Speaker.

* (15:10)

Madam Speaker: Thank you.

Mr. Lindsey: So, I'll be very concise.

What does this minister have against young people getting apprenticeships that he thinks not requiring apprenticeships on public works projects is something that he should just do away with? What has he got against young Manitobans and apprentices?

Mr. Goertzen: Absolutely nothing, Madam Speaker.

Mr. Lindsey: Clearly, the minister's answer doesn't exactly line up with his actions, because, in fact, everything he's done has made it tougher for apprentices.

Just to get back to the landowners piece. So, landowners are allowed to go out and kill animals. Does there have to be any proof that the land was being harmed by said animals? Or is it just the farm—or the landowner's opinion that that deer that's in his freezer was causing harm?

Mr. Goertzen: I'm very disappointed in that member who seems to believe that somehow Manitobans are out there like the Wild West days, just shooting animals without a particular reason or regulation or out of season or whatever the various governing factors are.

Obviously, this is designed to ensure that those landowners who are having their land affected have the opportunity to be able to take appropriate actions to protect their land, to protect their livelihood. And if the member opposite feels, for example, that there are laws that are being broken, he should then bring that forward, Madam Speaker.

Mr. Lindsey: Well, Madam Speaker, the law in question won't be being broken anymore, because the minister's doing away with the law. So, really and truly, what it does do is it allows open season for any 'landover' without proof that they can shoot, kill, big game animals or anything else with very little for justification.

So, will the minister commit today that something in a regulation will provide justification for that landowner being able to kill animals?

Mr. Goertzen: There certainly are, Madam Speaker, regulation-building opportunities, but I would also say that it's a little bit disingenuous from the member, I know, that when the issue of night hunting was being debated in this House and the inherent danger for those who might be impacted because of night hunting, and we know that there are examples—specific examples—well, and still, you know, the opposition is still in favour of such a dangerous practice.

I wish that they would be a little bit more—
[interjection]

Madam Speaker: Order.

Mr. Goertzen: —concerned about the dangers of night hunting and put that on the record as opposed to

heckling from their seats that they don't care about the lives of Manitobans, Madam Speaker. [interjection]

Madam Speaker: Order, please. There's no need for the yelling across the Chamber like that.

The time for this question period is over.

Debate

Madam Speaker: I will now recognize the honourable member for Flin Flon for debate.

Mr. Tom Lindsey (Flin Flon): It gives me not great pleasure to have to stand up and debate a bill like this with the minister, who clearly doesn't care about Manitobans and clearly doesn't care about Manitoba workers, Manitoba young people.

Some of the things that, really, we find egregious in this bill are the parts that do away with things around adult literacy, things that we really should be working towards enhancing so that more Manitobans have better literacy skills that, again, would provide better opportunities for them. And what we've seen is the opposite from this government; that really, the statistics show that those numbers, those opportunities, are going the opposite direction.

The minister talks about how much they want to support young people and apprentices but really, even from the answers that he gave today about this bill and others that—have negatively impacted opportunity for Manitoba young people. One of the things that Manitoba should have been proud of was the requirement on public work projects—projects that involve public dollars—that Manitoba took that opportunity to provide training, education, for young people so that their lives could be better. It took the opportunity to make sure that there was a certain number of apprentices on those projects. This government, with the stroke of a pen, has done away with that opportunity for Manitoban young people.

But it's not the only thing that they've done to do away with opportunity. I mean, the whole part about project labour agreements that this government has tried since, I think, 2016 to do away with is really about opportunity. It's about opportunity for working people; it's about opportunity for apprentices; it's about opportunity for workers to be able to work safely and get the training and education that they need to do their jobs.

And everything this government does—even though they say they're in support of Manitobans—has not supported Manitobans. And this bill is another

crass example of the government's failure to, again, support Manitobans, Manitoba workers.

So we talked a little bit about the literacy part that's being repealed in this act. We've talked a little bit about the apprenticeship employment opportunities act that, at the stroke of a pen, young people won't have the opportunities.

But I guess the flip side of that, Madam Speaker, is at best, this government will be sticking around for two more years—and from what we've seen, there won't be any public work projects, there won't be any big projects because all they've done is cut spending on infrastructure and cut spending on this and cut spending on that.

So for the next couple of years, until they're voted out of office, the chances of there being many opportunities for many Manitobans to enter the trades is probably pretty slim anyway. And when we're in government in a couple years, we can fix that, which we will because that's what we do. We represent Manitobans, not just big business, not just the rich and powerful, which really is what parts of this bill are about also, right? It's not the small family farmer that goes out and shoots deer out of season; it's going to be the corporate farms that want to make sure that nothing gets in the way of their agricultural machine—their machine that generates money for them.

Mr. Doyle Pivniuk, Deputy Speaker, in the Chair

And they don't care whether it's animals or people. So, they now have the ability to just go out and kill animals at will. It really will present the opportunity for a wide-open hunting season on animals that may already be stressed, and the member brings up our opposition to their racist bills around night hunting, where they claimed they were so concerned about people who have constitutionally protected rights from hunting.

And now, here we go. They're going to give hunting rights to people that don't have that same constitutionally protected right to hunt at any time of the year, as long as they own the land or lease the land.

And we know that they've made leasing land more difficult for small family farms because, again, they're kowtowing to the industrial agricultural sector, the industrial farm, which is—really needs to get brought into the public's eye, that it's not the family farm that you think of when you think of a farmer, it's a corporate entity who's driven solely by profit.

So, there's so many different parts of this bill that attack different segments of society and provide benefits to those who aren't necessarily even from this province.

We've seen this government constantly attack working people, constantly, with their drive towards free trade agreements, undermine the success of Manitoba workers. We see them bringing—allowing the contracting out of work to the lowest bidder, which won't be necessarily well-trained Manitoba workers.

* (15:20)

We've seen any number of bills that really undermine everything that Manitoba should be doing to help Manitobans, particularly during a pandemic, when we've seen a downturn in the economy. So when things start to pick up again, what we see is a government who won't be there for Manitobans, who won't be there to help Manitobans get back on their feet. They'll be there to help somebody from out of the province. They'll be there to help their corporate entities make money. Young people are losing out with this piece of legislation and so many other pieces of legislation that this government has brought into play.

And I don't understand, Madam Speaker, what this government in particular has against Manitoba workers, whether it's their current Bill 16, the former bill 28. I mean, the minister clearly talked about there's some pieces of legislation that have never been proclaimed that probably should be repealed. And there's probably some very good reasons why some of those pieces of legislation never got proclaimed.

The only good reason for not proclaiming this government's former bill 28 was, as the court said, it's unconstitutional and it should be withdrawn immediately. But did the government include withdrawing it in this piece of legislation that cancels out other bills that haven't been proclaimed? No, because they're willing to stand behind their unconstitutional attack on working people in this province.

You know, earlier today, even though I'm on Zoom from many miles away, I could hear the protests, the honk-a-thons, and I suspect that's something that we're going to hear a lot more of as long as this government continues to attack workers, continues to attack education, child care, health care. Everything that Manitobans should be holding dear, this government is attacking or, as we found out today, not only are they attacking but they're hiding the true

facts like we've seen with the Wall investigation, that apparently the former premier of Saskatchewan is now just a puppet for the present Premier of Manitoba (Mr. Pallister).

And it besmirches his reputation as much as it does our Premier's reputation, simply because he got paid a lot of money to say what Brian Pallister told him to say, it seems.

Mr. Deputy Speaker: Order. I just want to remind the member for Flin Flon (Mr. Lindsey) that when addressing members in the Legislature, either their title or their constituency name.

Mr. Lindsey: I apologize for that, Mr. Deputy Speaker.

So I just want to wrap up very quickly and let the Premier and the members know that we don't support this particular bill, simply because there's too many things that this government has done to attack workers, and this is just one more kick at Manitobans, not just workers but people trying to get better skills so they can get better jobs, get out of poverty. No, this government just continues to attack them.

And they talk about trying to protect farmers and farmland and yet they've underspent their budget on rural drainage every year.

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

Hon. Jon Gerrard (River Heights): Mr. Deputy Speaker, several comments on this legislation.

First of all, with regard to the Crown corporation meetings, under the bill, as it is put forward now, meetings can be held either electronically or in person. But it would seem to me it would be more logical, now that we are widely using Zoom technology and so on, that the meetings could be held in person even with small gatherings today, but also electronically at the same time, and this would be very useful.

For example, there's a requirement that there be one meeting in northern Manitoba, but northern Manitoba's a big area. If the meeting were held in Thompson, but were both in person and electronically, then there could be participating people from all over the North and that would have a good advantage. We want people to be involved, and knowing what's happening with our largest and most important Crown corporation, Manitoba Hydro, but it also applies to other Crown corporations.

The second point I would like to make is with regard to the getting rid of the Enhanced Driver's Licence, which, in some instances, has been used as an important identification card. We've found recently, and this goes back a long ways, that there are problems with people having photo identification cards which are government issues if they don't have driver's licence, and there really is a strong need for such a photo identification card.

It has been suggested to me that the most logical change would be to make the health card a photo identification card and put a photo on it. This would help people within the health-care system but it would also enable a much larger proportion of Manitobans, including those who don't have driver's licence, to have a photo identification card which they can present on occasion when they need, and that this would be useful, for example, for some individuals to get employment and income assistance, because one of the things that they're often asked for there is some sort of photo ID.

With regard to the situation of bills which have not been proclaimed, it is reasonable to erase these from the list of outstanding bills which have not been proclaimed if many years have passed, but I think it is really important that the government table that list. I would suggest that it would be important to table that list a year before the deadline so that people can have a look at it and look at the reason, which the government should also table, so that there can be some public understanding of why the bill was not proclaimed, and there can be one last look before the bill completely expires.

I've mentioned in question period about The Wildlife Act and a consideration with respect to endangered species. I personally think that it is reasonable for farmers to be able to protect their cattle, their sheep, from predators, and that this is, you know, a reasonable component of this act.

But I think it's also important that we also recognize that there needs to be recognition of a specific endangered species and that there's a recognition in this context that there be some understanding of the wildlife populations and that we are engaged in good stewardship of wildlife populations.

Beaver populations are doing very well at the moment, for example, but if, at some point in the distant future or for some reason beavers became very scarce, it would be a very different situation.

And so I think that we want to be cognizant of the fact that wildlife stewardship is important, that we should have some understanding of what wildlife populations are and that there are some circumstances where endangered species specifically should be protected.

And the last point that I want to comment on is with respect to The Highway Traffic Act. The minister of highways can now set highways where there are speeds above 90 kilometres an hour. You know, I think this is reasonable, but I will remind the members of the Legislature that in British Columbia some time ago there was a highways minister whose name was Phil Gagliardi.

He was called Flying Phil because he loved flying, almost going very fast along highways. He got huge numbers of speeding tickets because he sped so often. And if he was ever—or somebody like him was ever highways minister in Manitoba, look out for the highways speeds—traffic speeds to be set, in many areas, above 90 kilometres an hour.

So there is a caution, here. I remind the members of the government that Flying Phil was a member of a right-wing party, that he was fond of saying that those trees on the side of a mountain weren't put on that mountain by God to be praised, they were put there to be chopped down. He was an avid developer. He didn't have a lot to—good to say about conservation, and I think that we want to make sure that we don't have a Flying Phil as highways minister in Manitoba because all of a sudden we could be having lots and lots of speed limits rising and I don't think that that's the intention of this legislation.

* (15:30)

I'll close with one comment from Flying Phil, who had many colourful sayings, and one of them was: The only time I tell a lie is when I think I'm telling the truth. He said that in the Legislature, I understand.

Anyway, enough for stories. We've got many more bills to do, and I will pass it on to others and to a vote on this bill.

Thank you.

Mr. Deputy Speaker: Any other speakers?

Since there are no other speakers, the question before the House is second reading of Bill 55, the reduce red tape and improving services act, 2021 act.

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

Bill 51—The Limitations Act

Mr. Deputy Speaker: I will now call Bill 51, The Limitations Act, and be recognized for the honourable member for—Minister for Justice to move and speak on the second reading of the motion.

Hon. Cameron Friesen (Minister of Justice and Attorney General): I move, seconded by the Minister for Central Services, that Bill 51, The Limitations Act, be now read a second time and be referred to a committee of this House.

Motion presented.

Mr. Friesen: I rise to put some brief comments on the record in respect of Bill 51, The Limitations Act, cognizant of the fact that we have now 43 more bills left to get through in this somewhat historic agreement that we have struck with all parties, to get all of these bills advanced and through second reading by the end of tomorrow at midnight.

So, here we go, and thank you to all of those who are assisting us today in the Chamber—our table officers, our clerks, our sergeant-of-arms and their staff, our pages of the Legislature, those who are assisting us everywhere—because this is a monumental task and a late night for everyone.

Madam Speaker, we've had a good discussion at the bill briefing with the other parties in respect of this bill that is designed to essentially modernize and simplify limitation periods in Manitoba. The bill will repeal and replace The Limitation of Actions Act.

I would want to, first of all, note that in Manitoba right now we have anything but simplicity when it comes to the current act and its provisions. Why? Because when it comes to limiting the period of time within which a person with a civil claim can start a court proceeding to, essentially, sue someone else, well, right now it's a bit of a dog's breakfast.

If, for instance, the issue is certain statutory informer-based penalties, it's a one-year provision on limitation. If it's for statutory causes of action or from breach of privacy or certain other specified torts, it's a two-year provision. If it's defamation from damage, it's a two-year provision, and yet if it is trespass to real property or claims to recover money, it's a six-year provision. It's also a six-year provision for fraud from discovery, and yet it's a 10-year provision for enforcing a judgment from the date of judgment.

We are not unique in this, Mr. Deputy Speaker. Many other jurisdictions have, in the last number of

years, looked at their legislation and said this is something that must be addressed; it must be simplified in order for there to be consistency, coherence, but also consistency with other jurisdictions.

So, in Manitoba, other provinces that have already undertaken the work to modernize their limitations legislation, BC, Alberta, Saskatchewan, Ontario, New Brunswick, Nova Scotia—in fact, only Newfoundland and PEI have not yet done so.

I would also want to make the note that the recommendation to act and to address this issue comes, actually, from a 2010 Manitoba Law Reform Commission report.

So, while these changes were given to the NDP previous government for advice, it is our government, once again, who is doing the work to advance this. This should be a set of changes that we can all agree on this afternoon.

I'll keep my remarks short and say the following: as I mentioned, our current legislation's in place since 1931. Other jurisdictions have modernized. Essentially, right now, we have limitation periods ranging from between two and 10 years, as I said, based on the kind of legal action.

What this bill would do is replace those various periods with a streamlined structure based on a two-year basic limitation period and 15—and a 10-year—15-year ultimate limitation period. So Bill 51 establishes a default regime. The basic limitation period and ultimate limitation period will apply to all civil claims unless otherwise specified. So this approach simplifies the law. It promotes efficiency in the justice system. It also reduces the likelihood of stale, dated claims, and this was a concern that was raised.

Bill 51 carries forward certain protective provisions, however, and I would want to take the time to reinforce those. It lists a variety of proceedings for which there is, of course, no limitation period. I believe that at one point in time, after the bill was distributed, the member for Fort Garry (Mr. Wasyliw) tried to assert somehow that we were reducing the limitation period for things like sexual assault. Let me be clear: proceedings arising from sexual assault, there is no limitation period.

It suspends limitation periods during a time a claimant is a child or when someone has a disability and, of course, when it comes to Indigenous, there is no change to the limitations in respect of limitations

and obligations for Indigenous peoples and claims that can be brought.

Bill 51 brings Manitoba into step with the other provinces who have already undertaken the work, simplified and modernized their limitation laws. It eliminates certain needless steps from the current act. It reduces expenses for litigants and facilitates access to justice.

So I'm pleased to have the bill here for debate. We know that we will have continued discussion at the committee stage and in third reading. Let me just conclude my remarks by simply saying that we already made clear that the bill responds to recommendations that were made years ago, and we are pleased to bring this bill this afternoon for discussion.

Questions

Mr. Deputy Speaker: A question period of up to 15 minutes will be held. Questions may be addressed to the minister by the members of the following sequence: first question by the official opposition critic or designate; subsequent questions may be asked by each independent member; remaining questions asked by the opposition members; and no questions or answers should exceed 45 seconds.

Ms. Nahanni Fontaine (St. Johns): Can the minister provide more information regarding Aboriginal title? It has been suggested that there is no limitation on such claims and that this bill continues that, but we don't see directly any such provision.

So can the minister perhaps explain how Aboriginal title continues to be exempt from this limitation?

Hon. Cameron Friesen (Minister of Justice and Attorney General): Section 10 sub (2) makes clear that there is no change in respect of ultimate limitation periods or basic limitation periods when it comes to claims based on Aboriginal and treaty rights recognized and affirmed in the Constitution Act, 1982, or equitable claims by an Aboriginal people against the Crown must not be commenced more than 30 years after the day the act or omission on which the claim is based took place.

Mr. Deputy Speaker: The honourable member for River Heights? The member from River Heights, can you unmute—okay, there we go.

Hon. Jon Gerrard (River Heights): Okay. To the minister: I have had concerns raised with me with regard to individuals who already have claims

before the courts and for a claim that has, for instance, a 10-year limitation currently, it will move to a two-year limitation.

The individual is very concerned that the two-year limitation will prevent him from proceeding with his claim in court because, you know, of—when you change the limitation period, you change the ability for somebody to bring an action forward.

* (15:40)

Mr. Friesen: The legislation makes clear that this—that when it comes to actions that are currently under way, there is no prejudice; there is no negative impact to claims that are currently under way. In other words, it is—there is no retroactivity to the bills.

Ms. Fontaine: Can the minister explain if environmental claims will be exempt from the limitation changes outlined in this bill, and can he be a bit more specific on how that is, in this case?

Mr. Friesen: Yes, if the member turns to the bill, they will see that there's a whole list that indicates the scope. So what this is, is this is a standard; it is a symmetry that's being applied to all these limitation periods.

So, of course, going back to the bill, that two-year period describes the point at which the individual ought to have known—or did know—and 15 years—to all matters then, besides those that are explicitly stated—is the ultimate period of time after which claims cannot be brought.

Mr. Gerrard: Yes. Just—first of all, a follow-up to last time: this is not a bill which is going to be retroactive, but at what stage in the court proceedings will the action have to have progressed to? Will it be just to—sufficient for an individual to have filed a claim, or it must be a claim which is more advanced than that?

Mr. Friesen: I believe that a—an action, at any point, is not prejudiced or negatively impacted in any way by the proposed legislation.

Ms. Fontaine: If the minister claims that this bill does not affect the unlimited limitations set for environmental claims, then why does the word environment not appear once in this bill?

Mr. Friesen: There are many types of claims that are not explicitly named in the act, and yet what this is, is it's a general collecting, then, of the rules in respect of both the basic and the ultimate limitation period.

So, as I said, there are explicitly some areas where we have taken care in the wording to indicate that

these—that there is no, essentially, ultimate period that is prescribed. For the other ones, it is exactly as the bill states: with a two-year basic period of limitation and the ultimate one of 15 years.

Mr. Gerrard: Yes. To the minister and in follow-up: from—as I interpret the minister's discussion that there will be some environmental claims which fall under the two-year limit and that this is probably going to be the general practice moving forward, we know historically that it has often taken a long time to—for environmental claims to be put forward and to be advanced, and I would have hoped that the minister would have actually specified very clearly that environmental claims would not have this two-year limitation.

Mr. Friesen: We did have some of this discussion in the bill briefing. The member does know that environmental claims are assorted by government under environmental remediation statutes; in other words, nothing, then—nothing supersedes other legislation.

So, in this case, as I stated: limitations are found in those other statutes.

Ms. Fontaine: With the act open, we feel that this is a missed opportunity for the Pallister government to take a second look at the limitations on suits from First Nations' rights, Deputy Speaker.

So, would the minister provide us with a list of the—and, orally as well, right here and now—with the First Nations that the minister or the department consulted with?

Mr. Friesen: As the member would have known had she attended the bill briefing that was arranged for the purpose of briefing opposition parties, these proposals were actually first proposed in 2010 in this province. So, I mentioned that in my remarks, and I can tell that member, as I did at the bill briefing, that there was wide canvassing of groups at the time—stakeholder groups, inter-jurisdictional comparisons—all of that was assembled, and we thank that agency for doing that in 2010, when they did it under the Manitoba Law Reform Commission, and they tabled a report in 2010.

Mr. Deputy Speaker: The honourable member for River Heights (Mr. Gerrard).

Member for River Heights, unmute his sound?

Mr. Gerrard: I was able to get a list of potential areas where there—which would—where this would take precedent, and it's not clear to me specifically when the act doesn't apply, if another act contains a specific

limitation period that otherwise applies to the claim or otherwise conflicts with this act.

You know, if there was a previous limit of six years or 10 years or two years—I mean, basically, what this act seems to be saying is that the other act will apply because it does provide a specific limitation period.

Mr. Friesen: Perhaps an example would be best to illustrate the principle that we're speaking about.

And if the member goes to the consequential and related amendments, he will see, for instance—if I just take the section 34 change, there it talks about The Dental Hygienists Act and the repealing of that. Why is it repealed? Because it's essentially a consequential amendment because, essentially, this bill establishes the general two-year basic and 15-year ultimate limitation period, which means that it's irrelevant now that there was another limitation set in that act.

So wherever there has been a limitation set in a different act that is in conflict, then by consequence, that former rule must be repealed.

Ms. Fontaine: I just want to put it on the record, I know that the minister has said it a couple of times now that I have not gone to bill briefings. Absolutely, I want to remind the Chamber that that is the same man who stood in this Chamber—or, sat in this Chamber and said that I would know about gangs.

Of course, as an Indigenous woman in this Chamber, I would not feel safe sitting in the same room with the Minister of Justice (Mr. Friesen). So he can bring it up as many times as he wants, but our staff attend those Justice briefings, to which I am very, very grateful, and they thoroughly brief me. But I will not sit in the same room with the Minister of Justice.

Will the Minister of Justice tell us why didn't this government—

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

Mr. Friesen: Over time, I find myself less and less able to understand how the member for St. Johns (Ms. Fontaine) chooses to conduct herself in this Chamber.

Reputations matter. I spent 52 years building a reputation as an honest broker. I do not appreciate that member's attempts to try to damage my reputation. I work hard to maintain it and I severely dislike the implication that somehow I'm a person around whom others must feel unsafe.

I cannot tell that member how to feel, but I can exhort her to try to conduct herself better in this Chamber.

Mr. Gerrard: Yes, I—because this will deal with things like dentists and chiropractors and nurses and technologists and certain naturopaths and so on that, in The Pharmaceutical Act, you know, there are some instances where there's clearly of concern and sometimes the cases, they're very complicated and it takes people quite a bit of time to get the information together, to be able to file it.

I have, on more than one occasion, had people tell me that, you know, it was very difficult to file a—

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

Mr. Friesen: It does give me an opportunity to additionally clarify a question that the member had asked before.

So, in other words, if an act—if a different act has a different limitation period in it, that other act does prevail. And that is why, to the question of environmental issues, there is other provisions. If they've been left in, those conditions prevail if, in this case—as I said in the consequential amendments—if they are listed there as changing, they are being listed to change to be in alignment with this act. So those other limitations periods are repealed, these ones take effect, but in case of environmental, of course, those ones supersede.

* (15:50)

Ms. Fontaine: I'm going to educate the minister on the language that he uses in this House because, clearly, he doesn't know. He referred in—to—the answer in one of my previous questions, he referred to Indigenous peoples as groups and stakeholders. Let me just be definitive in this House for his education. Indigenous peoples are not groups or stakeholders. We are the original peoples of these territories from coast to coast to coast. And so he should fix his language when he talks about our people.

And so I'll ask him again: Which Indigenous peoples did he consult with in this bill?

Mr. Friesen: The member knows that the recommendations made in this bill were made 10 years ago to an NDP party who did not act on the recommendations. That is why our government has taken now the opportunity to bring this bill, full of very reasonable changes, that I say will create better

access to justice, more efficiency in our processes, more alignment in other jurisdictions.

The member seems to stand in opposition to these reasonable changes. If she is in opposition to these changes, she should say so and let all Manitobans know that she does not support these changes. However, we believe the fact that eight other provinces have made these changes—seemed to determine that they're reasonable and well-founded and best practice.

Mr. Gerrard: Yes, the government has launched a claim for opioid damages, and my understanding is that that claim is actually started many years after the original evidence that there were major damages from opioids. I don't exactly understand how this would apply. There could be similar situations with lead effects on health of people.

Will the minister explain what the limitations are under these circumstances?

Mr. Friesen: It gets difficult to jam the answers into 45-second pieces, but I could refer the member to the section in the bill that speaks specifically about Crown. And so I would direct his attention in the bill to that section, and that I would invite a conversation with him later on. I know we'll be back in conversation at the committee stage, but essentially, there are other provisions when it comes to a Crown action; that creates some exceptionality.

Mr. Deputy Speaker: The honourable member for St. Johns, any more questions?

Debate

Mr. Deputy Speaker: If there's no further questions, now we'll go on to the honourable member for St. Johns for debate.

Ms. Nahanni Fontaine (St. Johns): Allow me to put a couple of words on the record in respect of Bill 51, The Limitations Act.

So, this bill, for folks who are watching, it changes some of the limitation timelines on certain conditions here. So, one of the things that it does is the current Limitation of Actions Act has several limitation periods ranging from two to 10 years based on the type of legal action. And this Bill 51 replaces those periods with one single limitation period of two years, Deputy Speaker, which begins to run from the day that the claim is discovered. And a claim is discovered when the person with the claim knew or ought to have known the material facts.

And so, even if a claim has not been discovered within 15 years of the event that gave rise to the claim, an action started after the 15th anniversary of that claim will be barred. And so this 15-year period is called the ultimate limitation period. And the one exception to this ultimate limitation period is for Aboriginal claims, which are maintained at only 30 years.

And so, I did—I noted it in my questions that the government had an opportunity to review the 30 years claim—limitation claims for Indigenous rights, and so I think we would have suggested or submitted to the House that the bill certainly could've been strengthened by having an unlimited claims time for Aboriginal title, but they do not.

And then, it's important to put on the record that the new act also lists a variety for which there is no limitation and, of course, proceedings arising from sexual assault are not included in that.

And so that's the gist of the bill, a little bit. And I think it's important to put on the record that, of course, you know, those of us on this side of the House believe that Manitobans should be able to access justice, have the right to justice, and the problem with Bill 51 is that limitations within their totality that create a maximum length of time that can be brought against someone are problematic.

And so we've seen that this bill reduces that amount from 10 years to two years, but that's assuming—that's predicated upon the assumption that everybody knows at that two-year mark or by that two-year mark that they're entitled to, you know, sue or whatever it is. Not everybody has that knowledge and not everybody is fully aware of what the legal parameters in which that legal action can take place.

Two years is simply not enough time. It's not enough time to give citizens the opportunity to pursue the legal actions that they do. And I think that what it does—or I know what it does—is it centers, actually, corporations or any companies that are getting sued, because if you're a company that's done A, B, C or D, and you know that citizens or employees or whatever it may be potentially will want to sue you, now, instead of those citizens having 10 years to be able to fully understand and either gather the strength to be able to pursue those legal actions, they actually only have two.

And so that centers and favours corporations which, none of us should—none of us on this side of the House are surprised that members opposite, in

everything that they do, center and favour big business and those that are on the—that are rich, and not those that—and not Manitobans.

I think that that's clear, Deputy Speaker, that we've seen from this government, that this government does not stand on the side of Manitobans in any way, shape or form. And we've seen that just in the last question period with the Premier (Mr. Pallister), you know, hiding, covering up information on Manitoba Hydro and the devastating effect that has on the lives of Manitobans, and actually on the lives of Manitobans to provide for their families and provide for themselves.

And here we are, we sit in the same Chamber with these members, including the Minister of Justice (Mr. Friesen), and they sit there and they clap on that stuff and they applaud legislation like this and all the other pieces of legislation that we have and, you know, that we've got like, what I think—it's 70 pieces of legislation that this government is bringing forward and everybody was, you know, kind of laughing a little bit before that it sounded like we were at bingo or we were doing whatever. But each of those bills represent damage and change to Manitobans' lives. And it's, you know, something that I think that the members opposite should be a very shamed—should be ashamed of, and I've said this in the House before.

We have a sweep of legislation that this Premier and every single one of the Cabinet are celebrating and think are so great, including 57 and 62 and 63, which really limit the right—the human rights of Manitobans to protest and dissent and gather.

And then we have Bill 51 that we're discussing today, that centers big corporations and really, you know, works against Manitobans in bringing forward any type of legal action, and they celebrate that. Like, members opposite think that that's good governance. They think—somehow in their mind, they think they're doing good on behalf of Manitobans.

And again, I sit in this House every single day and I literally cannot believe the things that the members do and the times that they get up and clap for their Premier, and the things that they celebrate that are having such a devastating effect on the lives of Manitobans. It is absolutely unbelievable. And then we have the Justice Minister, and that's a whole other thing here.

* (16:00)

But I do want to just go back here. I think that it's important that we, again, that we recognize that we've

seen stories or we've seen in the news where victims come forward, years or even decades after being abused and disclosing what happened, and attempt to start a claim. And what we've done now, we have a regime in Manitoba that severely limits the ability for Manitobans to come forward with those claims.

And it's equally important to recognize that, you know, it—sometimes it takes people years to be able to disclose, years to be able to work through, you know, a trauma that they're able to actually share, let alone go start a justice process, a judicial process of trying to seek remedy or restitution on that. That takes a lot of courage, and that takes a lot of time for individuals.

And what the Premier and his Cabinet have done is that they've worked against Manitobans being able to do that, and that's just shameful.

I think it's also equally important to share that the Assembly of Manitoba Chiefs are not happy with this government, and, particularly, obviously, Deputy Speaker, particularly Bill 57, as we saw last night—folks that were gathering. But they're also—they're not happy or pleased with the Premier in respect of Bill 51. And let me just put into the record, they call it, and I quote, an example of an abject failure to meet the principles of reconciliation and the honour of the crowned. End quote.

And so, as we saw with the Minister of Justice's answers, he called First Nations groups. And I think that that's very telling that the justice of minister does not even recognize the sovereignty of Indigenous peoples in our own territory; that he would relegate us as just groups or stakeholders.

And so I agree with ANC when they say that Bill 51 fails to meet the needs of the Truth and Reconciliations Commission call to action 26, which calls upon, and I quote, the federal and provincial and territorial governments to review and amend their respective statutes of limitations to ensure that they conform to the principle that governments and other entities cannot rely on limitation defences to defend legal actions of historical abuse brought by Aboriginal people. End quote.

Deputy Speaker, let me just end by this because, of course, we're on an 'expedited' process here on bill debate. This government has a lot of work—they haven't even begun the work of reconciliation. In fact, what they've done is they've put us back 30 years in respect of Indigenous relations with the Province. They are far from acting in the best—

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

Hon. Jon Gerrard (River Heights): I want to say a few words with regard to Bill 51, The Limitations Act.

And, specifically, I want to speak with concerns that these changes, while it may be necessary to bring the limitation period more closely into alignment, I think these changes need more public discussion. This is a fairly sweeping change, in terms of shortening The Limitations Act. There are some major issues, which—that minister was not able to answer satisfactorily, at least to me, with regard to the implications with regard to the environment.

I see that there are potentially many, many areas which can be affected, and I think we really need to hear from people who've had experience with various court actions in the past and just to be sure and comfortable that when we limit this to a two-year period, this is going to work adequately and really protect people adequately.

I know that for a number of health claims, it's often complex enough. It's difficult for people to file within two years, sometimes just because of the amount of work that it takes and because there are sometimes significant delays in getting access to records, even though these should be fairly readily accessible when people request them.

I—there are, of course, matters that have to be publicly—or, have to be carefully interpreted, in terms of the health record, and we've seen a year, for example, during COVID when, in fact, COVID has made things much more difficult to get information in time to be able to assess things because it's harder to meet in person.

And so I look forward to the discussion which occurs at committee stage, but we have some significant concerns with a drastic reduction in the period for limitations for many, many areas of court action in Manitoba, and really feels this needs to have more work.

We understand that Indigenous land claims are excluded. We have clearly experienced—for example, with Métis land claims, which are not treaty so much, but Métis land claims which go back more than a hundred years. In fact, these may go back, at this point, close to 150 years.

And so it is important that we are not going to limit legitimate claims, actions, concerns. Those long delays may apply sometimes in terms of environmental or health issues. I mentioned in question period the example of opioids, and the government has said that, you know, the Crown will be able to have no limitation under certain circumstances.

But surely, if the Crown has no limitation with regard to, for example, environmental actions, that members of the general public should also have no limitations with regard to environmental actions.

I speak because it's not entirely clear where such environmental actions currently have—or are limited in time. Certainly, it has taken many years for us to have an understanding of some of the pollution that has happened in the past, to understand and discover that, and, in some instances, one could say that we should have known that for a long time. There was evidence of it, and therefore it is not newly discovered.

A good example would be, in fact, the adverse environmental impact of lead, and there are many—and have been many—court actions in other jurisdictions with regard to lead, and we should have known for many, many years of the adverse health effect in lead. And if we'd look to other jurisdictions where such actions have taken place, then you know, we should have—you can say, well, we should have known, however many years ago, that there was a problem.

But it just wasn't—there was no action because people in Manitoba weren't on top of this.

So, I have some major reservations with this legislation as it's put forward at the moment. I look forward to the discussion at the committee stage, and look forward to further debate and discussion as we move forward.

Thank you, Mr. Deputy Speaker.

Mr. Deputy Speaker: Is there any—if there's no other further speakers, the question before the House is second reading of Bill 51, The Limitations Act.

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

Some Honourable Members: Yes.

Some Honourable Members: No.

Mr. Deputy Speaker: I hear a no.

Voice Vote

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

Some Honourable Members: Yea.

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

Some Honourable Members: Nay.

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

Recorded Vote

Mr. Matt Wiebe (Concordia): A recorded vote, Mr. Speaker.

Mr. Deputy Speaker: A recorded vote has been requested. Call in the members.

* (16:10)

The motion before the House is second reading of Bill 51, The Limitations Act.

Division

A RECORDED VOTE was taken, the result being as follows:

Yeas

Clarke, Cox, Cullen, Eichler, Ewasko, Fielding, Friesen, Goertzen, Gordon, Guenter, Guillemard, Helwer, Isleifson, Johnson, Johnston, Lagassé, Lagimodiere, Martin, Michaleski, Micklefield, Morley-Lecomte, Nesbitt, Pedersen, Reyes, Schuler, Smith (Lagimodière), Smook, Stefanson, Teitsma, Wharton, Wishart, Wowchuk.

Nays

Adams, Altomare, Asagwara, Brar, Bushie, Fontaine, Gerrard, Kinew, Lamont, Lamoureux, Lathlin, Lindsey, Maloway, Marcelino, Naylor, Sala, Sandhu, Smith (Point Douglas), Wasyliv, Wiebe.

Clerk (Ms. Patricia Chaychuk): Yeas 32, Nays 20.

Mr. Deputy Speaker: I declare the motion carried.

* (16:20)

Bill 27—The Administrative Tribunal Jurisdiction Act

Mr. Deputy Speaker: Now we'll go on to Bill 27, the administration tribunal jurisdiction act, and I would recognize the honourable Minister of Justice.

Hon. Cameron Friesen (Minister of Justice and Attorney General): I move, seconded by the Minister of Health and Seniors Care (Mrs. Stefanson), that Bill 27, The Administrative Tribunal Jurisdiction Act, be now read a second time and be referred to a committee of this House.

Motion presented.

Mr. Friesen: Thank you, Mr. Deputy Speaker, about to be relieved by the Speaker. I want to make that clear.

We have 42 bills left to go this afternoon, so I will keep my comments brief and say about The Administrative Tribunal Jurisdiction Act—I could go quicker if I wasn't being interrupted by my colleagues.

Madam Speaker in the Chair

Pleased to present this bill to the Legislature. The purpose of this bill is to clarify the jurisdiction of government administrative tribunals to determine questions of constitutional law or grant constitutional remedy.

The bill will streamline the question of whether or not a tribunal has jurisdiction in one piece of legislation. Of course, administrative tribunals essentially make decisions on behalf of federal and provincial governments when it is impractical or it is inappropriate for a government to do so.

So, in Manitoba, we have over 200 agencies, boards and commissions who carry out a range of important functions and services. They vary widely in expertise, structure, function, resources and mandate. The boards are creatures of statute and they're responsible for interpreting, following and applying their own legislation as required.

Let me stop here only briefly to say about our agencies, boards and commissions in Manitoba: I believe that we have reached a new level of diversity on these boards, whereby we have surpassed the level in Manitoba right now under this government, whereby we have more than half of those appointees across the span of those agencies, boards and commissions who are female. We have a higher than ever representation of visible minorities, of Indigenous persons, all under the leadership of this government.

We're proud of that, we have more to do, but it is a milestone and a threshold that the former NDP government never got to.

Madam Speaker, courts in Canada have provided direction that the question of whether a tribunal should have jurisdiction to hear questions of constitutional law is a legislative function. And, therefore, Bill 25–27 clarifies and addresses the issue of administrative tribunals making decisions on constitutional law issues.

Under the bill, administrative tribunals that have the jurisdiction to make constitutional rulings would be designated by regulation. Designated administrative tribunals will be able to determine questions of constitutional law or grant a constitutional remedy.

Bill 27 defines a question of constitutional law to include a challenge to the constitutional validity or constitutional applicability of the law or a determination of a constitutional or Charter right, where appropriate. Tribunals not designated in the regulation will not have the jurisdiction to determine a question of constitutional law.

All tribunals, whether designated under the regulation or not, must consider to—must consider Charter values when making discretionary—decisions. Charter values are the fundamental societal values that underlie Charter rights. That bill does not change that responsibility.

Determining whether a tribunal should possess this jurisdiction is a decision that requires a multitude of factors. Consideration will be given to practical, functional and structural issues, such as: the role of the counsel, the experience and training of the decision maker in Charter or constitutional law issues, the institutional experience of the tribunal, its workload, the time constraints that it operates under. These are all relevant in determining whether a particular administrative tribunal has the institutional or functional capability to effectively consider constitutional issues and grant constitutional remedies without unduly compromising its other functions or prejudicing other parties.

Under this legislation, all Manitobans will have certainty with respect to an administrative tribunal's ability to decide Charter and constitutional issues, thereby avoiding unnecessary delay caused by the need to determine preliminary issues of justice.

I know we will have the opportunity to debate this more at committee stage. We know that others want to speak. Let me simply end my remarks by saying, we believe that this is an access to justice issue. Consultations on this proposal were—did take place through the Department of Families and the secretariat

for Agencies, Boards and Commissions, and consultations are planned to occur with a number of other departments that have administrative tribunals under the authority of that minister.

Thank you, Madam Speaker.

Questions

Madam Speaker: A question period of up to 15 minutes will be held. Questions may be addressed to the minister by any member in the following sequence: first question by the official opposition critic or designate; subsequent questions asked by critics or designates from other recognized opposition parties; subsequent questions asked by each independent member; remaining questions asked by any opposition members; and no question or answer shall exceed 45 seconds.

Ms. Nahanni Fontaine (St. Johns): Could the minister tell us what the implications of this bill for the decision-making authority of administration—administrative tribunals is?

Hon. Cameron Friesen (Minister of Justice and Attorney General): Could the member repeat the question?

Ms. Fontaine: What are the implications of this bill for the decision-making authority of administrative tribunals?

Mr. Friesen: It depends. As I said in my remarks, there's a number of considerations that will go into determining which bodies have that capability, that capacity, organizational function and human resources to determine whether they will, indeed, be these bodies that are able to hear constitutional questions. Those would have different capabilities than those determined not to have that capacity.

Madam Speaker: I understand that the honourable member for River Heights may have a question.

Hon. Jon Gerrard (River Heights): Yes, I certainly do, Madam Speaker, and my question to the minister is this: the—one of the critical questions is determining what is a constitutional question or a question of constitutional law.

In this bill, it says that a question of constitutional law means a determination of any right under the constitution of Canada. This, presumably, is talking about rights and freedoms which are in the constitution of Canada. There are many rights and freedoms and what constitutes a question of constitutional law is obviously critical. Virtually everything that's decided by the

Manitoba Human Rights Commission, presumably, would cover rights under constitutional law, so maybe the—

* (16:30)

Madam Speaker: The member's time has expired.

Mr. Friesen: Didn't hear a question, but I believe the—I can answer the member's question. I'm perceiving him to be going towards by saying that all tribunals, whether designated or not under this bill, would consider to—would continue to consider Charter values when making discretionary decisions.

So, Charter values are fundamental societal values, and the bill doesn't change any responsibility in that respect. However, I would also want to make sure that I clarify that courts have made clear that determinations of this type are legislative in function.

Ms. Fontaine: Will this bill mean any substantial changes in the practice of existing tribunals?

Mr. Friesen: Well, I don't know how to define substantial, but we know that these tribunals in Manitoba perform very good work, necessary work, each and every day. What this is, is a—as a kind of a scoping exercise, and what we'd do is we'd perform a test to determine which of these administrative tribunals would continue to have the ability to determine questions of constitutional law and grant a constitutional remedy?

So, for many of these groups, I would suspect there would be no change whatsoever because they would be granted such authority.

Mr. Gerrard: Yes. Just—perhaps the minister can clarify the difference between the question of constitutional law and a question of Charter values?

Mr. Friesen: Not in 45 seconds, I cannot, Madam Speaker. But I was pleased to be able to meet with that member and a representative from the NDP party as well who attended the bill briefing—I believe it was Brianna Wiebe was the assistant who came and asked good questions as well on this bill during the bill briefing—or, unless I'm conflating it with a different briefing. But—we've had a lot of briefings.

But, in any case, when it comes to these matters, I think I would essentially say to that member that these questions of constitutionality—it's the purpose of this bill to determine which of these administrative tribunals have that capacity to do that, and to do that well.

Ms. Fontaine: Can the minister advise us—and lay it out succinctly—who he consulted with in developing this bill?

Mr. Friesen: Yes. That was asked and answered.

Mr. Gerrard: Continue to seek clarification on precisely what is a question of constitutional law. Because many, many issues are a determination of rights under the constitution of Canada. And it would seem to me that the minister needs a better definition or a clearer definition so that the legal individuals will be able to distinguish well between what is and what isn't.

Mr. Friesen: Well, it's not the minister's determination of what constitutes a constitutional—a challenge. That is exactly the work of these bodies—it's the work of the courts—to determine when there is something in the scope of a question before an administrative tribunal that is a question of constitutionality.

I actually believe in the process itself—there is a signal to federal officials to—for that determination of whether something actually had constitutional impact. So, to the member's question: there is a well-worn process that works well for these determinations to be made up when something has constitutional impact and implication.

Ms. Fontaine: Could the minister attempt to tell us who will be consulted when regulations are written for this legislation?

Mr. Friesen: Yes. In my speaking notes, I did make clear that this consultation will continue to take place well beyond the deliberations of this Legislature. And so at that time, of course, the Department of Justice will be reaching out again—but other departments, as well, because, of course, we know that we have agencies and boards and commissions, 200-plus of them.

And so it will be careful—it will be important to carefully communicate what the decision of this legislative body is, and then, what the process will be going forward, should the legislation be passed.

Mr. Gerrard: Yes. Now, the minister talks about constitutional challenges and I think, you know, that's an important phrase, challenge to the constitution.

Is that what he means by a question of constitutional law? If so, that's what needs to be spelled out in this bill rather than the definition which is currently there.

Mr. Friesen: These are good questions, questions that the member will undoubtedly also bring to committee and to third reading.

Let me be clear that in Manitoba, as in other jurisdictions, administrative tribunals essentially hear matters of all kinds. When they are hearing matters of a constitutional nature, constitutional implication, matters of the Charter, that's exactly what this legislation seeks to determine.

Right now in Manitoba, all those agencies, boards and commissions can essentially hear these questions. This legislation says the right administrative tribunals should be doing that: those who have capacity, those that have scope, and that's what this legislation does.

Ms. Fontaine: Could the minister tell us why issues of constitutional law are treated differently than any other legal principle?

Mr. Friesen: Well, that member and all members know that whenever courts deliberate, whenever administrative tribunals deliberate, there is a scope that is established for those deliberations. In some cases, the question under consideration has a broader scope. In some cases, those decisions that are being debated and then reached have implications to our actual constitution. So it is not the minister's determination of those things. As I said, well-established practices by which, even in a province or a territory, when something has that implication, there's a determination made of whether it is constitutional in nature.

Mr. Gerrard: I ask the minister: Can he give us some examples of administrative tribunals which would have the competence to deal with constitutional law? For example, would the Manitoba Human Rights Commission have such ability?

Mr. Friesen: That member knows that it will not be me who is prejudicing the process by trying to speculate here which of those bodies would be those that would eventually have this function, should this legislation pass.

But, as he says, we have many agencies, boards and commissions, and some are far more mature, some hear far more technical questions, some have far more regular staff. And, you know, it could be supposed that those with those greater capabilities might be those that it is determined would be best suited to hear constitutional challenges.

Ms. Fontaine: How would the process work for a tribunal to be designated by regulation as having jurisdiction to decide an issue of constitutional law?

Mr. Friesen: With interaction, with determinations about their capabilities, exactly as we've discussed this afternoon. And so there has to be a recognition, as there has been, I should say, in other jurisdictions, that we have a broad array of agencies, boards and commissions, not all of whom are identical in terms of their resources, their capabilities, the technicality of the questions that they heard—that they hear. And that is why that that determination, indeed, must be made to determine which administrative tribunals would best have jurisdiction to consider constitutional and Charter issues.

Mr. Gerrard: Madam Speaker, that completes my questions.

Madam Speaker: The honourable member for St. Johns?

Debate

Madam Speaker: If there are no further questions, we will then open the floor for debate.

Ms. Nahanni Fontaine (St. Johns): So, Madam Speaker, Bill 27, The Administrative Tribunal Jurisdiction Act, addresses the ability of administrative tribunals to decide questions of constitutional law. An administrative tribunal cannot decide a question of constitutional law unless the tribunal has been designated by regulation as having jurisdiction to decide that question.

* (16:40)

A person who intends to raise a question of constitutional law in a proceeding that is to be decided by a designated administrative tribunal must give notice to specified recipients before the start of the proceeding. And the Attorney General of Canada and the Attorney General of Manitoba may make submissions in such a proceeding. And so, consequential amendments are made to several acts in this bill.

And so, Bill 27, Madam Speaker, gives the Pallister government more control over administrative tribunals. And if Bill 27 is passed, tribunals will have to be designated by regulation, which is essentially the government, to consider questions of constitutional law.

It's concerning to those of us on this side of the House that issues of constitutional law can now only be considered by a tribunal if the government says it

can and only in the matter that the government dictates.

And we are certainly seeing a theme with all of the legislation that is before the House in this particular sitting: that is, an attempt to give government more and more control over every aspect of life in Manitoba, including tribunals, Madam Speaker.

And so, the Pallister government started removing tribunal powers with the Social Services Appeal Board in 2018, and Bill 27 is the next level of control which seeks to remove these authorities for every appeal board except those that are authorized by the Pallister government.

And the net effect of these changes means that the next step could be a push for the consideration of constitutional matters solely in the courts. This increases the cost of justice, and, obviously, Madam Speaker, as is, again, the theme with this government and every member opposite, disproportionately impacts those with the least means to participate in court proceedings, financially or otherwise.

We have tribunals so that more issues can be resolved outside the court system, but the Pallister government, with Bill 27, again, with every other piece of legislation that is before us, is taking us backwards in this regard. And, absolutely, there's an absolute theme with every piece of legislation that is in the queue right now.

Of course, us on this side of the House, our NDP caucus, will stand up for affordable, equitable, accessible justice for all Manitobans and not those Manitobans that can afford it—only those Manitobans that can afford it, which seem to be the only constituents that members opposite seem to really care about.

And certainly, I don't trust—and I don't think any of my colleagues trust—the Premier (Mr. Pallister) and the Cabinet to do what is legal and to protect the constitutional rights of Manitobans. We just can't believe them.

And, you know, Madam Speaker, I was elected in 2016. And to sit in this House over these last five years and see, you know, every sitting, the things that the Premier and his get-along gang do and put into legislation and legislate on behalf of Manitobans, we can't take the Premier and the Minister of Justice (Mr. Friesen) or any Cabinet minister at their word when they try to spin and, you know, sell it to Manitobans that they're doing good on behalf of Manitobans. We know that's not true, and we know

that they have repeatedly tried to push unconstitutional legislation.

Some examples of that Manitoba—Madam Speaker, would be the Premier's wage-freeze bill, which is unfair. And he's still trying to freeze wages, even though it was ruled unconstitutional in court. So, even though the court said that what the Premier was doing was unconstitutional, it doesn't matter, he doesn't listen to anybody. He doesn't listen to anybody but himself; that's all he listens to. That seems to be all that he cares about and he's still attempting to freeze the wages of Manitobans and attempting to freeze the wages of Manitobans in a global pandemic, when we know this last year has been so hard on Manitobans. And instead of doing what's right on behalf of Manitobans, the Premier is doing everything's that wrong on behalf of Manitobans.

And if I sound tired right now, I am, actually, Madam Speaker. I don't know about my colleagues, but, man, it is tired—tiring getting up in this House, you know, all the time these five years, trying to fight the egregious legislation and the egregious things that the members opposite do to Manitobans. It's quite exhausting.

And so, Manitobans want a government to respect workers—*[interjection]*—I don't know what I said was so funny. I don't know if I missed something, but apparently I said something pretty funny. I have been known to be pretty funny at times, but not in this Chamber.

And so, you know, Manitobans want a government. Not only do they want a government, they deserve a government that treats workers fairly, that cares about the conditions in which Manitobans work, the conditions in which Manitobans pursue their life and their life journeys alongside their partners or their children, or whatever it may be.

Manitobans deserve to have a government that actually cares about them and doesn't do everything in their power to mess them over, as we've seen in these last five years since the Pallister government came into government.

I will just say, in these last couple of minutes, and probably every single time because, as the Minister of Justice said, he certainly has a lot of bills in this sitting, a lot of bills that I'm responsible for as the critic—and I've actually lost count at how many bills I'm responsible for as critic, but certainly none of them are good for Manitobans. None of them are good for Manitobans. None of the bills that we have before us,

as I've shared here, which are so many, do any good for Manitobans. And it's quite tragic.

And so I will probably, in the next couple of ones that I have—like, I think I've got, like, seven more or something like that—I will repeatedly get up in the Chamber and affirm and confirm for Manitobans just how horrible this government is and just how horrible the Premier and the Cabinet—every single one of the Cabinet members, who, as we saw in QP, got up and clapped and celebrated that their—they celebrated their boss, who, very strategically and methodically, has covered up Manitoba Hydro contracts. And they covered it up because it suits their political needs. And every single one of them clapped to that.

It's reminiscent of when every single one of them stood up and clapped for the Minister of Justice (Mr. Friesen) when he was the former minister of Health. That didn't go well with Manitobans. And I know that the Minister of Justice, you know, looks at the tweets in which he's named in those tweets, and I think that it's fair to say Manitobans are not happy with him. They're not happy with him when he was the minister of Finance. They're not happy with him when was—they're certainly not happy with him when he was the minister of Health, and he's only been in his job as Minister of Justice for, like, a couple of minutes and they're already not happy with him.

And so, you know, here we go. I'm going to be up in a couple of more minutes with more bills, more justice bills that creates a legislative regime that is so damaging to Manitobans and so restrictive and so authoritarian, and none of them seem to care. They're all fine—perfectly fine—with that.

Miigwech.

Hon. Jon Gerrard (River Heights): I have just a few words on this bill.

I think that one of the real questions here is what is a constitutional—question of constitutional law. I mean, because what this bill does is say this: that notwithstanding any other act, an administrative tribunal does not have jurisdiction to determine a question of constitutional law unless a regulation made under section 6 has conferred jurisdiction on the tribunal to determine the question.

* (16:50)

Now, when I asked about what is a question of constitutional law, it is defined in this bill as a challenge to the constitutional validity or constitutional applicability of law. So that's a challenge to the constitution. That's fairly clear.

But the second part is a determination of any right under the constitution of Canada. And the constitution of Canada has, of course, the Charter of Rights and Freedoms, and there are many, many rights, which are listed—democratic rights, mobility rights, legal rights, equity rights, language rights, and so on, and—so that many things would be encompassed by what could be, you know, rights under the constitution, so, determination of any right under the constitution of Canada, for example.

I mean, we were dealing in this Chamber not very long ago with an issue which related to the rights of people who have large bodies or people who are little people, who are small, who are dwarves. What equality rights do they have? And it could be said that this must go only to certain tribunals.

Well, I asked the minister if he could give me an example of a single administrative tribunal which would have the ability to deal with questions of rights under the constitution. And the—I was blown away when the minister could not give me a single example of an administrative tribunal which would have this competence.

And so I think that until there is better clarification of what will be matters—constitutional questions of—constitutional law questions and a better understanding of what tribunals would have—be judged to be capable of looking at questions of constitutional law, I think that we need much more in the way of information here.

I hope this becomes clearer, should this bill get to committee stage, as to some of the questions here, because it is far-reaching when we talk about what is a question of constitutional law. But that could depend on how you define it or how it will be seen in a court of law or by a tribunal.

So with those words, Madam Speaker, this bill, so far, seems to have much to be desired, but I wait to see what happens should it get to committee stage.

Thank you.

Madam Speaker: The question before the House is second reading of Bill 27, The Administrative Tribunal Jurisdiction Act.

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

Some Honourable Members: Agreed.

An Honourable Member: No.

Madam Speaker: I hear a no.

Voice Vote

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

Some Honourable Members: Yea.

Madam Speaker: All those opposed, please say nay.

Some Honourable Members: Nay.

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

Recorded Vote

Ms. Nahanni Fontaine (Official Opposition House Leader): A recorded vote, please.

Madam Speaker: A recorded having been called, call in the members.

The question before the House is second reading of Bill 27.

Division

A RECORDED VOTE was taken, the result being as follows:

Yeas

Clarke, Cox, Cullen, Eichler, Fielding, Friesen, Goertzen, Gordon, Guenter, Guillemard, Helwer, Isleifson, Johnson, Johnston, Lagassé, Lagimodiere, Martin, Michaleski, Micklefield, Morley-Lecomte, Nesbitt, Pedersen, Piwniuk, Reyes, Schuler, Smith (Lagimodière), Smook, Squires, Stefanson, Teitsma, Wharton, Wishart, Wowchuk.

Nays

Adams, Altomare, Asagwara, Brar, Bushie, Fontaine, Gerrard, Kinew, Lamoureux, Lathlin, Lindsey, Maloway, Marcelino, Moses, Naylor, Sala, Sandhu, Smith (Point Douglas), Wasyliw, Wiebe.

Clerk (Ms. Patricia Chaychuk): Yeas 33, Nays 20.

* (17:00)

Madam Speaker: The motion is accordingly passed.

Bill 3—The Public Service Act

Madam Speaker: We will now move to second reading of Bill 3, The Public Service Act.

Hon. Reg Helwer (Minister of Central Services): I move, seconded by the Minister of Finance (Mr. Fielding), that Bill 3, The Public Service Act; Loi sur la fonction publique, be now read a second time and referred to a committee of this House.

Her Honour the Lieutenant Governor has been advised of the bill, and I table the message.

Madam Speaker: It has been moved by the honourable Minister for Central Services, seconded by the honourable Minister of Finance, that Bill 3, The Public Service Act, be now read a second time and be referred to a committee of this House.

Her Honour the Lieutenant Governor has been advised of the bill, and the message was tabled.

Mr. Helwer: I'm pleased to present The Public Service Act for second reading. And this important piece of legislation, by introducing it I'm—and moving it to second reading, the government is continuing to advance transformation in the Manitoba public service, which is so important in this time of unprecedented change.

The act will enhance oversight, enshrine the fundamental 'value' and principles of the public service, foster alignment beyond core government and incorporate greater flexibility to support innovation, renewal and engagement. We have seen all of this in action during the COVID-19 pandemic: quality of service, skill and dedication, and the growing spirit of innovation and collaboration across the public service.

This act will replace The Civil Service Act because that act is 135 years old. Things have changed. Practices have certainly changed since the 19th century. Concepts and language have evolved—sometimes not for the better, but we still try.

The priorities of Manitobans have changed. New institutions and laws have been established. In response, the public service must adapt not only its programs, policies and services, but its legislation that sets the necessary foundation of values for the public service.

The act continues to recognize collective agreements and our authority and reflects the modern reality that core government bargains with more than one union.

The act continues to support accountability of decision-making through dispute-resolution mechanisms that can be established by policy, which is more aligned with other jurisdictions.

Madam Speaker, all workers in Manitoba also have access to human rights, workplace safety and health and employment standards. These—the legislation for disputes regarding discrimination, termination and payment of wages—all of these mechanisms were not in place 135 years ago, which is why our government is modernizing this important legislation to accurately reflect the laws that exist in the 21st century and reduce duplication.

The conflict-of-interest and post-employment restrictions for senior public executives are moved from The Legislative Assembly and Executive Council Conflict of Interest Act to this act and the restrictions applied to the government and government agencies specified by regulation. This act responds to recommendations made by the Conflict of Interest Commissioner in April 2018.

In closing, I'm proud to say that Manitoba will have the most modern public service legislation in Canada. The act enables a co-ordinated approach to collaboration and change across the public service, rooted in and strengthened by values. The act will better the public service overall—not just staff and core government—everyone who serves the Manitoba taxpayer, regardless of what Crown corporation, agency or public sector organization they work for.

Thank you, Madam Speaker.

Questions

Madam Speaker: A question period of up to 15 minutes will be held. Questions may be addressed to the minister by any member in the following sequence: first question by the official opposition critic or designate; subsequent questions asked by critics or designates from other recognized opposition parties; subsequent questions asked by each independent member; remaining questions asked by any opposition members. And no question or answer shall exceed 45 seconds.

Mr. Tom Lindsey (Flin Flon): I do have some questions for the minister. The first question I would ask revolves around consultation.

So, perhaps the minister could give us an extensive list of who all he consulted with before bringing in this vast change.

Hon. Reg Helwer (Minister of Central Services): You know, when an act is 135 years old, there's a lot of consultation that takes place, and it's an ongoing necessity for the public service to reflect on the times and the environment in which it operates, the values and priorities of Manitobans and the specific needs of the government.

Since The Civil Service Act was established in the 19th century, it does not actually reflect current practices, which is what we've heard from public sector. It uses outdated language and concepts, and does not include foundational values and expectations which are inherent to a modern public service.

* (17:10)

Ms. Cindy Lamoureux (Tyndall Park): My question to the minister is: Who currently appoints and fixes the remuneration of the Clerk of the Legislative Assembly?

Mr. Helwer: Thank you for the question, but I don't see where we can discuss that as part of the act. This act, as I said, replaces an act that is 135 years old. For fore—for core government departments, the act sets out modern workplace management expectations, including non-partisanship, flexibility and mobility opportunities.

Mr. Lindsey: Well, first two questions down, and so far the minister has answered none of the questions that were actually asked. I asked who he consulted with and he gave a long, rambling answer that amounted to nobody. So that's clear from this particular bill.

Can the minister then explain to us how the new public service commission will work?

Mr. Helwer: So, their—the Civil Service Commission, which is also called the board, is dissolved and the Public Service Commission is established as a branch of government whose administrative head is the public service commissioner. The act provides enabling provisions that allow government to build its administration of public service into regulations and policy.

Ms. Lamoureux: Just some background to my earlier question. In subsection 56(1) it reads in the legislation: allows the Cabinet to appoint and fix the remuneration of the Clerk of the Legislative Assembly.

So, again, my question is, who currently appoints and fixes the remuneration of the Clerk of the Legislative Assembly?

Mr. Helwer: Well, we're talking about the act that we have in front of us, and there are lots of opportunities in this act to make sure that we approach the civil service that we're dealing with in a concrete and a consistent manner and that is what we didn't have under the previous legislation that was 135 years old.

Mr. Lindsey: Normally, three strikes and you're out, but I guess that's not the case with this government.

So, I asked some questions earlier about the Civil Service Commission; so can the minister tell us how many people will be on the Civil Service Commission?

Mr. Helwer: So, the Civil Service Commission, as I answered earlier, is dissolved, and this act establishes regulation powers respecting the review of selection, classification and discipline decisions that is more aligned with other jurisdictions.

Ms. Lamoureux: I don't have a whole lot of confidence right now in the minister's answers, as I've asked the same question twice and I even referenced it in the bill—where it is found in the bill—still cannot get an answer.

So I'll move on to a new question. In the minister's opening remarks that he just shared, he said that the language in the bill has improved or modernized the legislation, but not always for the better.

So I'm curious, can he share with us an example of what he means by this?

Mr. Helwer: I think the member misheard me. We have modernized—used modernized language in the bill—but what I was referring to is the language that we use in the Legislature is not always for the better.

Mr. Lindsey: Well, I'm glad that the minister clarified that there no longer is a commission even though it's talked about in the act he's proposing. There was no language in the act that supported how the commission came into being or who was on it, so, I guess it was just a red herring piece in there just trying to throw us off the track that the commission is completely gone.

And now, could the minister tell us who will be appointing the commissioner who's the sole entity that resolves issues that the civil service board used to do?

Mr. Helwer: So the individual, the commissioner that he refers to, changes in this act. And now that it will be similar to a deputy minister, I understand, like we have now, although not the same type of a position, it—because the commissioner does not have a commission that they have jurisdiction over necessarily.

Ms. Lamoureux: I don't have any more questions, Madam Speaker.

Mr. Lindsey: I guess it was a stretch to think the minister would clearly explain how the commission is going to work, as he's unsure himself. So perhaps we could look at a different part.

And could the minister explain what some of the restrictions that will be placed on political activities of employees when this act comes into being?

Mr. Helwer: So this act is clearly aspirational. There are a lot of goals and activities that we want to make sure that all of the civil service has an option to engage in, and we want to set the threshold fairly high for how civil service will respond to residents in Manitoba.

Mr. Lindsey: Well, I would thank the minister for providing an answer if he was ever to actually provide an answer, but so far I think I got one answer in a roundabout sort of way.

So, can the minister explain to us how he believes it will work with the commissioner or the deputy minister deciding who to get laid off any time they've decided there's not enough work? What kind of due process will be involved in that decision?

Mr. Helwer: You know, I'm quite proud of the way that the civil service handled itself during the pandemic. They went out of their way and they worked long hours, evenings and weekends, and they made sure that Manitobans—Manitoba was safe.

We brought in lots of opportunities for purchasing and moving PPE around. We made sure that we have facilities available for vaccination even though we can't get vaccines from the federal government. And I think it's a real testament to how the civil service worked during this pandemic; it's a great example of how people work under duress.

Mr. Lindsey: I get the people that work presently in the civil service should be commended for working under the duress that this government has put them under, and it looks like the plan is to continue to put them under strain and stress and duress, when they talk about the commissioner or the deputy minister being able to decide who they can lay off and when they can lay off.

And I asked the minister what their—those hard-working employees' ability to due process would be, and he didn't answer the question, so would he please answer it now?

Mr. Helwer: As you well know, there were no layoffs during the pandemic. We were one of the few governments in Canada that had none. We worked closely with our partners in the unions and the civil service to make sure that we could accommodate everybody working, and many of them worked from home.

And even though the members—some of the members opposite don't like due process, we have a very good due process that, if you follow it, it works very well.

Mr. Lindsey: Clearly, the minister doesn't know what that due process is, otherwise he would have expounded on it, but I would expect nothing more from this particular minister.

So, right now there's a joint council that has a bunch of responsibilities and duties, and it's been working well, probably for 100-and-some years. But now, the minister has decided that there's only going to be a council of employers.

Can the minister explain why he's decided not to have a joint council?

Mr. Helwer: So the core public service and the broader public service can consult and collaborate under any matters under the act, for example, to ensure that their respectful work pace—workplace policies deal appropriately and 'expeditiously'—expeditiously when any complaint about workplace misconduct that involves their employees and, indeed, to increase 'workfoise' mobility opportunities across the public service.

And we've seen much of that in the pandemic, Madam Speaker, where we worked with the nurses unions and others to make sure that we had mobility available, when those people were needed, that they could move and serve Manitobans very well.

Mr. Lindsey: Just a couple more questions to flesh out the minister's lack of knowledge of the act that he's going to bring in.

* (17:20)

So, we asked about political activities that may or may not be allowed. One of the things that stands out is that civil service workers must be given time off without pay to run for political office, but one of the questions is: How much time and who gets to decide?

And it seems that that duty is left up to a deputy minister and the deputy minister himself gets to decide how much time is appropriate.

Can the minister explain why—

Madam Speaker: The member's time has expired.

Mr. Helwer: Well, you know, I'm quite thrilled that we finally get to second reading on this act and it is quite a piece of work. You've seen the size of the bill and it addresses a lot of different things that we think need to be modernized in Manitoba; 135 years of age and—for an act, is quite an age.

So I think it's prime time that we work forward, to making sure that we modernize the act to reflect the modern civil service that we have in Manitoba.

Mr. Lindsey: I fail to see any point in asking this minister any further questions, because he's either unable to answer any of them or he's unwilling to and I shudder to think that he's the minister in charge and is unable to answer those.

Thank you.

Debate

Madam Speaker: There being no further questions, then we will now move forward in debate.

Mr. Tom Lindsey (Flin Flon): Wasn't that an interesting question and lack-of-answer period that we just had?

I can't say that I've ever asked questions of any other minister and been refused to get not even one answer to a question that was asked. So I—either this minister is completely unable, or he knows there's so many bad things buried in the subtleties of this act that he's afraid to answer because he may let the cat out of the bag on one of the things that somebody hasn't picked up on that's bad in this particular piece of legislation.

So, one of the most egregious things that I can see right off the start is the whole Civil Service Commission is gone with this act. It will now be a single appointee by this government that's deciding matters that quite rightfully should be decided by a group of people that have the ability to voice dissenting opinions and come up with reasonable answers. But that's all gone.

That's all gone with this act because this government wants to be so tightly in control, and particularly of the people that work for them. They talk about this act being a modernization, but, Madam Speaker, this piece of legislation may, in fact, set workers—government workers, hard-working people—back hundreds of years in how their rights will be respected, particularly

by this government, how their rights would be protected and respected by a commissioner, as opposed to the commission.

Some of the other troubling things that I've seen in this act are things such as should be left to collective bargaining, that unions and the employer should be able to negotiate these things. But somehow this government has decided to legislate some of these very important aspects that would lead to problems going forward.

One of the most problematic things that I see is the government deciding that seniority no longer matters; that they will hire and fire people as they see fit, regardless of how long they've worked there.

So if I was a government worker today, I'd be very scared of my position, because while merit is always important and we want people working for the government that are doing the best job they can do, we don't want to see somebody laid off simply because a deputy minister decides, I don't like that person so therefore I'm going to downsize my department and then I'll upsize it a week later.

The problem with just depending on merit for promotion or keeping your job is the whole reason why seniority came into being, because it takes the whole part about favouritism and bad bosses getting even with workers—takes all that out of the equation. But this government wants to have the ability to be the bad boss that created unions in the first place.

So, you know, while the minister rambled on about modernizing this act, once again it fails to do that. It sets things back hundreds of years when it comes to labour relations and this government.

So I talked a little bit in my questions about the public service commission. Now, section 25 of this act says: the public service commission is hereby established as a branch of government for the purpose of administering this act.

But, clearly, what the minister said today was, well, in fact, there is no public service commission. All there is is a public service commissioner. So then I'm left to wonder why they put this piece in the act when they had no intention—none whatsoever—of creating a civil service commission. They're going to leave all those powers up to the commissioner.

Now, it did strike me as odd that they talked about creating a commission, but that was it. But when it came to the commissioner, it very clearly laid out what his duties were, what his responsibilities, what

his powers—his, her, their—so one had to read between the lines. And the minister finally admitted today that there will be no commission. There will be no opportunity for dissent, which really sets not just the civil service, but democracy back hundreds of years.

So there's so many other pieces in this particular puzzle, I guess I'd call it, that the government introduced as legislation, that touching on them all in 10 minutes won't be possible. I have questions about political activities and what's permitted, and I asked the minister what kind of political activities he would see as being permitted or not permitted. He didn't answer.

So what is he hiding there? Will government workers no longer be able to participate in public debate? In running for office? Because even though there are parts, of course, to talk about how a public servant can go about running, there are troubling parts that we don't know what exactly they're not allowed to do.

So, are they not allowed to take part in a public demonstration, for example? Would a strike be considered a public political activity if they're striking against the government? Would participating in anything like that be seen as, no, that's not allowed, and that's the reason for the government to out-and-out fire you.

The granting-of-leave provisions for people if they are allowed to participate in the democratic process are troubling because the deputy minister gets to decide how much time they are allowed to participate in that process. Rather than establishing upfront, now, what that time period is prior to an election, during an election, post-election, they leave it up to the deputy minister.

* (17:30)

Now, this ties back into their whole bit about putting merit ahead of anything else. I guess if you're somebody the deputy minister likes and somebody that the deputy minister thinks will play along with the government of the day that appointed that deputy minister, then you'll get some time off to participate in the electoral process. But if you're somebody that happens to have differing point of view, perhaps you will not.

There's other questions that need to be answered requiring seniority that—appointing of employees under section 55(1)(c), nothing about seniority. It's strictly based on merit which, on the surface of it, it sounds like a really good thing, right? Nobody wants

deadbeat employees kicking around, but just leaving it solely on merit is such a limiting—such a can of worms to open for abuse by the employer, in this case, this government, who doesn't have a very good track record of respecting any kind of working person and certainly no respect for their government workers that they did get rid of so many prior to the pandemic and left those workers so stressed out.

And I feel bad for anybody that works for this government, particularly with the bringing in of this new piece of legislation that, once again, undermines their rights, undermines their abilities to do their job when they're always going to be looking over their shoulder to see who's attacking them next.

Thank you.

Ms. Cindy Lamoureux (Tyndall Park): I do have just a few words to put on record.

We've heard from constituents that this legislation is being viewed as a big step backwards and believe that this highly outweighs the government's belief that this will modernize legislation.

This bill follows the government's pattern of giving them more and more power and taking it away from Manitobans and those who are in fields in which the legislation actually affects. It's these fields where power is being taken away from them, being given to the government.

We can start in subsection 36(2). The bill mentions how Cabinet may make regulations specifying political activities that are deemed to impair the ability of an employee to perform their duties in a politically impartial manner.

Madam Speaker, this is making it more difficult for people to participate in our political system. We talk lots about the benefits of participating in politics. We usually encourage people to do this, knowing that it contributes to our society and our economy and educating Manitobans throughout the province. So we don't quite understand why the government would even be talking about this unless they have something already planned or in mind.

Madam Speaker, the word activities is also unclear. What do the activities include? This government should have to clarify their terms before putting them into legislation, and when we asked questions about it, the government—or, the minister, wouldn't clarify the terms.

Madam Speaker, we're curious if public workers will still be able to hold constituency association

positions. Is this government planning to ban public workers from sitting on constituency associations? There are just too many questions.

And if a senior public executive staffer leaves government, they can get a contract with the government as long as the Cabinet approves it. This is completely biased and makes us again wonder, who is this legislation actually written for? Clearly, the government has something or maybe some specific people in mind. Why would the Cabinet have the authority to waive these big decisions, legislation, such as skipping the one year before getting a contract?

Subsection 55(1), Madam Speaker, it's also concerning. These are decisions—there's decisions going to be made based on merit for the broader public service. This government is trying to override decision-making powers on factors that will immensely affect health authorities, school divisions and Crown corporations.

Madam Speaker, this legislation needs to explain how merit will be determined because right now, it is very vague and could be used as favourable for Cabinet and the government, as we've seen it happen. You know, during the question portion of this legislation, I referred several times to subsection 56(1), allowing the Cabinet—and I'm reading it word for word here—allows the Cabinet to appoint and fix the remuneration of the Clerk of the Legislative Assembly.

And when I asked the minister responsible for this legislation who currently appoints and fixes the remuneration of the Clerk of the Legislative Assembly, the minister did not have an answer. And I asked several times. And so it is alarming that (1) he is not sharing the answer, and it is almost more alarming if the minister doesn't actually know what the answer is, yet he's proposing this legislation. It—just a lot of concern.

So the last thing I want to talk about is subsection 62–60 part (2), Madam Speaker, talking about a political staff member having to comply with the code of conduct and any prescribed workforce management policies and restrictions on political activities. Would restrictions for political activities be different for political staff as compared to the limitations that will be set for workers in public service? This is very unclear and it's very unfair.

Tell us what these prescribed workforce management policies and activities are. If he can't share what

these specifically are, again, it shouldn't be in the legislation. We need to be able to have a thorough debate on them. It's not fair for the minister to say, we get to define activities and not tell you what activities include.

We need to know these things before we can actually debate the legislation in full because the way it reads is anyone working in politics would then not be allowed to engage in politics outside of their job.

Madam Speaker, there's just too much that needs clarification in this legislation, so we will not be supporting it.

Madam Speaker: The question before the House is second reading of Bill 3, The Public Service Act.

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

Some Honourable Members: Agreed.

Some Honourable Members: No.

Voice Vote

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

Some Honourable Members: Yea.

Madam Speaker: All those opposed, please say nay.

Some Honourable Members: Nay.

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

Recorded Vote

Mr. Matt Wiebe (Concordia): Madam Speaker, a recorded vote, please.

Madam Speaker: A recorded vote having been called, call in the members.

* (17:40)

The question before the House is the second reading of Bill 3, The Public Service Act.

Division

A RECORDED VOTE was taken, the result being as follows:

Yeas

Clarke, Cox, Cullen, Eichler, Ewasko, Fielding, Friesen, Goertzen, Gordon, Guenter, Guillemard, Helwer, Isleifson, Johnson, Johnston, Lagassé, Lagimodiere, Martin, Michaleski, Micklefield, Morley-Lecomte, Nesbitt, Pedersen, Pivniuk, Reyes,

Schuler, Smith (Lagimodière), Smook, Squires, Stefanson, Teitsma, Wharton, Wishart, Wowchuk.

Nays

Adams, Altomare, Asagwara, Brar, Bushie, Fontaine, Gerrard, Kinew, Lamont, Lamoureux, Lathlin, Lindsey, Maloway, Marcelino, Naylor, Sala, Sandhu, Smith (Point Douglas), Wasyliw, Wiebe.

Deputy Clerk (Mr. Rick Yarish): Yeas 34, Nays 20.

Madam Speaker: The motion is accordingly passed.

Bill 10—The Regional Health Authorities Amendment Act (Health System Governance and Accountability)

Madam Speaker: I will now call Bill 10, The Regional Health Authorities Amendment Act (Health System Governance and Accountability), the second reading.

Hon. Heather Stefanson (Minister of Health and Seniors Care): Madam Speaker, I move, seconded by the Minister of Finance (Mr. Fielding), that Bill 10, The Regional Health Authorities Amendment Act (Health System Governance and Accountability); Loi modifiant la Loi sur les offices régionaux de la santé (gouvernance et obligation redditionnelle au sein du système de santé), be now read a second time and be referred to a committee of this House.

Her Honour the Lieutenant Governor has been advised of the bill, and I table the message.

Madam Speaker: It has been moved by the honourable Minister of Health, seconded by the honourable Minister of Education (Mr. Cullen), that Bill 10, The Regional Health Authorities Amendment Act (Health System Governance and Accountability), be now read a second time and be referred to a committee of this House.

Her Honour the Lieutenant Governor has been advised of the bill, and the message is tabled.

Mrs. Stefanson: I do want to start off by just thanking my predecessor, the now-Minister of Justice (Mr. Friesen), for much of the legwork that took place with respect to this bill. I know it has been introduced in the Chamber a couple of times before—it was maybe held up through some things with the opposition—but I'm pleased to be here to provide second reading comments to Manitobans today.

Numerous studies of Manitoba's health system have concluded that the health system is overly complex and, in many cases, acts as a barrier to

effective and efficient delivery of services. Madam Speaker, those studies include the Provincial Clinical and Preventative Services Planning for Manitoba report, also obviously known as the Peachey report, which we've heard about on numerous of—occasions in this Chamber, the health sustainability and innovation review, and the Wait Time Reduction Task Force.

* (17:50)

All these reports have correctly concluded that our health system is not—was not delivering the results Manitobans expected and deserve for the size of investment obviously being made in the province, Madam Speaker. Funding for health care increased by 97 per cent between 2003 and 2016 in Manitoba, yet we remained at or near the bottom in the—number of categories of patient care.

Manitobans expect—rightly so, Madam Speaker—and deserve better health care sooner. They want more of a patient-focused, sustainable and efficient system that will result in improved and effective health services for Manitobans. This is why our government is transforming and modernizing the health-care system.

The amendments we're introducing today support our plan. This bill will rename The Regional Health Authorities Act as The Health System Governance and Accountability Act. Madam Speaker, this renaming of the act reflects the role of the legislation in the organization, management and oversight of the provincial health-care system.

This bill supports the health transformation principles of improved and effective health-care services; role clarity; accountability for the seven major organizations that provide health services in Manitoba, which are the five regional health authorities, Shared Health and CancerCare Manitoba.

Madam Speaker, clarifying the respective roles and organizations involved in the delivery and administration of health care are foundational to the success the overall—of the overall transformation.

Mr. Doyle Piwniuk, Deputy Speaker, in the Chair

This bill streamlines the legislation so that each of the seven major health-care organizations operate under one piece of legislation. Shared Health, working with the regional health authorities and CancerCare Manitoba, will lead provincial planning and the integration of clinical and preventative services and

provide co-ordinated clinical and administration—and administrative support services.

In addition, Mr. Deputy Speaker, as recommended in the VIRGO report, the proposed legislation will transfer the operations of the Addictions Foundation of Manitoba to Shared Health, with some addiction services to regional health authorities, on a date to be set by proclamation. It is planned that this transfer will occur within the next two years. These changes will enable the integrated planning, delivery and performance measurement of mental health—addiction services within Shared Health.

For CancerCare, Mr. Deputy Speaker, the organization will continue to have the same responsibilities, duties and authority to—that exists under the CancerCare Manitoba Act.

This legislation will also ensure CancerCare works with Shared Health and the regional health authorities to provide more seamless care for Manitobans, wherever they live in our province.

As a result of this legislation, Mr. Deputy Speaker, CancerCare will be able to focus its resources on the delivery of vital health services and life-saving cancer drugs to Manitobans because it will be able to save money by using more efficient shared clinical and administrative support services provided by Shared Health.

Overall, Mr. Deputy Speaker, the amendments will also require that all accountability agreements be published on the health authority websites, as well—the Manitoba Health and Seniors Care website, to ensure transparency for the public.

This legislation will also enable the standardization of service purchase agreements, and ultimately, Mr. Deputy Speaker, other jurisdictions in Canada and across the world have achieved significant improvements to patient care and system sustainability by implementing similar changes that realign the health system with the actual health needs of the population.

So, Mr. Deputy Speaker, these changes will simplify the system, allowing for increased focus on the delivery of service across the province and—consistent with standards of care for all Manitobans. So we look forward to passing this bill through to committee.

Questions

Mr. Deputy Speaker: A question period up to 15 minutes will be held. Questions may be addressed to the minister by any members of the following sequence: first question by the official opposition critic or designate; subsequent questions be asked by the independent members; remaining questions asked by an-opposition members; and no questions or answers shall exceed 45 seconds.

MLA Uzoma Asagwara (Union Station): Can the minister advise as to whether or not they consulted with the Manitoba Nurses Union when drafting this legislation, or any other nurses' unions—or, health-care unions, rather?

Hon. Heather Stefanson (Minister of Health and Seniors Care): A good question from the member opposite. Yes, nurses were consulted with respect to this legislation, as were doctors, as well as other health-care professionals, clinical leads and so on, Madam Speaker—or, Madam—or, Mr. Deputy Speaker. Sorry.

Mr. Deputy Speaker: The honourable member for River Heights?

If the honourable member for River Heights can unmute his—

Hon. Jon Gerrard (River Heights): My mistake. There we go.

I ask the minister: is this precisely the same bill that was introduced December 2nd, 2019?

Mrs. Stefanson: There were—there was one change as a result of some discussions with and consultation with Doctors Manitoba, in terms of—just—I'm just looking for it here, Mr. Deputy Speaker—and it was essentially to add the subject—make it the fee-for-service based—the subject of a dispute-resolution mechanism in the master agreement with Doctors Manitoba entered into pursuant of section 74 of the act.

So that was added to the legislation subsequent to the one that was previously introduced.

MLA Asagwara: I'm not sure if the minister heard my first question correctly, but I'll ask it again: can the minister advise if they consulted with the Manitoba Nurses Union and other unions that represent health-care workers in the drafting of this bill?

Mrs. Stefanson: Mr. Deputy Speaker, we consult with Manitoban Nurses Union and other unions all the time with respect to things that are changing within

the health-care system. I've had numerous discussions, personally, with Ms. Jackson from the Manitoba Nurses Union, yes.

Mr. Gerrard: Yes. My second question is with regard to the organization of mental health and addictions. It looks like the government has hints of a transformation.

Can the minister tell us who is in charge of mental health and addictions, and what is the status of—what's the nature of the organization currently?

Mrs. Stefanson: I'm very proud of the fact that our Premier (Mr. Pallister) and our government has introduced a new ministry responsible for 'mental' health and addictions. And I want to thank minister—the minister responsible for that area for all that she is doing right now to provide those mental health and addiction services to Manitobans.

We know that—of the importance of this, and that's exactly why our Premier has introduced a new minister responsible specifically for this area.

MLA Asagwara: This bill establishes exemptions to FIPPA for standards committees, but the activities of standards committees are so broad to encompass almost any kind of review. Does the minister intend to exclude the activities of the transformation management office from freedom of information?

Mrs. Stefanson: We're proud of the fact that we've made, you know—of—we've made a much more open and transparent process with respect to how things are done with respect to FIPPA. I know that we have legislation before the Chamber now with respect to this specific area, and I know that members opposite will have the opportunity to ask questions of that minister as well.

Mr. Gerrard: Yes. I ask the minister: within Shared Health, who is the senior person with the direct responsibility for just mental health and addictions, as opposed to the whole Shared Health? Who's in charge, and what's the organizational structure below that person?

* (18:00)

Mrs. Stefanson: So, right now, the—it would fall under Shared Health, which does fall under the purview of the minister responsible—like, my ministry, but certainly, there, we share. We look at a whole-of-government approach to this as well and just very excited that, you know, to work with minister of mental health and addictions and wellness, Madam Speaker—or Mr. Deputy Speaker.

So I think it, you know, technically falls under us, but we work as a whole-of-government approach, and I'll work very closely with the minister of mental health and addictions to ensure that we deliver those services to Manitobans when they need it.

MLA Asagwara: This decision around FIPPA, in terms of the standards committees, does not actually enhance transparency and accountability. So I'll repeat my question because I didn't quite get the answer—or an answer on this from the minister.

Does the minister intend to exclude the activities of the Transformation Management Office from freedom of information?

Mrs. Stefanson: No, that's not our intention.

Mr. Gerrard: I'm sorry—sad that the minister was not able to ask—answer my question as to who inside Shared Health is in charge of mental health and addictions.

But let me move on and ask about cancer care. I want to find out a little bit about what of the original CancerCare act is continued in the current Bill 10. For example, under the CancerCare act, there was very specific provision for CancerCare Manitoba to be involved in long-term planning for provincial cancer control.

Does this continue under the new Bill 10?

Mrs. Stefanson: CancerCare will continue to be responsible for cancer care in the province of Manitoba and—but we'll 'lork'—work collaboratively under shell—Shared Health to ensure that we can maximize the service delivery across the province.

MLA Asagwara: How does the government—how does this minister plan on addressing the current vacancies in Winnipeg hospitals?

Mrs. Stefanson: Certainly, this is an ongoing issue and we'll continue to work with stakeholders and the communities to ensure that we look to—towards filling those vacancies.

You know, I've worked very closely with those at, you know, within the departments. I've asked them to come up with a strategy and a plan to ensure that we fill these vacancies and we're committed to moving in that direction.

Mr. Gerrard: To the minister, in the original CancerCare act there were the responsibility for bylaws under the CancerCare act, and I'm just wondering, do those bylaws which were there under

the original CancerCare Manitoba Act, do they continue under Bill 10?

Mrs. Stefanson: Yes, I believe that that is the case.

MLA Asagwara: Mr. Deputy Speaker, we know that nurses are more stressed out now and overworked than we've seen in many, many years. They feel less safe at work. They feel less respected. They feel disrespected by this government. They have less job satisfaction. Morale is very low. I know this because I speak with nurses in all fields on an almost daily basis.

Can the minister explain how her government's plan—can the minister explain if her government has a plan and, if so, what that plan is to better respect Manitoba nurses and repair the damaged relationships so that we don't risk losing qualified health professionals due to burnout?

Mrs. Stefanson: Well, I think this is a prime example of why there is a need to transform health care in the province of Manitoba and why we need this Bill 10 to pass through the Manitoba Legislature to allow the transformation to take place.

I just want to take a—the opportunity to thank all nurses in the province, especially during these very difficult times during our COVID pandemic. They have gone beyond—above and beyond to help Manitobans, in terms of safety, and we will continue to work with them to ensure the safety of all Manitobans.

Mr. Gerrard: To the minister, I can see that at the present time, we continue to have the regional health authorities, like the Winnipeg Regional Health Authority, active and operating, even though we have Shared Health. What is the minister's plan on an ongoing basis? Will the regional health authorities continue to be there, or will they just be some sort of regional service?

Mrs. Stefanson: Yes, the five regional health authorities will continue to deliver services to Manitobans, and that will be the concentration of what they will do and what their role is.

The role under Shared Health is to ensure that we can streamline some of the administration and take, you know, and help on that side of things to be able to free up more dollars to spend on the front-line delivery of services through the regional health authorities.

MLA Asagwara: So, Mr. Deputy Speaker, although the government claims that wait times are going down, we know for a fact that that's actually not true. So I'm wondering if the minister can explain how this

bill would help reduce wait times in Manitoba emergency rooms.

Mrs. Stefanson: Well, I think streamlining the system by better co-ordination through Shared Health and freeing up dollars to the regional health authorities to provide better service delivery in and of itself is why we are doing this transformation, to ensure that there's better health care sooner for Manitobans.

We have seen—and some success with respect to a reduction of wait times prior to COVID. Obviously, COVID has had a, you know, an impact on our province and we are—continue to work those challenges. We'll continue to work with all of the stakeholders to ensure that we get back to a place where we can reduce those wait times again.

Mr. Gerrard: To the minister, there is currently some confusion as to the relative roles of the regional health authority and Shared Health. I wonder if the minister could clarify the difference between what the two are doing.

Mrs. Stefanson: So again, Shared Health, Mr. Deputy Speaker, is responsible for, essentially, the co-ordination of the services, and then the regional health authorities are responsible for the delivery of those services within the province.

MLA Asagwara: Can the minister share with us if the bill includes the transition that laboratory and diagnostic services would be placed under Shared Health?

Mrs. Stefanson: Yes, that's correct.

Mr. Gerrard: I wonder if the minister could explain the organizational structure under the delivery of preventive health services.

Mrs. Stefanson: Through our preventative clinical services plan, Mr. Deputy Speaker, those services will be delivered throughout the province of Manitoba. There's probably not enough time within this question period to be able to get into the overall structure, but I'd be happy to share that with the member opposite.

MLA Asagwara: Can the minister assure—I guess, ensure—but assure us that Shared Health—under Shared Health, rather, that the services offered by the Addictions Foundation of Manitoba will not be lost and, if so, how?

Mrs. Stefanson: I want to thank the member for the question and certainly the Addictions Foundation of Manitoba has done incredible work, and we want them to continue to deliver those services to Manitobans. So we will continue to assure that they

function as is on—from—when it comes to the delivery of services to those Manitobans who need it—still under Shared Health, but the delivery of services should not change.

Mr. Gerrard: Yes. Under the original CancerCare act, there was a requirement for an annual health plan and report from CancerCare Manitoba.

Will there continue to be a CancerCare plan and report, or will it just be under Shared Health?

* (18:10)

Mrs. Stefanson: Thank the member for the question. I mean, we will continue to work with those at CancerCare Manitoba and certainly look for updates from CancerCare Manitoba on a regular basis.

So I think what's important in all this is that we ensure that they continue to deliver the services to those Manitobans who are suffering from various forms of cancer in the province of Manitoba. We want to ensure that they have the capacity to be able to deliver those services in a timely fashion for all Manitobans.

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

Debate

Mr. Deputy Speaker: I will now recognize the honourable member for Union Station for debate.

MLA Uzoma Asagwara (Union Station): I'd like to thank the Minister of Health for—I know she's been working very hard to learn up on the file, and I want to thank her for being accessible when I've had questions, for her office working, you know, well with my office. I can speak to that—specifically, answering questions in a timely manner. That's very much appreciated, certainly by the constituents that I represent. And I want to acknowledge that this bill was first brought forward by the former minister of Health.

This isn't a bill that we can support, Mr. Deputy Speaker. Bill 10 is a bill—actually, before I even get into why Bill 10 isn't a good bill and why Bill 10 is going to continue to disrupt and make a mess of our health-care system—even more so than this government has already done before the introduction of this bill—but certainly, this piece of legislation will definitely and already is, quite frankly, impacting rural communities, northern communities.

But before this was even introduced, the government had already made a mess of our health-care system. Cuts; closures of emergency rooms; firing

hundreds of nurses; treating our health-care workers as if they don't have the expertise that they possess; generalizing nurses as if they don't invest copious amounts of time and personal resources into specializing in the areas that they do; to be blunt, disrespecting nurses; disrespecting our health-care workers: these are decisions that this government has been making since they took office.

The failed former minister of Health—there's so much I could say about the harm that he has inflicted on health-care workers, some of which he could have rectified by offering a simple apology, Mr. Deputy Speaker. But in keeping with the pattern of his leader, he puts ego before the betterment of Manitobans—*[interjection]*

Mr. Deputy Speaker: Order. Order.

MLA Asagwara: —which is disappointing.

Mr. Deputy Speaker, we are in a position now in this pandemic where we have to be hopeful. There's vaccines in front of us. Manitobans are hopeful. And I'm going to put this on the record as well that I am hopeful that under this new Minister of Health, there will be a level of collaboration, meaningful consultation and relationship-building happening that will benefit Manitobans in this health-care system. That's my hope and I mean that sincerely, because Manitobans depend on that. They need that.

This piece of legislation affords the Minister of Health tremendous powers—the ministry of Health tremendous powers and responsibility, so much so that their reach, you know—and we've—I've said this before in this House—their reach could see a level of interference in the decision-making of health authorities. It could remove from the ability of folks at a local level to have meaningful and constructive input into terms—in terms of how they're able to have good health care close to home, as close to home as possible, which is of huge concern.

The fact that this piece of legislation would allow for standards committees that are established to be exempt from FIPPA is highly concerning. That's not in keeping with this narrative that this government keeps spinning about them wanting to be more transparent and accountable. That is not in keeping with that narrative at all, Mr. Deputy Speaker, and it's very concerning and it should be concerning.

It's hard enough now to get some information through FIPPA's. Standards committees should not be exempt from being able to access the information in

terms of what they're doing, and that was a concern that we've expressed previously.

Ultimately, what this piece of legislation does is it gives the Cabinet, it gives the minister more power and it gives the actual folks who are delivering health care less. Those folks who have the expertise, those folks who have put in the time and who need the resource to be supported to deliver the best care they possibly can, have less ability to do so, even in terms of being able to purchase the equipment that they may need in order to make their facilities run better and provide better care.

Ultimately, we know that what this bill does is it supports the Pallister government's agenda of maintaining cost-cutting: more cuts, more cuts, more cuts. It will exacerbate the vacancies that they have failed to fill. It will perpetuate our health-care workers and health-care experts leaving the health-care system. It will put barriers in place that will preclude folks from wanting to enter our health-care system and have long, successful careers in our health-care system.

We are already seeing that now. We already know that health-care workers are leaving Manitoba. They're leaving our health-care system, and it's certainly not going to help us with the recruitment and retention of health-care workers in the areas where it's desperately needed, like rural health. Not that it's not needed in Winnipeg, because it is, but certainly in rural health, in northern communities.

You know, during this pandemic we've seen that they've been proceeding with phase 2 of their health-care transformation. They've made cuts to rural emergency rooms and diagnostic centres. You know, we've seen important closures to services like CancerCare outpatient services at Concordia and Seven Oaks, which forces folks to travel further from home to get the care that they need, which is totally unacceptable, especially during this pandemic, Mr. Deputy Speaker.

And, ultimately, what we're going to see as a result of this legislation being enacted, is what we've already seen. We are going to see that folks, because they don't have access to the care they need close to home in a timely manner, we're going to see the trend that we saw actually before this pandemic even reached Manitoba, and that is that people were presenting sicker to emergency rooms, more frequently acutely unwell, and the impacts that has on our health-care system long term are going to be astronomical, and the impact that's going to have on communities across Manitoba are going to be devastating.

A concrete example of the impacts of this government's cuts and failure to listen to those who provide direct care and failure to adequately support those who are in our health-care system is what we've seen at places like Parkview Place Long Term Care, or Maples Personal Care Home, situations that we have to work and commit to never, every happening again here in Manitoba.

And that's going to require a rethink. It's going to require a shift away from pieces of legislation like Bill 10 that centralize power with a government that has been unwilling, to this point, to meaningfully engage with stakeholders across the system in order to ensure that we're moving our health-care system in the direction that does, in fact, do what the minister is saying this bill would contribute to, which is streamlined health care, make it more accessible and close those gaps.

* (18:20)

And so, unfortunately—it would be nice, actually, Mr. Deputy Speaker, to see this government put forward health-care-based legislation that would really support Manitobans and that we could all get behind in this House. Unfortunately, Bill 10 is not that piece of legislation, but I will say that I'm going to remain hopeful that with this new Minister of Health, there is an opportunity to work collaboratively to meaningfully engage and consult, and do right by our health-care workers and the citizens of Manitoba in our health-care system.

Thank you.

Hon. Jon Gerrard (River Heights): I want to talk about Bill 10 and the ramifications of this bill. First of all, this bill, with only minor modifications since, was first introduced December 2nd, 2019—so that's a year and a half ago, roughly, now. It was debated at second reading last year, but then the government decided that it was going to take June, July and August off, and so the bill sat there.

This is an important bill, and it has taken five years to get to this point from where we are now. One has to ask why this government took so long.

Now, I'm going to address several things: first of all, the CancerCare Manitoba and concerns that the CancerCare network—especially network as it now organized—will suffer. It has done—CancerCare has been unquestionably the best specialist network that we have.

It has got outreach centres around the province. It is organized well so that there are centralized epidemiology and research and forward-planning, as well as the clinical care organized so that while the protocols can be set up centrally, a lot of the care can be distributed all over the province and carried out all over the province under very high standards.

I am concerned that CancerCare will—whether CancerCare will be able to adequately continue in the future. I hope so. I hope, in fact, that the organization of CancerCare can, in fact, be a model for some other specialist networks around the province to be able to deliver care.

Second aspect that I want to talk about is the relevance of the principle of subsidiarity, and that is that actions, management, care be looked after at the level where it is most appropriate to look after it. And we see that there are certain functions which need to be done at the provincial level: procurement; specialist networks, looking after them; some emergency services; following up on medical errors; having an oversight with regard to research provincially and provincial prevention services. That is the framework for the delivery of prevention services in an effective way.

The government has set up Shared Health to do this. This is, in fact, an additional layer of bureaucracy. They continue to have the regional health authorities, as well as the local community hospitals and care homes.

The—what—we believe it would be smarter, instead of another layer of bureaucracy, that the Manitoba Health directly deliver those services which are critical provincially and that, rather than have the requirement, as we have now, for the regional health authorities, that there could be much more local control and local control, and local hospitals and local care homes under the frameworks provided provincially to ensure high-quality care. So we see that the government has actually increased the level of bureaucracy in Health, rather than decreasing it and rather than 'streamlikening', and we're sorry that that's what the government has chosen to do. Even as they talk one way about reducing bureaucracy, they continue to increase it.

I want to talk a little bit about what happened under the COVID pandemic. There was clearly poor preparation for the second wave, that the organizational structure was not as good as it could have been. The attention to preparation for the second wave was nowhere near what it should've been. I see

good clinical research in hospitals, in intensive-care units, going on in Manitoba, but I don't see the preventative research, which could have helped a lot, being followed up and performed with a central view as to ensuring that the options for improving prevention were thoroughly studied, investigated and implemented here in Manitoba.

We had huge problems in personal-care homes. The standards for personal-care homes were not what they should have been. That is partly the fault of the NDP government over many years and partly the fault of the Conservative government, which didn't pay attention to personal-care homes and ensuring that the standards and approaches to having people work in personal-care homes were there in a way that would have been much more effective than has happened.

We think that the government has a long way to go in terms of improving the situation in personal-care homes, and that is something that we'll be watching very closely, including, as we have proposed—my colleague, the MLA for Tyndall Park, has been a long-time advocate for many years for a seniors advocate in the province, and we had a forum just last night, in fact, talking about the steps that need to be taken to really get this implemented well, including a virtual Zoom meeting which involved BC's seniors advocate to help us better understand the situation there.

There is clearly a need to make major strides in mental and brain health, including addictions. The situation at the present time is—clearly leaves a lot to be desired. There are long waits for detox because there isn't adequate service in this area. There are big gaps in helping those with addictions.

The situation with eating disorders—the wait times are very, very long at the moment. And, clearly, the government has not been very quickly responsive in this area. I mean, one of the things that you really need to do is to have a government which is going to be able to respond as a situation changes, and eating disorders—not just here, but elsewhere—have increased, and yet the government has not provided an approach that would address this. And so instead of it being well addressed and people being well served, you have long, long and longer wait times—I think about two years at the moment.

So there is a lot to do in mental and brain health and addictions. It is, of course, a challenge for the new minister, and I wish her well, but I was disappointed that the overall Minister of Health, the MLA for Tuxedo, was not better able to provide details of, you know, who within Shared Health was responsible for

mental health and addictions and brain health, and more about the organizational structure and how this was working so it would actually solve some of the critical issues which exist today.

* (18:30)

When I spoke a year ago on this bill at second reading, as it was then, I mentioned that there had been a young lady who had died as a result of suicide: Tyler–Taylor Pryor. We're still waiting for a report and some major changes to health care as a result of the unfortunate things that happened in her care, and I hope that will be forthcoming and that the minister can release such a report in the near future to let us know what is happening.

With those comments, I look forward to this moving on. We will not support it because we don't believe this is the right approach, but we are all—

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

The question before the House is second reading of Bill 10, The Regional Health Authorities Amendment Act (Health System Governance and Accountability).

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

Some Honourable Members: Agreed.

Some Honourable Members: No.

Voice Vote

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

Some Honourable Members: Yea.

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

Some Honourable Members: Nay.

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

Recorded Vote

Ms. Nahanni Fontaine (Official Opposition House Leader): Deputy Speaker, a recorded vote, please.

Mr. Deputy Speaker: A recorded has been requested. Call in the members.

The question before the House is bill—second reading of Bill 10, The Regional Health Authority Amendment Act.

Division

A RECORDED VOTE was taken, the result being as follows:

Yeas

Clarke, Cullen, Eichler, Ewasko, Fielding, Friesen, Goertzen, Gordon, Guenter, Guillemard, Helwer, Isleifson, Johnson, Johnston, Lagassé, Lagimodiere, Martin, Michaleski, Micklefield, Morley-Lecomte, Nesbitt, Pedersen, Reyes, Schuler, Smith (Lagimodière), Smook, Squires, Stefanson, Teitsma, Wharton, Wishart, Wowchuk.

Nays

Adams, Altomare, Asagwara, Brar, Bushie, Fontaine, Gerrard, Kinew, Lamont, Lamoureux, Lathlin, Lindsey, Maloway, Marcelino, Moses, Naylor, Sala, Sandhu, Smith (Point Douglas), Wasyliw, Wiebe.

Deputy Clerk (Mr. Rick Yarish): Yeas 32, Nays 21.

* (18:40)

Mr. Deputy Speaker: The motion is accordingly passed.

Bill 11—The Workplace Safety and Health Amendment Act

Mr. Deputy Speaker: I will now call on Bill 11, The Workplace Safety and Health Amendment Act.

Hon. Scott Fielding (Minister of Finance): I move, seconded by the Minister of Justice (Mr. Friesen), that Bill 11, The Workplace Safety and Health Amendment Act, be now read—second time and be referred to the committee of the House.

Motion presented.

Mr. Fielding: I am pleased to rise today to provide some comments on Bill 11.

The bill makes a variety of amendments to The Workplace Safety and Health Act that are—streamline and strengthen program services offered under the act and lessen administrative burden.

The bill addresses unnecessary duplication of injury prevention oversight and reporting between SAFE Work Manitoba and the chief prevention officer of Manitoba by eliminating the position of chief prevention officer.

The bill also protects—the bill clarifies protections offered under the workplace health and safety act and eliminates confusion with The Human Rights Code by

replacing the term 'discriminatory' action with reprisals without changing its meaning.

Bill 11 strengthens the deterrent for most serious contraventions and better aligns Manitoba with other jurisdictions by increasing maximum penalties, Mr. Deputy Speaker, for offences under the act, from \$250,000 to \$500,000 for the first offence and \$500,000 to \$1 million for a second offence and subsequent offences.

The bill also closes gaps in the availability—available mechanisms for collecting penalties amongst—amounts that have been levied by courts for purposes of workplace injury, illness and prevention, as well as education.

Additionally, the bill introduces several new provisions. The first provision introduces a six-month time limit to file a reprisal complaint in order to help ensure timely investigations and resolving of such issues.

The second provision allows the director to dismiss appeals of an officer's order or an appeal of an officer's decision related to a complaint, where the appeal or the original complaint is deemed to be frivolous or 'vexous'. Where such a dismissal has been made, the matter would now be appealable to the Manitoba—would not be appealable to the Manitoba Labour Board.

Thank you, Mr. Deputy Speaker.

Questions

Mr. Deputy Speaker: A question period up to 15 minutes will be held. Questions may be addressed to the minister by any member of the following sequence: the first question by the official opposition critic or designate; subsequent questions asked by each independent member; remaining questions to be asked by opposition members. And no questions or answers shall exceed 45 seconds.

Mr. Tom Lindsey (Flin Flon): Well, I do have some questions to ask.

My first question is, can the minister explain why clause 37(1)(d) is amended in the workplace health and safety act by striking out the right for a worker to appeal a decision by a safety officer on a right to refuse?

Hon. Scott Fielding (Minister of Finance): The person could appeal, obviously, to the director—nature of these types of things, so we think that's an important measure to address accountability.

Ms. Cindy Lamoureux (Tyndall Park): The bill reads: The bill is amended to disallow the ability to appeal a claim determined as frivolous or vexatious.

Would the minister share with us an example of what would be determined frivolous or vexatious in the workplace?

Mr. Fielding: Well, thank you Madam Speaker, and—or, Mr. Deputy Speaker, rather. Number one, complaints are taken seriously, obviously, in all natures, but there is times where other, you know—some complaints aren't considered as serious and that's really discretion of the director. This will allow us to focus more on targeted types of investigations and what have you, as opposed to serious complaints.

And that's why, Madam—Mr. Deputy Speaker, we're proud of the fact that 'ponless' has gone down from us in terms of from when the former government were running the government in 2000.

Mr. Lindsey: You know, this government had an opportunity to do some good things with this legislation, over and above a couple of things that they did that aren't bad.

Can the minister explain why they didn't take this opportunity to mandate a comprehensive strategy to tackle asbestos, the No. 1 cause of occupational deaths in Canada, including the creation of the full list of public buildings that have asbestos and mandatory training standards for workers doing asbestos removal? They had the opportunity; why didn't they take it?

Mr. Fielding: The legislation, of course, is a review that's done every five years. The former minister's Advisory Council on Workplace Safety and Health completed its review, including public consultations, Mr. Deputy Speaker. The advisory council consists of labour, employer, technical representatives that make up this council.

There was a number of recommendations which we're moving forward on which we think could make some sense. That may be something that we could consider at a future time as there is reviews, but we want to make something that makes sense, that streamlines the legislation, which also provides some levers of support, not just for businesses but also labour; a balancing act.

Ms. Lamoureux: I'm just going to try to rephrase my question.

The minister said that there would be times when workplace injury claims are not taken as seriously. So

I'm just wondering if the minister could share with us what an example of this may look like.

Mr. Fielding: Yes, it's for any frivolous—or, acts that look like that. Each would be taken seriously and investigated for their merit, but there is a discretion that is given to the director; we think that makes some sense.

We do take all complaints seriously, but is there discretion for some of our professionals that are there to make those determinations.

Mr. Lindsey: You know, once upon a time there was a joint advisory committee that—between workers and managers and government regulators, making recommendations on how to make the workplace health and safety act better. This government did away with that joint committee, and so some of the things that they missed in making this act better was better training for worker and employer health and safety committee members.

Can the minister explain why they don't want safety committees to have better training?

Mr. Fielding: And as mentioned, in terms of legislative committee that was established, that's there, there's a review every five years, so we would obviously constitute different initiatives that make some sense. SAFE Work Manitoba, of course, under the leadership of Jamie Hall, has an oversight committee that is made up, through Workers Compensation Board, of labour, employers, as well as technical officials that will be able to provide some work as it respects to that.

And again, to—further to the member's point, this committee will be reconstituted or—committee similar to this will be reconstituted when the review comes in after five years.

Ms. Lamoureux: How is the minister going to support SAFE Work Manitoba to do what the chief prevention officer currently does?

Mr. Fielding: Of course, the chief prevention officer, the role, that was put in place before the creation of SAFE Work Manitoba. So, that work obviously is done through SAFE Work Manitoba so there is a bit of a duplication that does happen there.

The chief preventative officer's role is incorporated in Mr. Hall's FIPPA role at SAFE Work Manitoba.

Mr. Lindsey: The minister earlier alluded to the advisory council on workplace health and safety that

used to be in place, that this government did away with, that made recommendations. And he alludes to the fact that, well, they're going to make recommendations again.

I don't know how they can when they don't exist anymore. The five-year plan that the minister talked about expired a year ago and there should've been a new five-year plan in place at that point in time, so who's going to develop the new five-year prevention plan and when can we expect to see it?

* (18:50)

Mr. Fielding: No one would have thought that an opposition party would 'filibust' a number of bills, including this bill in the last legislative session, when there's a hundred-year pandemic, so I cannot control when further legislation can come because I don't know if the opposition will be 'filibusting' all legislation.

After all, the pandemic is still on.

Ms. Lamoureux: I don't have any further questions. Thank you.

Mr. Lindsey: What an answer we just heard from the minister. He's been in the government for a number of years now; he's had the opportunity to actually make the workplace health and safety act better, missed that opportunity, tries to blame us for his failures.

So, when will this minister re-establish the minister's advisory council on workplace health and safety so that workplace health and safety laws can properly be brought up to current standards?

Mr. Fielding: What our government focuses is—what our government focuses on is results, and the results show the time loss. In fact, under the NDP, it was 3.0. It dropped to just over 2.6 under the Progressive Conservative government.

We're doing what we can. We think it's a balancing act in terms of this initiative. There's a five-year review that happens, and when there's a review next time, our government will make the appropriate decisions in terms of consulting with labour, consulting with employers, as well as technical officials to make sure we get it right for the next review that's in five years.

Mr. Lindsey: The minister can take the opportunity to consult with labour any time he wants. I'm quite sure that labour is more than willing to sit down and explain their views.

Now, he talked about claim suppression. We'll get to that when we talk about his next bill, or the next bill dealing with workers' compensation. He talks about claims going down, and certainly, a lot of work has gone in by a lot of people to make workplaces safer, but claim suppression is a big deal that is in place.

So, again, I will ask the minister: When will he re-establish the advisory council to develop proper workplace health and safety laws?

Mr. Fielding: And if we know the—where to consult the opposition. I'll just go to the next picket line, because we know the Leader of the Opposition will be there, taking sides one way or the other, so that won't be surprising. We'll know where he stands.

We also know that SAFE Work Manitoba, under the leadership of Jamie Hall, has an oversight committee that takes into consideration the Workers Compensation Board, things like employees, labour, and technical all make up these aspects of these things.

In terms of the committee that the member was speaking of, through our process, we will be obviously constituting some sort of advisory committee when that takes place. It happens every five years, Mr. Deputy Speaker, but on a day-to-day basis, we work through SAFE Work Manitoba.

Mr. Lindsey: So, we know that in 2019, the government cut workplace health and safety budget by some \$700,000, and we know that there's a lack of inspections in the workplace because there's a lack of inspectors.

So how do we have any faith that this government will actually do things properly to make things safer when they continue to cut the budget? So will the minister commit to actually doing things to make workplaces safer, such as listening to a joint advisory committee, hiring enough inspectors to inspect workplaces to make things safer?

Mr. Fielding: Mr. Deputy Speaker, I respect that member, but not when he puts false narratives on the record. I can tell you that the \$520,000 reduction in operating expense in 2021 was because of a one-time cost for developing new case-management software. So it was a capital cost that we had that we do not have that cost in future years, so there was not a cut.

And, second of all, the member had talked about the number of inspections, so let me read some information for the member. In 2019, there was over 4,641 inspections; in 2020-21—wait for it—it went up

to 5,415. So there, in fact, was more inspections, Mr. Speaker, and more targeted towards areas where we knew there needs to be preventive types of services—

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

Mr. Lindsey: In case the minister thinks that I only want to follow things that he's done wrong with this legislation, certainly, increasing the fine levels for employers found guilty of contravention of the act is a step in the right direction.

Can the minister tell us how many times since this government has been in place that a maximum fine under the current legislation has been levied?

Mr. Fielding: Well, just a couple points.

And first, it's never been safer to be a worker in Manitoba than it is right now, Mr. Deputy Speaker. Time-loss injury is the lowest it's ever been in this province.

I can't tell you the maximum fines. It is rare that does happen. That's probably a good thing. Our results are the fact that time-loss has been substantially reduced under our government.

Mr. Lindsey: I do believe I have no further questions.

Mr. Deputy Speaker: No further questions.

The question before this is second reading of bill—*[interjection]*—order.

Oh, the debate.

Debate

Mr. Tom Lindsey (Flin Flon): I was afraid we were going to miss out on the debate.

So this minister and this government—and I don't necessarily blame this minister because I'm sure he knows absolutely nothing about workplace health and safety, and why workplace health and safety is under the Minister of Finance (Mr. Fielding) never ceases to amaze me anyway.

But, you know, there are some things in this bill that, if they were actually used, would help make workplaces safer, such as actually fining bad employers the maximum amount. Since this government has come into being, I don't believe there's been one employer that's been fined anywhere close to the maximum amount, even when there's been fatalities in workplaces.

And certainly, the minister won't be able to stand up and say there's been no fatalities, because there certainly has been. And every time there is one, there should be a proper investigation—not just by the workplace health and safety inspector, not just by the safety committee, but also by the RCMP to see if criminal charges under the criminal act of Canada that were brought into place by the Westray act, as it was called at the time, are applicable. And I don't believe that happens with any kind of regularity.

Some of the things that do concern me with this piece of legislation are the fact that workers can no longer appeal the inspector's decision when it comes to a right to refuse. They took that part out of the act, which troubles me because, being involved in right-to-refuses in a major workplace for some 20 years, I'm well aware that sometimes the inspector doesn't quite get it right. And the fact that a worker could appeal that decision made for better decisions, made for safer workplaces.

And then I certainly don't want to call down the workplace health and safety inspectors. A lot of them do the best they can do with the limited resources, particularly that this government has given them, and the limited number of inspectors that take place.

The part about only being able to appeal any decision for six months certainly doesn't come close to addressing some of the issues, certainly, that workers face when it comes to things like sexual discrimination, racial discrimination, that take place over the course of years before workers have finally had enough, finally willing to put their job on the line to stand up to whoever's been doing the abuse, the bullying. So, six-month time limit on being able to file some of those complaints is arbitrary, punitive and unnecessary.

The other part that really find egregious is that the director now can decide, without any ability to appeal, that a worker's complaint is frivolous. I'll tell you, Mr. Deputy Speaker, that very seldom are workers' concerns frivolous—very, very seldom.

* (19:00)

In fact, I remember when we had the bill briefing, I asked the minister to tell me how many frivolous complaints. I asked the director to tell me how many frivolous complaints. And they all said well, it happens very seldom. So then, why do we need to give the director the ability to decide that a workplace complaint is frivolous? On what does he base that?

Well, that's the question that we don't know. But, by giving the director that ability, it means that many workers will lose their voice when it comes to actually being able to voice a complaint, because, depending on who the director is, who has appointed the director, they may just rule that most workplace complaints are, in fact, frivolous, when, in fact, they are not.

And you know, Mr. Deputy Speaker, I know that there were several recommendations made to the government back in the days when the advisory council was still in place, things like strengthening workplace mental health protections—didn't do it; comprehensive strategy to tackle asbestos—didn't do it; the new five-year plan—didn't do it; better training for worker and employer safety committees—didn't do it; mandatory timely prevention-oriented investigation of workplace fatalities—yes, they didn't strengthen that; guaranteed that any workplace safety and health orders are shared with the committees—no, didn't bring that in; rules to protect workers from unsafe engineered labour standards, which require workers to perform tasks so quickly that they're not safe—no, didn't bring in any of those changes.

And, actually, the joint committee recommended bringing back the minister's advisory council on workplace health and safety—didn't do that, either.

So the minister had opportunities to do some good things and chose not to. Why? One can only surmise why: because his Premier (Mr. Pallister) hates working people. All they've done since they've come into power is attack working people, and particularly unionized working people, but not just unionized working people.

They've never brought in any actual legislation to help workers, to make workplaces safer, to make workplaces more accessible, to make workplaces anything other than worse. We previously talked about changes to The Civil Service Act that will make a government workplace a worse place, not a better place.

This bill does not make workplaces safer. It does strengthen some language around fines, but what we know from this government is that they will never use that. They will never tell one of their corporate buddies that they should get fined the maximum amount.

You know, they had the opportunity, perhaps, to bring in amendments that said that proper fatality investigations to the fatal-fatality inquiries act should

have been incorporated into this workplace health and safety act—didn't do that either.

Because they don't really want to know the true reasons why workers are getting sick and dying at work. Because they don't like working people in this province, which is really a shame, because it's working people that have built this province and will continue to build this province in spite of this government and in spite of their attack by this government on workers.

And with those few remarks, I will conclude my statements. Thanks.

Ms. Cindy Lamoureux (Tyndall Park): I just have a few words to put on record here.

The bill is making several amendments to The Workplace Safety and Health Amendment Act, and there are a few that we want to ensure get discussed.

The first is the timeline for ensuring referrals for a reprisal are made to a safety and health officer within six months after the date of the alleged reprisal.

Mr. Deputy Speaker, with anything—in this case, workplace injuries—every single human will experience a workplace injury differently. The idea of assigning a six-month time frame being to a person coming forward can be daunting and incredibly limiting, because sometimes people are not comfortable coming forward immediately for various reasons, reasons that they are entitled to. Sometimes they want to wait a day or two, sometimes they may feel people won't believe them if they come forward. Whatever the reason may be, I'm apprehensive having a set date on the ability to bring forward a 'repraisal' within a certain time frame.

This bill also allows the director to dismiss an appeal of a decision by a safety and health officer if the director deems it to be frivolous or vexatious. There's a lot of concern over this point, as we want to make sure people who are putting forward claims are being given fair treatment and their concerns are being considered earnestly.

It makes me curious about people who have been approved for cases historically. Will they still be approved now, Mr. Deputy Speaker, and how will the director determine if an appeal is frivolous or vexatious? What are the definitions between—behind these two words? Is it a personal opinion?

I believe there needs to be greater clarity and public guidelines around this, because having the power to deem something as frivolous or vexatious—

and I'm using the language in the bill—can be influenced by so many factors that I don't believe should necessarily be at play when being considered as an appeal.

For an example, what about someone who has submitted more than one appeal? Is there a concern that they may be treated as fairly as someone who is submitting their first appeal? Or what about a person who may not articulate their appeal the way a director would like to read it? Again, there's biases here. There could be concerns around the way that they may be treated.

When asked about this—in the question portion of this bill, Mr. Deputy Speaker, I asked several times if the minister would provide an example of what may be considered frivolous or vexatious, and the minister was unable to provide an example when this might occur.

So it doesn't make sense that he's introducing this legislation using this language but is unable to actually provide examples of what he is trying to get across. It's just not ready to be debated.

And, Mr. Deputy Speaker, this bill also eliminates the position of chief prevention officer. We're a little concerned about this, strictly from the standpoint that we want to make sure the duties of the chief prevention officer are still being carried out by SAFE Work Manitoba. And this may mean taking some time to ensure people working for SAFE Work Manitoba have the resources and information that they will need to carry out this additional work.

And this falls into my last point, Mr. Deputy Speaker, about having this bill come into effect the day of royal assent is alarming because we believe that there should be a well thought out roll-out plan before it actually takes effect. And that's why the rashness behind this legislation taking place so immediately—it seems quite rushed and there's just a lot of big changes in this legislation and it seems too quick to expect all parties involved to shift around jobs, learn new jobs, adapt, get resources and so forth in such a short period of time.

So we will not be supporting this legislation.

Mr. Deputy Speaker: The question before the House is second reading of Bill 11, The Workplace Safety and Health Amendment Act.

All—is it the pleasure of the House to adopt the motion?

Some Honourable Members: Agreed.

Some Honourable Members: No.

Mr. Deputy Speaker: No? I hear a no.

Voice Vote

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

Some Honourable Members: Yea.

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

Some Honourable Members: Nay.

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

Recorded Vote

Ms. Nahanni Fontaine (Official Opposition House Leader): Mr. Deputy Speaker, a recorded vote, please.

Mr. Deputy Speaker: A recorded vote has been requested. Call in the members.

* (19:10)

The question before the House is second reading of Bill 11, The Workplace Safety and Health Amendment Act.

Division

A RECORDED VOTE was taken, the result being as follows:

Yeas

Clarke, Cox, Cullen, Eichler, Ewasko, Fielding, Friesen, Goertzen, Gordon, Guenter, Guillemard, Helwer, Isleifson, Johnson, Johnston, Lagassé, Lagimodiere, Martin, Michaleski, Micklefield, Morley-Lecomte, Nesbitt, Pallister, Pedersen, Reyes, Schuler, Smith (Lagimodière), Smook, Squires, Stefanson, Teitsma, Wharton, Wishart, Wowchuk.

Nays

Adams, Altomare, Asagwara, Brar, Bushie, Fontaine, Gerrard, Lamont, Lamoureux, Lathlin, Lindsey, Maloway, Marcelino, Moses, Naylor, Sala, Sandhu, Smith (Point Douglas), Wasyliw, Wiebe.

Clerk (Ms. Patricia Chaychuk): Yeas 34, Nays 20.

Mr. Deputy Speaker: The motion is accordingly passed.

Bill 13—The Public Sector Construction Projects (Tendering) Act

Mr. Deputy Speaker: I will now call Bill 13, The Public Sector Construction Projects (Tendering) Act.

The honourable member for Infrastructure—the honourable Minister for Infrastructure.

Hon. Ron Schuler (Minister of Infrastructure): I move, seconded by the Minister of Families (Ms. Squires), that Bill 13, The Public Sector Construction Projects (Tendering) Act, be now read a second time and be referred to a committee of this House.

* (19:20)

Mr. Deputy Speaker: It was moved the—by the member for Infrastructure, seconded by the Minister of Families, that the—Bill 13, The Public Sector Construction Projects (Tendering) Act, be now read a second time and be referred to the committee in this House.

Mr. Schuler: I'm pleased to rise again to speak and provide some comments on Bill 13.

As part of the Manitoba government's original 100-Day Action Plan, this legislation will fulfill government's commitment to end forced unionization on major infrastructure projects by ensuring that public sector entity tendering processes are unbiased with respect to the unionization status of bidders and their employees.

Public sector entities covered by the bill are provincial government departments, Crown corporations, regional health authorities, universities and school divisions. When such entities tender for construction work, they will have to do so in accordance with the bill's provisions.

By prohibiting certain tendering practices that have been used in the past, which required contractors to sign a collective agreement and hire only members of specific unions, this bill would increase competition in the bidding process and help ensure that the best value for money is obtained on provincially funded construction projects.

In addition, this legislation would prevent public sector entities that have awarded work on a construction project to an open-shop contractor from requiring the contractor or their employees to pay dues or fees to a union in respect of their work on the project. Public sector entities themselves would also

be prohibited from paying fees to a union when a project is awarded to an open-shop contractor.

By preventing these past practices from being used again in the future, this legislation will provide a level playing field for all bidders, regardless of the labour relations model they use, and ensure that they are elevated—and ensure that they are evaluated on the criteria that Manitobans would expect: their ability to provide quality work on time and on budget.

This bill is all about fairness and equal opportunity for businesses and workers in Manitoba and across the country, in alliance with our government's commitment to reduce barriers to trade. By opening up contracts to greater competition, we can expect more competitive pricing and savings for our taxpayers.

This bill also respects workers' rights to choose whether they want to be represented by a union in their relations with their employer. Where workers have chosen not to be represented by a union, they should not be required to join a union or pay dues to a union in order to continue being able to work for their employer on a provincially funded project.

It should be noted that this bill would not affect existing project labour agreements entered into prior to its coming into force. It respects previously entered into contracts and will only apply on a go-forward basis.

We believe that Bill 13 has strong support from a wide range of employers and workers, including both unionized and open-shop companies. Many stakeholders have recognized that opening up projects to greater competition will benefit both taxpayers and the construction industry as a whole.

As a final comment, I would like to thank all of those who participated in the consultations on this bill, and I look forward to the opportunity to hear from Manitobans when the bill is referred to a committee of this House.

Thank you, Mr. Speaker.

Questions

Mr. Deputy Speaker: A question period up to 15 minutes will be held. Questions may be addressed to the minister by members of the following sequence: the first question from the official opposition critic or designate; subsequent questions may be asked by each independent member; remaining questions asked by any opposition members. And no question or answer shall exceed 45 seconds.

Mr. Tom Lindsey (Flin Flon): I really want to comment on the comments that the minister made because I want to ask him which minister is wrong: the current minister, who says things about forced unionization, or the former minister, the member from Midland, who said on June 28th, 2016 in the House, there is no forced unionization in project labour agreements.

So which one is telling the truth and which one is wrong?

Hon. Ron Schuler (Minister of Infrastructure): I think this piece of legislation will clarify all that. We just need to get to committee and get it passed.

Mr. Dougald Lamont (St. Boniface): What was the—I'm just wondering what the genesis or origin of this bill came from? I know this has been a policy. Where did this policy come from and how long has it been a policy of the PC Party?

Mr. Schuler: I believe the PC Party of Manitoba ran on this commitment twice, Mr. Speaker.

Mr. Lindsey: Just to clarify, I think what the member from St. Boniface was asking was where did this whole business about project labour agreements come from. And, of course, we all know that it was the former Progressive Conservative government of Duff Roblin who thought this was a good idea, because it is a good idea.

So, when did this government decide that project labour agreements were the wrong way to go, and who made that decision?

Mr. Schuler: This piece of legislation actually speaks to choice, that government will pick the best price, will pick the best contractor, and that will be based on, again, the criteria that's set up ahead of time. It does not pick the unionization status or non-unionized status of a company. It is solely based on the best bidder.

Mr. Lamont: Again, I want to be absolutely clear: I want to know where this—where they—where the policy was developed. Who—where did this come from, in terms of saying that this is a policy that the government should do? Was it lobbied for? Was it presented to the government?

I want to know who actually—you know, whose problem are we solving here, because it seems to be very much the interest of a very specific group of contractors.

I want to know what was the—how long has this been a policy of the PC Party?

Mr. Schuler: I'd like to point out that the member for St. Boniface that there was a time when—there was politics in this province before he got elected and maybe he should go back and do some research in newspapers.

There was the forced unionization of contractors who were bidding on a urban project called the renovation of the Floodway, and they were forced to pay union dues when they weren't unionized and there was a lot of protest and that was also from union shops, as well.

So, Mr. Speaker, there was a time before the member was here that politics was debated, and this was debated fully at that time.

Mr. Lindsey: Certainly, this particular piece of legislation has been—failed several times to get over the goal line and it may get there this time. It's still the wrong legislation.

But I really want to know, where does the minister believe that workers coming into these big construction projects now will get their training? Because, presently, they get it through the unions.

Mr. Schuler: Well, Mr. Speaker, again, this is the typical NDP. They want to micromanage every company, they want to micromanage every worker, they want to micromanage everything.

It is not government's role to tell companies how they should or shouldn't be training. We put projects out for tender, the best tender comes forward and the expectation is that they will have trained employees.

Mr. Lamont: I am actually quite aware of the Red River Floodway. It was—if I'm not mistaken, it came in well under budget and ahead of schedule.

Does the minister have an example of a project labour agreement project that came in over budget and over schedule?

Mr. Schuler: The member would also note that the reason why the renovation on the Floodway project came in on budget was because a whole bunch of bridges were cut. In fact, the one bridge which is over the Floodway on 55–59 north, the reason why that bridge is being rebuilt is because it is far too low.
[interjection]

And the member for Concordia (Mr. Wiebe) should wait for his opportunity to ask questions. I would love to see him ask some questions.

But the bridge, should we have ever had a substantive high-water event, that bridge would've had to have been blown and put to the bottom of the Floodway to allow the Floodway to drain. Madam Speaker, that bridge was supposed to have been redone when the Floodway was renovated. That's the reason why it came in on budget.

* (19:30)

Mr. Lindsey: Once again, just to reiterate, there is no forced unionization with the project labour agreements. What there is, is training made available to workers, and this minister says it's not the government's responsibility to make sure workers are trained.

That's how workers get killed, because this government is going to contract out to the lowest bidder.

So can the minister, again, explain how workers on these projects are going to get the training they need to do the jobs that they're going to be expected to do?

Mr. Schuler: I think today we've probably heard about all of the ugliness we can handle from the NDP, and what the member just said is downright ugly, is that lowest bidders mean that you're going to kill employees. I think that's ugly and I would ask him to not use those kinds of words. That is inappropriate for him to say.

The expectation is that all the workers are trained, there are inspectors on-site to ensure that they are using the properly trained individuals to the job that they're doing. And to suggest that even a unionized shop, if they're the lowest bidder they're going to kill their employees, is shameful, and I think we've had enough of that kind of talk today in this Chamber.

Mr. Lamont: I would point out to the minister that there were cases in Vancouver where there were public infrastructure projects where immigrant workers were being paid less than \$3 an hour in the 2000s.

I'm just wondering, because the American Legislative Exchange Council, or ALEC, has a open contracting act, you know, it has model legislation, and I know that when I look through many of the bills and proposals of this government's 100-day plan, there seem to be a lot of this legislation that was crafted by a corporate legislation mill.

I'm just wondering if that was an inspiration in any way for the PCs or if they're just getting it from somebody in Alberta or Ontario?

Mr. Schuler: The member for St. Boniface is constantly hanging out in the grassy knoll, and I would suggest to him that there were a lot of debates that were taking place when the Floodway was being renovated. There was a lot of extra costs, that non-unionized shops had to pay union dues that added a lot onto to cost of the Floodway.

That's why two bridges were cut and had to be built afterwards—in fact, one of them that we're building right now. And it—that was the reason why those bridges were cut and they were unsafe. It's important that those bridges be done. The one on Dugald was actually a hazard and the government was shamed into doing it afterwards. But this came out of the debate on the Floodway.

Mr. Lindsey: You know, I really don't see much point in continuing to ask this minister questions to try and clarify what the purpose of this bill is, when we clearly know the purpose is just to attack unionized workers in this province. We clearly know that the purpose of this bill is just to contract things out to the lowest bidder possible, regardless of workplace health and safety, quality and all the rest of it that project labour agreements have brought us in this province.

So I really have no further questions of this minister.

Mr. Schuler: And that's where the member is absolutely wrong. Again, he's wrong, wrong, wrong. Unionized shops can bid and can get these and do get them because they are competitive. This is all about putting out a very level playing field that anybody, union or non-union, can bid on these jobs.

And yes, Mr. Speaker, union shops do win these, and they do get the jobs, as do non-union shops. And to have the member opposite say that somehow this cuts out the union shops is wrong, wrong, wrong, as he always is when he gets up and puts a question forward.

Mr. Deputy Speaker: The honourable member for St. Boniface, any more questions?

Mr. Lamont: I know the Investors Group stadium was a total fiasco. We had to bail it out \$200 million in funds, that there were huge construction problems, cracks.

Was that a project labour agreement?

Mr. Schuler: Well, I would suggest to the member opposite that maybe he should go and speak to the former premier, Greg Selinger, who evidently put an awful lot of political pressure on that project. Maybe members opposite from the NDP, the member for Concordia (Mr. Wiebe), who was a senior-ranking grise éminence member of that government, he should stand up and explain why it is that that football stadium was such a disgrace.

I was a critic at that time in the opposition. We had to shame the government into paying some of the subtrades because they hadn't been paid yet and they were going out and they were cashing in their RRSPs so they could still stay afloat.

That fiasco, Mr. Speaker, is a direct correlation to the mismanagement of the NDP and Premier Greg Selinger.

Mr. Lamont: So why did—was that incompetence rewarded with \$200 million in taxpayer funds?

Mr. Schuler: You know, the member for St. Boniface is onto something, he's just 10 years late. It was the Greg Selinger government—that project was not done in the fullness that it should have been. It wasn't transparent.

In fact, they—Mr. Speaker, nobody figured out that it snows in Winnipeg and nobody figured out that the snow would melt, and then when it did snow and when it did melt and filled up all the change rooms and all the basements, then they discovered they hadn't actually engineered it properly. That stadium was a problem, and it was because it was a political stadium built by individuals in the NDP—including Greg Selinger and the member for Concordia (Mr. Wiebe)—who mismanaged that project, and taxpayers have paid bitterly for that project.

The member for St. Boniface (Mr. Lamont) is right, but he's asking—

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

Mr. Lamont: I'm through.

Thank you very much, Mr. Deputy Speaker.

Mr. Deputy Speaker: No further questions?

Debate

Mr. Deputy Speaker: Now we'll go on to recognize the honourable member for Flin Flon on—for debate.

Mr. Tom Lindsey (Flin Flon): It gives me no pleasure to once again talk about this government's

failures. It gives me no pleasure to once again talk about the ideological quagmire that this government is leading the province of Manitoba into. They've been trying to do away with project labour agreements since they first got elected in 2016.

In 2016, it was a piece of legislation that, to the best of our knowledge, the construction industry as a whole didn't ask for, working people didn't ask for. There may have been one contractor group that asked for it, perhaps one contractor group that has the ear of the Premier (Mr. Pallister). But certainly, the building trades groups that represent not just workers, but also contractors as well, didn't want this, because they saw the benefit of this particular piece of legislation, because it did make sure that workers coming to work on those large infrastructure projects got training.

And this minister's complete abdication of a government responsibility to ensure that workers are properly trained is just so disgusting. I cannot tell you how disgusted and revolting I find that minister's comments when it comes to protecting workers in this province.

Mr. Dennis Smook, Acting Speaker, in the Chair

For someone who has dealt with fatalities in a workplace, for someone who has fought for 20 years to make workplaces safer, to make sure we had regulations to protect workers, to hear this minister say that the government has no responsibility whatsoever to protect workers is just disgusting.

Madam—or, Mr. Deputy Speaker, when the NDP government in British Columbia got elected, one of the things they did was reach out to us in Manitoba to see what we had in place for project labour agreements. And there was no specific legislation that said thou must, but ever since the days of Duff Roblin, a Progressive Conservative premier—back in the days when some conservatives actually were progressive—it was believed that the best way to go to ensure no labour interruptions, no strikes, to ensure that all workers were trained to the same level, to ensure that everybody knew exactly what they were bidding on—that this project labour agreement was the best way to go. And it continues to be the best way to go.

The only reason this government wants to do away with it is this Premier and his Cabinet ministers' ideological drive to make sure that working people in Manitoba don't have jobs, because they want to make sure they contract jobs out to the lowest bidder. We've seen them do away with the provision to have apprentices on publicly funded projects because they

do not want Manitobans getting ahead. Everything they've done since getting elected in 2016 has been to attack working people in this province.

* (19:40)

And, you know, I asked—during the question part, I asked the minister, because he continues to spout the myth, without facts, that somebody was forced to join a union with a project labour agreement. Even his own colleague admitted on June 28th, 2016, back in the days when we were first debating this legislation, and I quote: There is no forced unionization in a project labour agreement. End quote.

So I asked the minister which one was wrong, because clearly they both can't be right, and it wasn't really willingly that the then-minister of Infrastructure made those statements. But he's correct when he said that there is no forced unionization. That's—it's a PC myth. It's a right-wing myth. It's make-believe.

Anybody working on a project with a project labour agreement in place didn't have to join a union, but they did have to help share the cost of training workers, and the way they did that was by paying dues into a central fund that covered training for their workers so that their workers would be better prepared not just to work on that project, but better prepared to work on projects going forward.

So now, with project labour agreements gone, who's left to do the training? Well, the minister has washed his hands of it, absolved his government from any responsibility for making sure workers are safe, trained. Will whatever contractor is bidding the lowest ensure that their workers are trained? Most assuredly not. There's a reason they're going to be the lowest bidder. It's not because they have the best trained, highly skilled workforce.

The other thing that project labour agreements did was ensure there was provisions, particularly in northern infrastructure projects—that there was positions for Indigenous people; that's all gone now with this government as well. Because—talk about another group of people that they disrespect. Workers and Indigenous peoples now need to come together as one voice to tell this government they're wrong.

So, you know, we've stopped project labour agreements. I can't remember now if it's twice or three times that this bill was one of our selected bills that got held up because it's wrong, because it's going to make workplaces less safe, because it's going to make workers less trained. But there's so many egregious pieces of legislation that this government has put

forward this time that this is probably one of the lesser egregious pieces.

And why do I say that, Mr. Deputy Speaker? Well, because what we've seen from this government is there's not likely to be any major infrastructure building projects in the next couple of years because they've underspent their infrastructure budget; they have no intention of building anything for the future. Their only desire is to cut everything.

So, can the province survive for a couple of years until we're back in power and start actually building things in this province? The conversation was, yes, we can live with this for a couple of years, simply because we know that this government isn't going to undertake any building projects when what better time would there be to invest in infrastructure projects than coming out of a pandemic, when we need public injections into projects to create employment and lift the economy, but we don't see that happening with this government.

So we chose not to freeze this bill this time, recognizing that there's worse pieces of legislation coming from this government that really need to be stopped and five certainly wasn't enough to stop every bad thing that this government is trying to foist on the people of Manitoba.

And again, I must end my comments with how disgusted I am with this Minister of Infrastructure (Mr. Schuler) washing his hands of protecting workers in this province and saying it's somebody else, not me: disgusting.

Thank you.

Mr. Dougald Lamont (St. Boniface): Yes, this is a truly terrible and unnecessary bill. The statements that have been made about it, defending it or saying why it's good, are a fiction.

It's right here in the press release. It says we're committing to ending the practice that workers need to become union members. That never happened. So why were—we're talking about a completely false premise.

This was brought in by Duff Roblin, a Progressive Conservative premier, who every single day when he walked into his office said, I am the premier for all Manitobans. And he did it not just to protect workers, but to protect citizens of Manitoba so that when you were building a major project, it wasn't built poorly; so you didn't have fly-by-night contractors—which are out there and which exist—who will mistreat their

employees, who have people who aren't properly trained; so you don't end up having concrete or cement that's the quality of oatmeal; and so you don't have bridges that fall down or roads that wear away.

It's about safety. It's about public safety. This is about much, much more. It's about worker safety. It's about paying people properly and it's about public safety. If you're willing to put the proper—invest in people and make sure that they can do quality work that lasts, you will keep people safer.

This undermines all of that. And the government can complain about me being some kind of conspiracy theorist—it doesn't take a conspiracy theorist to see how obvious it is that this government is running exactly the same bills and exactly the same talking points as other Conservative governments, whether it's Alberta or Saskatchewan or Ontario. And the policies are absolutely identical and so are the talking points. It's absurd to suggest that there isn't something, that there isn't some connection in terms of this.

But this is not even—this is not a bill that's about freedom. It's not about equality. It's not about competition.

I have a sheet here which is from—which has, from this—1994 or five source book of American state legislation. It describes—it's called the Open Contracting Act, that prohibits public agencies from imposing labour requirements as a condition for performing public works. It's from the American Legislative Exchange Council. There are Canadian members, as well.

The entire Conservative movement in Canada—or, largely, has been inspired by this. By—it's just a copycat of failed legislation from the US. That's what's even worse about it. These are ideas that have been tried elsewhere 10, 15, 20 years ago and they didn't work. It's dangerous.

And look, I've had friends and family who worked in dangerous worksites. I had a friend who nearly lost his thumb when it was sawed off in a non-union worksite. My father worked shovelling out smelters in Flin Flon and he died at the age of 65 from cancer and so did every single person he worked with. They all died young of cancer because they were working in a hazardous workplace and nobody protected them.

The fact is, this government has a long-standing policy and tradition of trying to sell out Manitoba's workers for cheap; that that's the strategy. If we're going to undermine—we're just going to say, well, look, you know what, we're the cheapest labour you've

got. They're willing to sacrifice labour for a little bit of profit.

And this is not free market. It's not conservative. It's not progressive. It's not good for the economy. It's a giveaway. It's a giveaway.

* (19:50)

But what's being given away is people's rights to negotiate a fair wage, which is a fundamental right and the most important right that people have: the ability to actually negotiate what the value of your work is. And in doing this—as we head out of a pandemic, when people are going to be desperate for work, when people will be even more eager and more desperate to pay their bills—is absolutely appalling.

Do we really need to be paying people less when there are people in Manitoba who haven't had a raise in 30 or 40 years? When people are—when Manitoba—when half of Manitoba families are within \$200 a month of going broke, it's absolutely irresponsible.

But—and again, I mean, maybe the Conservatives are—think themselves as being pro-business or being pro—or—but this is succumbing to a cartel. Like Adam Smith, who's supposed to be the father of capitalism. He said, you know, the—one of the worst things you have is cartels, because it's—as soon as you get a whole bunch of business people together, they'll conspire to raise prices.

And they will conspire against workers, because the same Adam Smith said, when regulation is in favour of workmen, it is always just and equitable. I'll say that—this is Adam Smith, the Wealth of Nations: When the regulation is in favour of the workmen, it is always just and equitable, but it is sometimes otherwise when in favour of the masters.

And he goes on to say: When wages are high, accordingly, we shall always find the workmen more active, diligent and expeditious than when they are low.

This is a bad bill. This takes us back decades. I know the minister wants to talk about politics happening before I entered politics; I know that. Project labour agreements have been around, I believe, since before I was born. There is no justification whatsoever for getting rid of them. None.

It's bad for workers; it's bad for the economy; it's bad for taxpayers; it's bad for the public. We don't just serve taxpayers. The word taxpayer does not occur in the constitution. We are citizens, and we have

obligations to citizens and not just taxpayers and industry groups.

If we're truly concerned about the interests of all Manitobans, we should not be supporting this bill.

That's all. Thank you.

The Acting Speaker (Dennis Smook): The question before the House is second reading of Bill 13, The Public Sector Construction Projects (Tendering) Act.

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

Some Honourable Members: Agreed.

Some Honourable Members: No.

The Acting Speaker (Dennis Smook): I hear a no.

Voice Vote

The Acting Speaker (Dennis Smook): All those in favour of the motion, please say yea.

Some Honourable Members: Yea.

The Acting Speaker (Dennis Smook): All those opposed, please say nay.

Some Honourable Members: Nay.

The Acting Speaker (Dennis Smook): In my opinion, the Yeas have it. I—

Recorded Vote

Ms. Nahanni Fontaine (Official Opposition House Leader): A recorded vote, please.

The Acting Speaker (Dennis Smook): A recorded vote has been called. Call in the members.

The bells have been turned off. We will proceed with the vote.

The question before the House is the second reading of Bill 13, The Public Sector Construction Projects (Tendering) Act.

Division

A RECORDED VOTE was taken, the result being as follows:

Yeas

Clarke, Cox, Cullen, Eichler, Ewasko, Fielding, Friesen, Goertzen, Gordon, Guenter, Guillemard, Helwer, Isleifson, Johnson, Johnston, Lagassé, Lagimodiere, Michaleski, Micklefield, Morley-Lecomte, Nesbitt, Pallister, Pedersen, Pivniuk, Reyes, Schuler, Smith (Lagimodière),

Squires, Stefanson, Teitsma, Wharton, Wishart, Wowchuk.

Nays

Adams, Altomare, Asagwara, Brar, Bushie, Fontaine, Gerrard, Lamont, Lamoureux, Lathlin, Lindsey, Maloway, Marcelino, Moses, Naylor, Sala, Sandhu, Smith (Point Douglas), Wasyliw, Wiebe.

Clerk (Ms. Patricia Chaychuk): Yeas 33, Nays 20.

The Acting Speaker (Dennis Smook): I declare the motion carried.

Bill 38—The Building and Electrical Permitting Improvement Act (Various Acts Amended and Permit Dispute Resolution Act Enacted)

The Acting Speaker (Dennis Smook): We will now move on to the next bill, Bill 38.

Hon. Derek Johnson (Minister of Municipal Relations): I move, seconded by the Minister of Crown Services (Mr. Wharton), that Bill 38, The Building and Electrical Permitting Improvement Act (Various Acts Amended and Permit Dispute Resolution Act Enacted).

Her Honour the Lieutenant Governor has been advised of this bill, and I table the message.

The Acting Speaker (Dennis Smook): It has been moved by the Minister of Municipal Relations, seconded by the Minister of Crown Services, that Bill 38 be now read a second time and referred to a committee of this House. *[interjection]* Oh, sorry, yes.

Her Honour the Lieutenant Governor—administrator—has been advised of the bill, and the message has been tabled.

Mr. Johnson: I'm pleased to rise today to provide some comments on Bill 38.

Bill 38 reintroduces The Building and Electrical Permitting Improvement Act that was previously introduced in the last session.

Over the past year, department officials, the previous minister and I have had the opportunity to meet with municipal and industry stakeholders to explain the purpose of the legislation and to receive input. I'd like to take this opportunity to thank the numerous stakeholders and Manitobans who participated in consultations, information sessions and webinars on the proposed changes.

This bill will ensure municipal governments make timely and transparent decisions on private sector capital investment opportunities in their communities.

In its review of planning, zoning and permitting in Manitoba, Treasury Board Secretariat found that for every day—I repeat, every day—that Manitoba can reduce unnecessary permitting delays, the Manitoba GDP would grow by \$17 million every day, Mr. Acting Deputy Speaker. Municipal tax base revenues would grow by \$400,000 every day, and provincial tax revenues would grow by \$1.7 million every day.

After extensive consultation and research and in the interest of transparency and accountability, the Treasury Board Secretariat's recommendations were proactively released to the public on June 11th, 2019. These recommendations include implementing enforceable timelines for permitting applications, creating an appeal process to hear appeals for permitting decisions, as well as other measures to make inspections more consistent across the province. Bill 38 implements these key recommendations by establishing avenues for technical appeals and service standards.

Bill 38 establishes a new Permit Dispute Resolution Act and makes a variety of amendments to The Buildings and Mobile Homes Act and The Manitoba Hydro Act that will create a process to hear appeals of permitting decisions and orders related to building and electrical codes, as well as allow for the establishment of service standards for permitting authorities in Manitoba.

This will bring Manitoba in line with other Canadian jurisdictions which already offer technical appeal mechanisms on code issues. This means that the permit applicants and building owners aggrieved by code compliance decisions of building and electrical permitting authorities will have the ability to appeal to a technical adjudicator.

Adjudicators' decisions will be made publicly available to serve as guidance to code users and enforcement bodies, following the best practices from other Canadian jurisdictions. These proposed changes will ensure greater consistency, transparency and accountability of appeals across the province.

This bill will allow for the adoption of service standards that will require building and electrical permitting authorities to process permit applications within time frames established by regulation. This is

similar to neighbouring provinces' approach where building permits must be processed within 10 to 30 days, depending on the complexity of the building.

Additionally, this bill will require that Manitoba adopt future versions of the national model construction codes within a fixed time frame to improve harmonization with other jurisdictions, to ensure Manitoba meets commitments under the Canada free trade agreement.

* (20:10)

Administrative updates will allow for the removal of recreational vehicles requirements from The Buildings and Mobile Homes Act to be added to the more appropriate legislation in line with other jurisdictions, as well as create a director under the act for more efficient and user-friendly administration of provincial building permitting requirements. Again, this will help modernize Manitoba's legislation and bring Manitoba in line with other Canadian jurisdictions.

The bill will also ensure that there is only one electrical code for Manitoba, ensuring consistent code application between the city of Winnipeg and the rest of the province. This means that Manitoba will no longer be the only Canadian jurisdiction with more than one electrical code.

Once again, I'd like to take this opportunity to thank the numerous stakeholders and Manitobans who participated in consultations, information sessions and webinars on the proposed legislation. I am confident that Bill 38 will enhance economic growth and ensure Manitoba remains competitive and attractive for business and job growth.

Thank you, Mr. Acting Deputy Speaker.

Questions

The Acting Speaker (Dennis Smook): A question period of up to 15 minutes will be held. Questions may be addressed to the minister by any member in the following sequence: first question by the official opposition critic or designate; subsequent questions asked by critics or designates from other recognized opposition parties; subsequent questions asked by each independent member; remaining questions asked by any opposition members. And no questions or answer shall exceed 45 seconds.

Mr. Matt Wiebe (Concordia): As the minister identified, this is a bill that has come now to the Legislature under a couple of different numbers and a couple of times. In that time I know there was some

concern about how it was—the bill—the genesis of the bill, but since then—I'm just wondering has the minister undertaken a consultation with the City of Winnipeg and if—can he detail the outcome of that consultation?

Hon. Derek Johnson (Minister of Municipal Relations): Yes, we are the government about consultations over here. The previous government, whether it's AMM amalgamations in the midst of their—the night before their AGM, they forced amalgamation on the AMM, and then they stood in this very Legislature and called them howling coyotes.

The Acting Speaker (Dennis Smook): The honourable member for St. Boniface, does he have any question?

Mr. Dougald Lamont (St. Boniface): Can the minister just say what are the other jurisdictions that are following this—that this legislation is modelled on?

Mr. Johnson: That is a great question.

Every single jurisdiction in Canada, with the exception of Manitoba, has a unified electrical code. So this is just about unifying it across the province and making it easier for trades to move from one jurisdiction to the other and to have a unified code would benefit all Manitobans.

Mr. Wiebe: Well, Mr. Deputy Speaker, it would be laughable if it wasn't such a serious issue. When the minister who is bringing this bill forward, coupled with Bill 37, and is getting absolutely slammed by the AMM, who's asking why isn't he listening. Why isn't this government listening to their municipal partners? Why can't this government work with others?

And when it comes to the City of Winnipeg, again, this was brought in a controversial way.

I was giving the minister an opportunity, an olive branch, to say tell us how you've mended those fences, that you've actually reached out to the City of Winnipeg, you've actually started to work with them.

Can the minister just give us something? What has he done to alleviate some of the concerns from the City of Winnipeg with regard to this bill?

Mr. Johnson: And first off, I want to thank all the mayors, reeves, councilors; they're the grassroots. I want to thank them for bringing their voice forward. Whether it's their constituents', whether they bring it forward to me personally or through AMM, I want to thank them for their work.

And this creates a regional code, Mr. Acting Deputy Sand the importance of that is obviously not understood by the opposition. This is very important for efficiency, transparency and accountability to Manitoba taxpayers.

Mr. Lamont: Just in terms of consultations, I know that the Treasury Board document suggested there were only about 50 individuals, or around 50 individuals.

Were there consultations with municipalities or with the City of Winnipeg about this bill?

Mr. Johnson: The Province of Manitoba formed the provincial working group to advise the government on the proposed legislative changes. Manitoba looks forward to ongoing dialogue with stakeholders on the regulations that will support the proposed changes.

Mr. Wiebe: Well, it's—frankly it's shameful that the minister hasn't tried, you know, in his position as a new minister coming to the portfolio, to reach out and try to deal with some of these concerns.

The other concern that, of course, we have is with regards to exactly who these commissioners are that will be sitting on the appeal board.

Maybe the minister can tell us: who has he spoken to about these appointments? You know, have there been any discussions about who those commissioners would be? Give us any information about the composition of the appeals court.

Mr. Johnson: The Manitoba government is committed to reducing the number of agency boards and commissions. Trading an independent adjudicator role provides similarly effective third-party technical appeal process, while focusing on technical facts that don't require a full board to oversee.

Mr. Lamont: I just—have there been any reports from the provincial working group? I know that they'd been tasked with making recommendations around the municipal—the changes around the municipal and development, but I don't know that—has there ever been a release or a report of their recommendations after they'd met?

Mr. Johnson: So previously, the Treasury Board's secretary had consulted with many individuals in developing these recommendations. These individuals represent developers of all sizes including residential, commercial and infill, subject-matter experts, large corporations, construction, hospitality, manufacturing, food processing and agri-business industries, the Winnipeg Metropolitan Region,

Economic Development Winnipeg, engineering firms, trade and professional association, construction and home-builders association, cottagers, project-management consultants, current and former City of Winnipeg executives.

Mr. Wiebe: Well, I think I heard the member or the Minister of Finance (Mr. Fielding) say former city councillors. Maybe that's as far as the consultation went. Maybe he could detail exactly who at the City of Winnipeg the minister has, in fact, met with.

This is a serious matter though, Mr. Deputy Speaker, with regards to commissioners. I would like some information; I'd appreciate if the minister focus up, give us some information, because there are very broad powers that are being given to these commissioners because they cannot be removed except for cause.

Can the minister name any other agency or board where this is the case? And if not, why is he giving such extraordinary powers to these specific commissioners?

* (20:20)

Mr. Johnson: The member asked in the first half of his question, I guess there was kind of two there, who the people were that were on the provincial working group, so I will list them, and they will serve as an advisory capacity.

So the members were: Dr. Bob Murray, he was the consultant and president of Grande Prairie Regional College; Susan Thompson, community leader, entrepreneur, politician, diplomat, chief operating officer, private pension partner; Don Streuber, executive chair of Bison Transport; Martin McGarry, president and CEO of Cushman and Wakefield Stevenson.

I will continue the list in my next answer.

Mr. Lamont: Yes, I am aware of the members of that group, I'm just—but I'm—what I'm wondering is whether there was any report generated by them, whether they made any actual recommendations.

Mr. Johnson: So, just to give a fulsome answer here, Mr. Acting Deputy Speaker: Martin Garry, president and CEO of Cushman and Wakefield Stevenson; Michael Jack, chief corporate services officer of the City of Winnipeg; Laren Bill, chair of the treaty land entitlement Implementation Monitoring Committee; Dr. Anne Trimbee, president of the University of Winnipeg; John Wintrup, planner of Richard Wintrup and Associates.

I will continue this list on my next question, Mr. Acting Deputy Speaker.

Mr. Wiebe: And for the record, the minister can't even fill up 45 seconds with his names.

You know, this is a—as I said—a serious matter, Mr. Deputy Speaker. And I do think that the minister needs to take this seriously. I think he needs to answer questions in this question period, because this is the time for Manitobans to get a better sense of what he is trying to do with this particular appeals board.

Now, again, the commissioners, who—they cannot be removed except for cause, the minister is giving them extraordinary powers that are not given to any other board, and they're not—the decisions of this board are not appealable beyond their decision.

So, I mean, these are exceptional powers, and I think the people of Manitoba want to know, who are these commissioners going to be and why is he giving them so much power that is so outside of the realm of other people in their position?

Mr. Johnson: So I just want to understand this correctly. So, he's wanting the appeal to be able to be appealed, but he doesn't want the appeal process there to start off with if he's opposed to Bill 38. That's a little confusing, because right now, people don't have anywhere to appeal. This bill will bring equity and a place to appeal if somebody feels that they are unfairly treated in the process.

Mr. Lamont: Yes, I still, again, I don't—at this point, I don't actually expect an answer to where any report from that group is. However, one of the questions is that, look, we're dealing with delays, we're talking about the delays around permitting, but there have also been enormous delays because of cuts to hydro, for example. It was starting to take months for people to be hooked up with their power. This government is going to undercut apprenticeships.

Has any thought been given to the fact that—the cost of those delays? I mean, when we're talking about the delays, if people can't actually get any of their—if people can't find workers to hook up their permitted electricity, does the minister see that there's an issue here?

The Acting Speaker (Dennis Smook): The member's time has expired.

Mr. Johnson: Yes, depending on the complexity of the permit, this actually brings in timelines where they have to address a permit. And depending on the complexity, it could be 10 to 30 days. But, Mr. Acting

Deputy Speaker, every single day in Manitoba that we experience permitting delays, it costs Manitobans and municipalities, including the City of Winnipeg. The provincial GDP would grow by \$17 million every day. Municipal tax pays would grow by \$400,000 every day. Provincial revenues would grow by \$1.7 million every day.

Mr. Acting Deputy Speaker, this is money that could go towards very important things in municipal—

The Acting Speaker (Dennis Smook): The minister's time has expired.

Mr. Wiebe: Well, you know, it's unfortunate the minister doesn't understand, but, I mean, this is a concern, that section 12 of the act, which, you know, has to do with this subject to appeal and any kind of appeal mechanism, what this does is this—actually could bring about an interesting situation between jurisdiction and the law.

We have serious concerns because these may not be legal, and so I'm just—I guess I'm trying to find out what advice—what legal advice did the minister get with regards to this and did the minister reach out to the AMM, to other jurisdictions, find out if there was some other dispute resolution mechanism that could have been created with local municipalities at the local level?

Mr. Johnson: So, the 17 years that they were in government, they haven't come up with a solution to fix this.

I have spoken with AMM. I have spoken with Mayor Bowman, and under our many, many conversations, not once did they bring up Bill 38.

Mr. Lamont: Yes, one of the people who was in the Treasury Board report was a developer named Andrew Marquess. He was a subject of an audit relayed—in which there was an RCMP investigation, and one of his clients is Richard Wintrup.

Exactly why did this minister or why did this government think it was a good idea to have a client of Andrew Marquess and be relying on Andrew Marquess, a developer who was once fined \$100,000 by Jeff Browaty for building a—putting a building where their park was supposed to be.

I have to ask why this—why he was considered to be credible person, a credible stakeholder in preparing this bill?

Mr. Johnson: I really find it odd that the Liberal leader in this province keeps bashing people.

I don't know how he continually takes his frustrations out on members of public that are trying to better our province. I just—I don't know, Mr. Acting Deputy Speaker.

This has been great debate. I'm looking forward to debate. This was a great question period.

Thank you very much, Mr. Acting Deputy Speaker.

The Acting Speaker (Dennis Smook): The time for questions has expired.

Debate

The Acting Speaker (Dennis Smook): The floor is open for debate.

Mr. Matt Wiebe (Concordia): You know, the enthusiasm on this side of the House is palatable. It's just—it's like it's incredible in here, how jazzed up this side of the House is to stand against Bill 38 this evening. Well, I know the minister for—or, the member for Steinbach (Mr. Goertzen) is—he is jazzed up because he knows just how bad this bill is.

And this, coupled with Bill 37, is a perfect representation of the lack of democracy and the lack of any kind of collaboration with local municipal leaders and local elected officials that this government continues in its actions across the province. And that's across all, you know, all segments. That could be at the municipal level, as I said, where this bill speaks to, because the genesis of this bill was, you know, a political attack.

And there was an opportunity—or, there was a willingness on the part of the Premier (Mr. Pallister) to try to score some political points with the mayor of Winnipeg. This was during one of their many spats and I, you know, I can't even—I was trying figure out which one this was because if you go back over the last three, four years, there's been many.

But this one came out of a particular spat where the Premier said, well, listen, you know what, there's an issue that needs to be resolved. Should I sit down with the mayor, should I sit down with councillors, should I sit down with administration officials, should I sit down with any municipal leaders around the province and actually try to make things better? No. I will, instead, have a political process run out of Treasury Board and really do no consultation; not reach out to anybody, not seek out the advice of any experts, not seek out the advice of anyone who is working at the ground level to try and make things better.

* (20:30)

Because this is something that Manitobans want to see improved, they want to see the process run smoother but they don't want a government who simply says, well, we can't work with others so we're going to take all the power for ourselves, we're going to make the decision at the Cabinet table and Treasury Board and we won't listen to anyone else.

Now, I did give the minister the benefit of the doubt, and maybe, you know, I'm ever an optimist, and maybe that was my mistake. You know, I do think that the minister, hopefully, came into this position, you know, in an honest way wanted to, you know, really give it a good chance to make things better.

But when he was handed this piece of legislation from the member for Seine River (Ms. Morley-Lecomte)—[*interjection*]-Riel. Thank you. When he was given this piece of legislation from the member for Riel (Ms. Squires), did he say, wait a minute, wait a minute, wait a minute, we need to go back to the drawing board, we need to actually rework this and make it better? No, he did not.

We as the opposition, well, we stood up, we held up this bill along with many others in the last sitting of the Legislature, to give them the kind of time that they needed to go back to the drawing board. And I gave that minister, as I said, the benefit of the doubt that he would stand up to the member for Riel (Ms. Squires), but he did not. He did not.

I don't know, maybe he's on the leadership team for that particular member. I know there's a hot membership-selling exercise going on over there. People are picking teams and picking sides. That could be the case.

But what he should've done instead is he should've picked up the phone with the mayor and he should've had that discussion with the mayor and said, look, the member had it wrong, the member who stood with the Premier (Mr. Pallister) who undertook this political exercise had it wrong and we're going to start from scratch and we're going to work together, we're going to sit down and figure out how we can make this better. That's what the member and the minister should've done. But he did not, in fact.

It, you know, this legislation is bad in many ways but, as I said, probably the worst part of it is, is that it, coupled with Bill 37, represents that break from working with municipal partners that I think, you

know, all legislators want to go around and say that it's a priority for them, but when the rubber meets the road, we see what happens.

You know, this—there are examples and there are opportunities in other jurisdictions to work with municipal leaders to actually develop a system that allows them to have a say, that allows the people that live there to have a say through their elected representatives, and this bill takes all of that. It takes it away and it gives it to the minister.

Again, according to section 12 of this act, we do believe that there is potential for a legal challenge, and I think that's something that the minister didn't address in the question period. It might be something that comes up in committee and I do think that's something that he should take very seriously, you know.

But other jurisdictions, they've had that collaborative approach. Like, a local municipality, for instance, they could be encouraged to develop a citizens committee, other elected officials be a part of some kind of appeal and that would be an option that many municipalities might want to go down.

It also gives, as I said earlier, the commissioners themselves unprecedented power that, you know, is so far-reaching and so over-reaching that it really has no precedence that we could find with any other, you know, appeal body.

And that the commissioners themselves cannot be removed for any reason, other than just cause, is a very concerning thing, Mr. Deputy Speaker. I think there's something that the minister needs to look at there.

This entire process has been adversarial from the beginning, and, again, that just speaks to where this government comes to their relationship with other levels of government.

Now, you know, I'm not the biggest fan of the—you know, I'm not going to be putting a Brian Bowman sign on my lawn. Well, I guess—not running again, so I guess I won't—wouldn't have the opportunity if I wanted to.

But what I will say is that if a municipal leader of any stripe—and I'll say this as somebody who, you know, has gone around the province, talked to a lot of different councillors, a lot of different Reeves and mayors and really reached out across the province. You know, I don't—and I tell them this right from the beginning, you know, politics is politics, but when it comes to getting something done and actually making

something better, in my mind, that is always the No. 1 priority and we shouldn't let a political process get in the way.

But what, instead, we saw here was, you know, this treasure—inside Treasury Board, you know, I'm not sure who was there at the time. I'm not going to, you know, start naming names, but, you know, it's a political process. Everybody knows that, and there's no question about that.

You know, they had the opportunity to actually do this but, you know, everybody knows that this was a political review. It didn't happen that—you know, there was no consultation with the mayor before this legislation was drafted.

If the minister is saying that he's sat down with the mayor since, I'd love to see the transcript of that conversation. You know, was it a perfect phone call—you know, the member for Steinbach (Mr. Goertzen) says it's a perfect phone call, absolutely perfect—it's 'yuge', or whatever he wants to say.

But you know what? I can tell you that I'd love to hear what the mayor of Winnipeg had to say to this member. And he probably said, listen, you might be on the leadership team of a different candidate, but it's time actually get something done with municipalities. Let's actually sit down with municipalities and work with them to actually make things better across Manitoba.

And you know, again, if you want to have a—pick a fight with the mayor of Winnipeg, with the City of Winnipeg, that's fine, but never should it get in the way of actually getting something done and something improved.

I do think this bill, Bill 38, along with Bill 37 are certainly—have certainly garnered a lot of attention from local municipal leaders and from folks at the City of Winnipeg. I do hope that we have a robust committee hearing, and an opportunity to hear from all of those folks.

And again, you know, if the minister is—you know, again, ever the optimist—if the minister wants to restart, reset the stage here and actually wants to work with these municipal partners, I invite him to do that. I'll sit down with him as the critic in, you know, in a collegial way to actually work on these issues to actually get something passed.

I don't think this needs to be a political issue but when you start the process in the political Treasury Board, when you make it a political issue in the media before legislators even have an opportunity to debate and to discuss and to make decisions about this, I think that speaks to where this was created. It speaks to the intent behind it and it speaks to this government, who doesn't like democracy and doesn't want to hear from the people of Manitoba or work with others.

Thank you, Mr. Deputy Speaker.

Mr. Dougald Lamont (St. Boniface): Look, there have been some very serious problems with the bills that have come out of that Treasury Board report. They're largely about, basically, corner-cutting. That report itself was deeply problematic in a number of ways.

The fact is, it only had about—it only talked about 50 people. The fact that it talked to cottagers—was talking to cottagers about—especially about issues related to the City of Winnipeg—problems with the City of Winnipeg's electrical permitting department was a little odd.

But some of the math just doesn't add up, and even the claim that—the idea that we have \$17 million of GDP losses per day, which implies annual losses of \$300 million. So that implies the development value would increase by about 17 per cent per year. If that actually happened, Winnipeg would double in physical size in five years. The math just doesn't add up. This doesn't make sense.

The idea that there's just one big permit and that every day we hold it back is a problem doesn't make sense. I'm not saying there weren't problems at the City of Winnipeg. There were enormous problems with City—at the City of Winnipeg.

But one of the problems at the City of Winnipeg was not that things were being held up too much. It's that fire halls were being built on land the City didn't own; that the police headquarters went—the contractor at the police headquarters went to a company that didn't bid on it, then went over \$80 million over budget and was going to have a firing range on the roof that had to be cancelled; that there were extensive audits—three separate audits—where there were recommendations by the RCMP that there should be criminal charges, and they were turned down. And none of that has ever come under adequate scrutiny.

Instead, the problem is still supposed to be that things are too hard to get done, when it was certainly pretty easy to build a fire hall on land the City of Winnipeg didn't own.

And the fact is that one of the developers who was involved and was subject to an audit was Andrew Marquess, and he is involved—he was quoted in the Treasury Board report—and he's a client of the people on the working group.

Madam Speaker in the Chair

This is deeply problematic. And look—and this is not even a partisan issue, because at one point, Mr. Marquess built a building on a—in a place that was supposed to be a park, and he was fined \$100,000 by a Conservative councillor for the City of Winnipeg

* (20:40)

We're not going to be better off by just—by making things—by eliminating checks and balances, by eliminating basic stops to make sure that things are done properly in this province. Because that is not what the problem in this province is, it's not too much red tape, it's that there's too much red tape for some and other people get to do whatever they want without any consequences, ever. That's been the problem.

And the fact that this is just going to take away a whole bunch of power, sometimes from elected officials, and where there is oversight and there is accountability, is—and this is a bill about wiring and permitting—but, and it is—and it still somehow manages to undermine democracy.

Because the most important thing for democracy is accountability. If we can't—and there is a pattern on the part of this government, with this bill and others, to undermine elected officials, to have decisions made by appointed people instead and to deny not just accountability in terms of politics, but accountability in terms of the courts and deny people access to appeals. This is—these are all undermining fundamental aspects of the way society is supposed to work, in very negative ways, even though this is about electrical planning and permitting

I'll add one other statement. When we talk about the delays that have happened, we were getting complaints from people across Manitoba—Morden, Winkler, elsewhere—that people couldn't get their businesses hooked up within 30 days, and the reason—or 30 or 60 or 90 days—and the reason was not delays

in permits, they had the permits, it's because the cuts to Hydro by this government were so bad that there were no line workers to hook people up. And the same—and there have been additional problems like that.

The fact is, is that when you start, there are real consequences to cutting through to—to cutting corners and cutting through checks and balances, and this is part of what this government—this, what this bill does.

And that's all I have to say.

Thank you very much.

Welcome back to the Chair, Madam Speaker.

Madam Speaker: The question before the House is second reading of Bill 38, The Building and Electrical Permitting Improvement Act, various acts amended and permit distribution resolution act enacted.

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

Some Honourable Members: Agreed.

Some Honourable Members: No.

Madam Speaker: I hear a no.

Voice Vote

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

Some Honourable Members: Yea.

Madam Speaker: All those opposed, please say nay.

Some Honourable Members: Nay.

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

Recorded Vote

Ms. Nahanni Fontaine (Official Opposition House Leader): A recorded vote, please.

Madam Speaker: A recorded vote having been called, call in the members.

The question before the House is second reading of Bill 38, The Building and Electrical Permitting Improvement Act (Various Acts Amended and Permit Dispute Resolution Act Enacted).

Division

A RECORDED VOTE was taken, the result being as follows:

Yeas

Clarke, Cox, Cullen, Eichler, Ewasko, Fielding, Friesen, Goertzen, Gordon, Guenter, Guillemard, Helwer, Isleifson, Johnson, Johnston, Lagassé, Lagimodiere, Martin, Michaleski, Micklefield, Morley-Lecomte, Nesbitt, Pallister, Pedersen, Piwniuk, Reyes, Schuler, Smith (Lagimodière), Smook, Squires, Stefanson, Teitsma, Wharton, Wishart, Wowchuk.

Nays

Adams, Altomare, Asagwara, Brar, Bushie, Fontaine, Gerrard, Kinew, Lamont, Lamoureux, Lathlin, Lindsey, Maloway, Marcelino, Moses, Naylor, Sala, Sandhu, Smith (Point Douglas), Wasyliw, Wiebe.

Clerk (Ms. Patricia Chaychuk): Yeas 35, Nays 21.

Madam Speaker: The motion is accordingly passed.

* (20:50)

Bill 60—The Liquor, Gaming and Cannabis Control Amendment Act (2)

Madam Speaker: I will now call Bill 60, the liquor, gaming and cannabis control amendment act, and recognize the honourable Minister of Justice to move and speak to the second reading motion.

Hon. Cameron Friesen (Minister of Justice and Attorney General): I move, seconded by the Minister for Families, that Bill 60, The Liquor, Gaming and Cannabis Control Amendment Act (2), be now read a second time and be referred to a committee of this House.

Motion presented.

Mr. Friesen: Mindful that we have 36 more bills to go this evening, I will keep these comments brief. *[interjection]* I see I have the Leader of the Opposition cheering for that, so finally some consensus across the aisle.

Madam Speaker, I am pleased to be able to rise and put brief comments on the record in respect of the second reading of Bill 60, The Liquor, Gaming and Cannabis Control Amendment Act (2).

As my colleagues in the House are aware, liquor and cannabis products carry risks for those who choose to consume. Moreover, there's always a risk

that these products may end up in the hands of minors or young people in our province.

I remember from my days when I was Finance Minister and cannabis was coming into legalization in this country, and I was—my advice and the advice of our government to the federal government was to make sure you do this well, because we get one shot at legalization. And there was, in retrospect, many things that were hurried and rushed, and we are now living with some of the headaches of those federal—that federal rush job. But the focus of our government has continued to be on the health and safety of Manitobans when it comes to the legalization of cannabis and always in the liquor control.

Bill 60 strengthens our regulatory framework for the sale and delivery of liquor and cannabis here in Manitoba. It continues to ensure that Manitobans have enhanced customer options when purchasing these options.

Bill 60 makes a few important changes. First of all, it amends The Liquor, Gaming and Cannabis Control Act. It establishes a new licence category and that licence category would allow third-party companies to deliver liquor and cannabis on behalf of existing liquor retailers, service licensees such as restaurants and lounges and retail cannabis stores.

So, more and more Manitobans are looking to purchase goods and services online or remotely, and liquor and cannabis products are no exception, especially during a pandemic. There has, of course, been a shift in the way consumers are behaving; many, many people now at home, many people working from home, getting deliveries to the home and, of course, liquor and cannabis are among those deliveries. It's been even more, of course, like I say, this year because of the pandemic.

And our government has been responsive to these shifts in consumer preferences. Recently, Madam Speaker, you'll remember that we did implement legislative changes authorizing delivery of liquor by licensed dining rooms and lounges the first time in this province, as well as establishing an open market for cannabis retail stores.

Hospitality-industry stakeholders have told us that delivery is anticipated to grow well beyond the pandemic. We agree. Bill 60 will strengthen the LGCA authority of Manitoba's capacity to provide effective regulatory oversight of these deliveries.

So, by allowing a new licence for third-party delivery, the LGCA will have the tools to ensure

liquor and cannabis are delivered in a responsible way, and that ensures companies adhere to the existing prohibitions on delivery to minors or young persons and to intoxicated persons.

And let me also say, Madam Speaker, some people will be saying, well, I thought that you could now deliver liquor already to the home; you could use a third-party delivery; you could get a store to deliver. And the answer is yes, you can.

The issue is not on the mechanism to allow delivery. The issue now is that, right now, it is the licensee who has the liability. We spoke earlier this evening on Bill 50 about liability and limitations but, in this case, this has to do with shifting the liability, the obligation.

So, right now, if I would just use an example, if you would phone a SkipTheDishes or a Just Eats or Uber Eats, and you would have a delivery of food and liquor to your place, and there was a 14-year-old there who had ordered this liquor and it wasn't supposed to be, actually the liability right now rests with the restaurant from which the food was sourced and not with the third-party delivery agency. And so that is exactly what we need to change in this province.

We have to make sure that the system is fair and not rigged against those who are making the food. They have no control over the behaviour of the driver. They can't properly assess if that delivery was done appropriately if that's not an employee, and so we need to tidy this up. And we know that the LGCA is the one to be able to do this, to be able to regulate this and to be able to carry this obligation.

The second part of this bill allows the LGCA to hire minors—*[interjection]*—minors: m-i-n-o-r-s—minors, individuals under the age of 18 and young persons, or individuals under 19 for the purpose of possessing cannabis. The minors would attempt to purchase regulated products like liquor and cannabis in order to allow the LGCA to monitor a licensee's compliance with prohibitions for underage sales.

So, I know that's strange to people. They say, well, why would you be hiring someone who is 16? And, you know, maybe even our pages tonight would be interested in saying, why would the Minister of Justice (Mr. Friesen) be looking to hire 16-year-olds to try to get liquor delivered to them so that an LGCA agent can jump out and say aha?

Well, actually, Madam Speaker, it's important; it is important as a mechanism to be able to test compliance.

In other provinces, there are these provisions in place to allow for the hiring of minors—not under 16—16 and up, the legislation makes clear—but to allow the inspectors to—I mean, right now, the inspectors themselves can only observe the sale of liquor or cannabis to a minor and then to be able to lay a charge. But that's not a good way to test for compliance.

I do want to say safety is paramount when it comes to hiring young people, always under the supervision of an LGCA inspector or agent, always having taken the courses that would be necessary for them to be safe, and this same mechanism is used in other provinces.

* (21:00)

So I just would want underscore again, safety and responsibility, always the top of mind.

And finally, to end, Bill 60 reduces red tape. It removes a requirement right now for liquor marketing representatives who provide liquor samples at retail stores to register with the LGCA.

This used to be a thing, Madam Speaker, that people wanted maintain a registry of who was in the premises, who was in the store, who was, you know, sampling—who was giving out samples of wine that day. But that list doesn't really perform any viable function, and so we believe it's a piece of red tape that can be eliminated. The stores themselves are responsible and the stores need to be responsible for people who are providing samples in their stores, but the registration of those agents doesn't make sense.

And I, myself, have relationships professionally in the wine industry here in Canada and at places like Anterra wines, who say that that provision doesn't make any sense. It doesn't keep anyone any safer. It doesn't serve any function. It just is busy work, so we would eliminate it.

As a final comment, Madam Speaker, our government is—remains committed to protecting the health and safety of Manitobans. We want to provide greater consumer choice when providing—when purchasing regulated products. We believe that Bill 60 supports this objective and will ensure that Manitoba's regulatory framework for liquor, gaming and cannabis better serves Manitobans.

Thank you, Madam Speaker.

Questions

Madam Speaker: A question period up—of up to 15 minutes will be held. Questions may be addressed to the minister by any member in the following sequence: first question by the official opposition critic or designate; subsequent questions asked by critics or designates from other recognized opposition parties; subsequent questions asked by each independent member; remaining questions asked by any opposition members; and no question or answer shall exceed 45 seconds.

Ms. Nahanni Fontaine (St. Johns): Under what circumstances would a person making a cannabis or liquor delivery be exempted by regulation?

Hon. Cameron Friesen (Minister of Justice and Attorney General): The member is referring to a part of the act under 24.1(3), where there are three categories delineated for persons who could deliver beer, wine and cider and coolers, and they are: an employee or person who is licensed to deliver—so, holds that delivery licence—and that third section is persons who are exempting.

Let me attempt to satisfy the question by saying the exemption itself wouldn't be the main categories. It would be precisely the employees or delivery agents who would be, for the most part, those making the deliveries.

You need to have some exceptionality. That's what this provision contains.

Hon. Jon Gerrard (River Heights): Yes, I'd ask the minister, is the liquor, gaming and cannabis corporation currently employing underage minors to check on the activities of retail outlets selling liquor and cannabis?

Mr. Friesen: So right now, there is a provision whereby minors can do this but, as I mentioned in my remarks, right now it's the inspector, the agent of LGCA, who must directly observe the attempt to sell the liquor or the cannabis to the minor.

And so this legislation changes that. And so the individual who is a minor would still operate under the supervision of the LGCA inspector or agent.

Ms. Fontaine: I'd like to go back to my previous question.

I know the minister attempted to kind of explain exempted by regulation. I don't think it was very clear, so if he could just try to explain it because the way that he answered the question, it sounded as if No. 3,

persons who are exempted, is actually just categories 1 and 2.

So, I—I'm a little confused there.

Mr. Friesen: Whenever legislation is being drafted, our Leg. drafters here at the Manitoba Legislature, who are exceptional people who have exceptional knowledge of constitutional law and background, try to make sure that they are framing laws in such a way as to provide for a full range of options that might be possible.

So that is why I said that when it comes to that section that we spoke about in 24.1(3), clearly the biggest categories of persons delivering wine and other things will be employees with a licence or employees—persons employed or retained by the holder of a delivery licence.

And the third category there is there to contain exceptions that may occur.

Mr. Gerrard: Yes. My question to the minister is this: Does the minister think that it's a good way to proceed to train minors in entrapment skills? Are there harmful effects from this process, particularly when the entrapment-skilled minor is going alone into a liquor store or a cannabis store?

Mr. Friesen: I've asked these same questions of the LGCA. I want to remind that member that no one would ever seek to put a minor person in any position of danger, so I was very careful in my remarks this evening to indicate that safety and the wellbeing of these minors is first. It is paramount. It is the top priority for our government, and it is the top priority for the LGCA in developing the program.

Minor agents will always work directly with an experienced LGCA inspector. The LGCA will ensure that all precautions are taken to ensure the safety of those working with the program.

Ms. Fontaine: Why would the minister allow for minors to be hired to do this work when they're not legally actually allowed to partake on the stuff that they're actually supposed to be witnessing and recording, or—and, even if it's under the supervision of an adult or—why?

Why would the government allow minors to do this?

Mr. Friesen: With regulators like the LGCA, this is a means of testing compliance. The member makes it sound like it is an odd requirement, but I want ensure all members that this is something that is done in many

jurisdictions—it is done now in Manitoba. It is done now in Manitoba.

The way you test for compliance on that age of majority is to test it by having people who are under that age try to test the voracity of the system's provisions. Do people follow the rules? This is one important way to do that.

Safety, of course, first, for all those who are hired.

Mr. Gerrard: Yes. To the minister: it seems to me there's a fundamental difference between what's happening now, which is a minor goes up under the watch of a supervisor, to what the minister is now proposing, which is that you train minors in entrapment skills and you send them in alone—you say under supervision, but it's under supervision at a distance instead of the supervisor watching what's happening.

And, you know, it could be some very difficult situations that the minor gets into.

Mr. Friesen: Yes, the member is just wrong if they're trying to suggest that somehow young persons will be put in harm's way. As I indicated, individuals under the legal age will work directly with inspectors—directly under their supervision—to attempt to purchase regulated products with the intent to determine if a licensee would sell or serve them.

This is the most effective way to test licensee compliance with prohibitions against underage sales. It's a form of protection. It is not done in a cavalier way. It is done safely to ensure the safety of everyone involved, and I have every confidence in the LGCA that they will do this well.

Ms. Fontaine: Can the minister explain how, under the supervision, this occurs safely? It just seems counterintuitive, so I'm asking if he can just kind of lay out, map out how this would be done, actually.

Mr. Friesen: Yes. I've asked these questions of the LGCA. I want to remind all members that these are not provisions that are some unique in the province of Manitoba. When it come to any regulatory body, when you're dealing with the sale of liquor or other restricted products, this is an accepted industry best-practice to be able to test compliance.

We want to be able to test compliance. Testing compliance helps us keep consumers safe. It helps us protect children who should not be purchasing these products and younger persons under the age who should not be purchasing these products.

So I hope that members wouldn't suggest that somehow we should not do these things, because that would be putting kids at risk.

Mr. Gerrard: Yes, to the minister: I'm concerned about the practice here, which is teaching minors entrapment skills. Normally, when we've got children and youth, we're teaching them good practices and how to do good things, but here you're teaching minors how to entrap others. I don't think that sounds like a very good idea to me.

* (21:10)

Mr. Friesen: Well, then, the member should realize that he's also saying to provinces right across this land, that those regulatory bodies and people who work there and people who have a lifetime of experience and skills that they have honed working in those environments, don't know what they're doing. And if he wants to say that, he should say it.

This is not some scheme that was concocted in a minister's office. This is the advice of the professionals of the LGCA who say this is an important component of a bill that is designed to keep people safe, including those who are the age of majority and those who are not. This is how we keep our system safe. We are interested in keeping our system safe.

Ms. Fontaine: It literally doesn't make any sense on how you keep people safe by sending in minors to do, as the minister—the member for River Heights (Mr. Gerrard) is saying, entrapment. It makes absolutely no sense.

But I am curious, like, how many minors are we actually talking about, and—that are hired, and by whom?

Mr. Friesen: Well, I would say to all members that when it comes to how many people would be working for the LGCA in this capacity, that would be the determination of the LGCA. That would be the determination of their new CEO, who I have had the chance to meet, who is just an exceptional senior leader. And that individual, with their executive management team, would make determinations on how much of this is necessary to test for compliance in the system. And so on a ratioed basis as a percentage of market, percentage of population, those determinations would be made on the basis of evidence.

Mr. Gerrard: I would ask the minister whether there's any research been done on children's long-term

behaviour and activities and who have been trained in entrapment skills. I'm concerned that you train kids in entrapment skills and what kind of career do they take up? What kind of attitudes do they take long term with them?

Mr. Friesen: I think members need to recognize that in the province of Manitoba right now any single person who takes and who registers in a serving licence situation is trained to be able to determine who might be under the age of majority, because there's an obligation and there's liability and there's risk to serve that person under that age.

And so that kind of discrimination is necessary, professionally, in order to be able to say, when do I need to ask someone for identification. I say to the members, this work is done now. It is done broadly. It is done internationally. It's done domestically. It's done right here in Manitoba.

Ms. Fontaine: So I know that the minister hasn't provided any actual numbers on how many children or minors that we're talking about.

Can the minister, then, provide the House with information on, like, how many—I don't know what the wording would be—like, sting operations or entrapment operations minors undertake?

Mr. Friesen: This bill sets out a mechanism to give the Liquor, Gaming and Cannabis Authority the—well, the authority to be able to make the decisions about how to determine, how to regulate.

So I would say to the members, we have regulatory entities. The Legislature does not regulate directly. That would be inefficient. And we have experience and we have a knowledge base. We have years of practice. We have professionals who engage with their counterparts on those determinations. By those professionals will these questions be answered.

Mr. Gerrard: Madam Speaker, I've completed my questions. Thank you.

Madam Speaker: Okay, the honourable member for St. Johns? There are no further questions.

Debate

Madam Speaker: Then I will now recognize the honourable member for St. Johns for debate.

Ms. Nahanni Fontaine (St. Johns): I think that, you know, from the questions that were just asked the minister, I think that it's obvious that there's concerns in respect of using minors in a compliance operation, if you want to use that type of narrative.

So, I'll say a couple of things, and then I want to concentrate on something that the minister said about, that because of the pandemic, more folks are, you know, partaking in, you know, delivery of alcohol or cannabis and all of that.

So let me just say this, Madam Speaker. I think that when we were elected in 2016—the government, when it took power—it knew that in 2015 the Trudeau Liberal government had announced as part of its platform as—that it would be seeking to legalize cannabis. And we—the Pallister government got elected in 2016; we started asking questions very soon thereafter, when the discussion on the legalization of cannabis started to kind of become really serious across the country, that we knew that that was coming down very shortly.

I remember being in a standing committee meeting—and I can't remember which standing committee meeting it was exactly—but at the time, the member for Springfield-Ritchot (Mr. Schuler) was, I believe, the—or I guess he's the Minister of Infrastructure now—I can't remember what he was. He must have been the minister for Crowns at that time. And I remember being in a standing committee for a report from Crown—I guess I can't remember which one it was; it's a long time ago—and asking repeatedly of the minister had they started any work on the legalization of cannabis. Had they started to do research on an environmental scan? Have they started to look at legislation changes that would need to be put into place? Had they started looking at mapping out infrastructure changes that needed to be occurred?

I asked that question seven times of the minister, and at that time the minister kept saying well, you know, when the feds start to do something, we'll do something. And, you know, every time, seven times that was the answer from the minister.

And why I share that is because that is really indicative of how the Pallister government has operated. First off, they kind of deflect everything or they'll kind of blame the federal government, but they don't prepare for things that are coming down the way. And so this seems to be something that should've been dealt with a long time ago. And here we are in 2021, five years after they became the government, and we're still dealing with some of the stuff in respect of cannabis.

I will say this, like I said earlier, the minister spoke about that—you know—because of the pandemic and during the pandemic, more people are, you know, partaking in alcohol and cannabis and stuff, and I just

want to share a little bit in that respect. And, again, it's a testimony to how little this government prepares. And just—I think it was just a couple of weeks ago, the member for Union Station (MLA Asagwara) and I had attended a vigil, a memorial here at the Leg., in the evening, and that memorial was in honour of 259 individuals who passed from overdose. So 259 Manitobans from September to January 2020 have passed from overdose—from—maybe January 2021, I believe.

And so I just want to put that on the record because I know that my colleague, the member for Point Douglas (Mrs. Smith), has repeatedly asked the government for the numbers or the statistics on Manitobans who have lost their lives to overdose, to which we still, to this very moment, have never had an answer from anyone on the opposite side of this Chamber.

And, like I said, the member and I attended and we had opportunities to speak with some of the Manitobans that were there in honour of their loved ones who had passed of overdose. And, you know, it's quite something, and it's quite something to stand on the steps of the Legislature with candles representing each of those Manitobans and with pictures, and quite often they're pictures of young Manitobans.

* (21:20)

But it's also quite something to be standing with moms. And so, you know, we were standing with two separate moms—I don't know if they knew each other, they were, you know, standing on opposite sides—and one was—it was her son's birthday, it would have been her son's birthday that very day, and then another mom was crying for her son, and she was just standing there, crying.

And so, it's extraordinary that, you know, Manitobans are in the midst of an addictions crisis in this province and have been for quite a while. I know that we've been standing up in this Chamber talking about, you know, opioids and meth and, you know, I know that even years ago, the member for Point Douglas (Mrs. Smith) and I were, again, on the front steps and listening to—there was a huge rally in respect of, you know, trying to call on this government, trying to appeal to this government to do something about the meth crisis.

And, you know, the member for Point Douglas and I sat—

Madam Speaker: Order please.

I would ask the member to pull her comments into relevance about the bill. While the issue she's talking about may be important, the focus does need to be on the relevance related to Bill 60. So I would ask the member to bring her comments back to Bill 60.

Thank you.

Ms. Fontaine: And I would say that the comments are relevant to Bill 60, because it is—it highlights that the things that Bill 60 is apparently attempting to do, which is rectify things that they haven't—they hadn't done previous, what I'm attempting to highlight, Madam Speaker, is that in the same way that we're sitting here at 9:20—something dealing with Bill 60, which tries to deal with some of this stuff in the same way that we—that—you know, I hope that we're not going to be another little—*[interjection]*

Madam Speaker: Order.

Ms. Fontaine: I don't know if the minister would like to get up and talk about overdose? We'd love to hear what he has to say about Manitobans who are overdosing right now.

My point is, Madam Speaker, is that we've had no action on this file in respect of Manitobans who have lost their lives to overdose. And the very fact that we have Manitobans who come before the Legislature to honour, but also to bring attention to the fact that we have a crisis of overdose—

Madam Speaker: Order. Order please.

I'm going to remind the member again. She's straying quite a bit from the bill that is before us and I would ask her to bring her comments back. There will be time, you know, in other debates for the topic that she wishes to speak about, but I would just ask her to bring her comments back to the legislation that we are to be debating.

Ms. Fontaine: Madam Speaker, the minister said in his opening comments, again, he said that—and he's not wrong, there—it is a fact that during the pandemic there have been more individuals that have been partaking in alcohol and cannabis, but by that same token, there have been more Manitobans that have also been partaking in other drugs, I guess. And in that context, there has been nothing done by this government despite the fact that we've been bringing this up since 2016.

And so, here we are, as the minister said in his opening comments to Bill 60, that we know that there's been more of this, and yet, on the flip side, we've seen no action by the Pallister government to

deal with the incredible numbers of overdose of Manitobans that we're seeing.

And I think that it is relevant when we look at any legislation that attempts to amend the Liquor, Gaming and Cannabis Control Amendment Act, you can't separate the—all of this from what goes on with other Manitobans in respect of overdose.

And so, Madam Speaker, I will say that Manitobans deserve a government that will do and take all—

Madam Speaker: The member's time has expired.

Hon. Jon Gerrard (River Heights): Yes, Madam Speaker, just a few comments on this bill, Bill 60, dealing with the liquor, gaming and cannabis control amendment.

I have some real concerns about training minors in deception and entrapment skills.

Right now, minors will go into a store—as I understand it—with a supervisor watching and present. This at least minimizes risks to the minor, but I'm very concerned about sending minors into a retail outlet with no supervisor present. This is a potential setup for problems, confrontations, difficult situations arising, and I think that this is not the sort of situation that we should be putting minors in Manitoba into, regardless of whether or not this practice is done elsewhere.

The very teaching of minors of how to deceive other people, how to entrap other people—one of the questions is what are the long-run effects of this on a minor who is being employed and is learning these skills? I'm disappointed that the—disappointed that the minister could not refer to any research on the long-term impact of teaching deception and entrapment to young people.

Are these young people, these minors more likely to go on and consume liquor and cannabis later, more likely to have addictions? This is an important issue, and we should know the answer. Are the young people more likely to use these skills of deception and entrapment in people that they interact with later in life?

You know, this is not something that is, you know, particularly a great skill to learn, how to deceive other people. And I think that maybe we should be teaching young people skills that are going to be more productive and more helpful in their later lives.

So I have some real concerns. We have some real concerns, as Liberals, with this legislation and we won't be supporting it.

Thank you.

Madam Speaker: The question before the House is second reading of Bill 60, The Liquor, Gaming and Cannabis Control Amendment Act.

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

Some Honourable Members: Agreed.

An Honourable Member: No.

Madam Speaker: I hear a no.

Voice Vote

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

Some Honourable Members: Yea.

Madam Speaker: All those opposed, please say nay.

Some Honourable Members: Nay.

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

Ms. Nahanni Fontaine (Official Opposition House Leader): On division, Madam Speaker.

Madam Speaker: On division.

The motion is accordingly passed, on division.

Bill 15—The Manitoba Public Insurance Corporation Amendment Act (Claim Dispute Tribunal)

Madam Speaker: I will now call Bill 15, The Manitoba Public Insurance Corporation Amendment Act (Claim Dispute Tribunal), and I will recognize the honourable Minister of Crown Services (Mr. Wharton) to move and speak to the second reading motion.

Hon. Wayne Ewasko (Minister of Advanced Education, Skills and Immigration): Look for—ask leave for a two-minute recess.

Madam Speaker: Is there leave for a two-minute recess?

An Honourable Member: No.

Madam Speaker: Leave has been denied.

* (21:30)

Hon. Jeff Wharton (Minister of Crown Services): I move, seconded by the Minister of Municipal Relations (Mr. Johnson), that Bill 15, The Manitoba Public Insurance Corporation Amendment Act (Claim Dispute Tribunal), be now read for a second time and be referred to a committee of this House.

Her Honour the Lieutenant Governor has been advised of the bill, and I table the message.

Madam Speaker: It has been moved by the honourable Minister of Crown Services, seconded by the honourable Minister for Municipal Relations, that Bill 15, The Manitoba Public Insurance Corporation Amendment Act (Claim Dispute Tribunal), be now read for a second time and be referred to a committee of this House.

Her Honour the Lieutenant Governor has been advised of the bill, and the message has been tabled.

Mr. Wharton: Madam Speaker, this bill amends the Manitoba Public Insurance act to establish a claims dispute tribunal allowing Manitoba Public Insurance to streamline the claims dispute process for vehicle damage to improve service and reduce red tape.

The current process for resolving physical damage claim disputes can be expensive, lengthy and cumbersome for Manitoba Public Insurance customers. The tribunal is intended to create access to a timely, efficient and transparent physical damage dispute resolution process and a better overall experience for Manitobans. It is also intended to reduce costs and customer confusion associated with current processes of challenging a decision associated with physical damage claims.

The claims dispute tribunal will be an independent body to settle physical damage claim disputes between MPI and its customers in an impartial way. Decisions of the claim dispute tribunal will be binding on both parties. And as an easy and cost-effective alternative to utilizing the court system, Madam Speaker, customers proceeding to the claims and dispute tribunal could have a lawyer assist with an application, but it is not necessary.

An insured who wishes to have the tribunal review the MPI decision on the physical damage claim will have 45 days to apply for a review. Following an application for the review, it will take approximately 90 days to receive the decision back from the tribunal, ensuring prompt decisions for the insured.

Manitoba Public Insurance anticipates that there will be a reduction of auto accident-related cases in court. An average of 326 physical damage claim issues are taken to small-claims court, Madam Speaker, every year. The tribunal will reduce the number of auto accidents-related cases from court dockets, freeing up time and resources for more urgent and pressing matters.

For the dispute related to denial of coverage on a claim, Madam Speaker, or responsibility for an accident, the customer will continue to have the option of bringing an accident to court or have the claims dispute tribunal review the decision. However, the issue—the insured will need to choose either a claims dispute tribunal or court action to proceed with.

Protecting Manitobans' future means addressing today's priorities with an eye on tomorrow, Madam Speaker. In our mandate letter to MPI, we enjoined the corporation to be careful stewards of resources and to reduce bureaucratic red tape.

MPI has embraced that mission. Now the needs are unprecedented times. We need to go further.

In the Throne Speech on October 7th, 2020, our government committed to protecting incomes by keeping more money in the people's pockets, not only by ensuring that MPI continues to lower rates but by ensuring that its processes—its processes are more efficient and less expensive.

Madam Speaker, the legislative amendment will meet the commitment by providing a timely, transparent and less expensive claims dispute process benefitting customers, the corporation and small-claims court.

Today's second reading, Madam Speaker, of Manitoba Public Insurance amendment act builds on these commitments and allows us to continue progress on our government's priority to reduce red tape and provide better services to the customers, and I look forward to its passage through this Legislature.

Thank you, Madam Speaker.

Questions

Madam Speaker: A question period of up to 15 minutes will be held. Questions may be addressed to the minister by any member in the following sequence: first question by the official opposition critic or designate; subsequent questions asked by critics or designates from other recognized opposition parties; subsequent questions asked by each independent member; remaining questions asked by

any opposition members. And no question or answer shall exceed 45 seconds.

Mr. Mintu Sandhu (The Maples): Can the honourable minister tell the House, who did he consult?

Hon. Jeff Wharton (Minister of Crown Services): I thank the member opposite for the question, and one thing that we do well on this side of the House, Madam Speaker, is consult with stakeholders and that's exactly what we did.

Madam Speaker, Manitobans have been asking for a less-reduced red tape when it comes to claims disputes, and the NDP had 17 years to deliver. We're going to deliver on that.

Madam Speaker: The honourable member for St. Boniface.

Is the member for St. Boniface going to be asking any questions?

Mr. Dougald Lamont (St. Boniface): Oh, I'm so sorry, Madam Speaker, I didn't hit unmute. Yes, I will. I'll be brief.

I had a question. It says the qualifications for the adjudicator will be set by regulation.

Just what are the qualifications of the adjudicator? Is there some reason to choose regulation over legislation?

Mr. Wharton: Certainly. Again, during the process—as we continue to consult with Manitobans, we'll ensure through the process and with—in collaboration with our stakeholders and MPI to ensure that an independent—the independent process will continue, Madam Speaker, to ensure that Manitoba ratepayers and—when they come to a claims dispute tribunal, will have every opportunity to ensure that their hearing is independent from MPI.

Mr. Sandhu: Can the minister—like, he really didn't answer my first question.

Who did he consult? He didn't really answer it. Can—please explain it again.

Mr. Wharton: Again, Madam Speaker, this is a legislation that will assist Manitobans when it comes to a physical damage claim to their vehicles.

And those are the exact folks that we've consulted with, of course, Madam Speaker: Manitobans, the ratepayers of Manitoba Public Insurance. They're the individuals that will be directly affected by this legislation, in a positive way, so that they can ensure

that they'll—their concerns are heard in an independent fashion so that they can also be assured that the outcomes will be binding and they'll—the decisions will be respected.

Mr. Lamont: Yes, a question for the minister: since the minister responsible for MPI cannot be responsible for the tribunal, is there any indication of which minister will actually be responsible for the tribunal?

Mr. Wharton: Again, the bill is an independent tribunal, Madam Speaker, so government will not be involved in the tribunal. MPI will not be involved.

As a matter of fact, it's an independent officer that will be hearing the—both sides of the case, whether it be the insured or Manitoba Public Insurance and the decisions will be rendered by that individual, Madam Speaker.

Mr. Sandhu: Madam Speaker, how will this bill improve service delivery to Manitobans?

Mr. Wharton: Certainly, this bill will improve services by, again—as the member should know, if he's read the bill—by ensuring there's an independent process when there is a vehicle accident, Madam Speaker.

If there's an issue that the insured decides that it wasn't a fair decision, Madam Speaker, that MPI rendered, then this individual will have the opportunity to go to an independent tribunal and have their decision—or, pardon me, have their case heard by somebody outside of MPI. We think that's the right thing to do.

Mr. Lamont: Just to get on—just to clear—a question about clarity, Madam Speaker.

Subsection 67.11 states the minister responsible for the tribunal must not be the same as the one MPI reports to, which is absolutely reasonable. But then it says, subsection 67.12(1) and (2), the tribunal must provide an annual report to the minister responsible for the tribunal.

So I'm just wondering, is—who would be that minister or responsible for the tribunal? Who—just in—not in—just in terms of the tribunal report handing its—releasing its annual report?

* (21:40)

Mr. Wharton: Well, again the decisions will be rendered by the independent office when it comes to a claim.

And, certainly, MPI falls under Crown services, Madam Speaker, and we of course will respect the independent process when it comes to the claims dispute tribunal. That's exactly what we'll do, and ensure that Manitoba ratepayers are protected, as they have the opportunity now to be heard by an independent party.

Mr. Sandhu: What recourse Manitobans have if they believe they have been treated unfairly by CDT?

Mr. Wharton: Again, when the individual or party attends the claims dispute tribunal, again, that decision will be binding, and certainly it gives—again—it gives clarity on the issue and it's resolved at that time, but it gives the ratepayer the opportunity, again, to be heard by an individual that is outside of MPI—so, doesn't work for the corporation.

So the decisions will be rendered. They'll be rendered by the individual responsible for the tribunal and they'll be binding. So it's absolutely a great thing for Manitoba ratepayers.

Mr. Lamont: No more questions, thank you.

Mr. Sandhu: What are the estimated costs one would incur when making a claim to the claim dispute tribunal?

Mr. Wharton: Again, as we go through this process, we will certainly be working on ensuring that regulations are in place, again, with respect to charges, Madam Speaker, that would be rendered during the process.

It would be very similar to what it would cost to go to a court, Madam Speaker, so we would expect that that process would be very similar to what Manitobans are familiar with today.

Mr. Sandhu: How many claims goes to the independent appraisal every year now, with the current system—the one we have now?

Mr. Wharton: Currently we don't have an independent tribunal, so I would say the answer is zero. That's why this legislation is before the House, Madam Speaker, to ensure that we can have an independent process for Manitoba ratepayers at MPI.

So, I hope that the member opposite appreciates that this is why this legislation is here. We're here to ensure Manitobans have their say in an independent process.

Mr. Sandhu: Has the minister thought about keeping the current system and then also adding this new CDT system so people have more choices?

Mr. Wharton: Again, the ratepayer would have the opportunity and choice to either continue through the courts with their claim or choose to go to the independent office, Madam Speaker—the tribunal—to have their case heard.

So this does give Manitoba ratepayers another option other than MPI, so we feel it's the right thing to do and certainly gives every ratepayer the opportunity to get their case heard from an independent process.

Debate

Madam Speaker: As there are no further questions, I will now recognize the honourable member for The Maples for debate.

Mr. Mintu Sandhu (The Maples): I would like to put a few words on the record regarding to Bill 15, The Manitoba Public Insurance Corporation Amendment Act, the claim dispute tribunal.

Bill 15, which sets up a claim dispute tribunal, is supposed to eliminate the challenges that have been—that have come along with the current dispute resolution process. Everyone owning a vehicle in Manitoba hopes for a better dispute resolution process. Most, if not all Manitobans, would be in support the red tape reduction, but it seems that the Pallister government ignoring the needs of Manitobans.

Every day, Manitobans have high hopes and ask to provide them reliable and consistent service. Pallister and his government are fixed on making the life harder for everyday Manitobans. Under the current process, any claimant who disagrees with Manitoba Public Insurance's assessment of their vehicle value has a couple of options. First, they can move to an independent appraisal process. In this, their claim will be placed in the hands of two independent representatives: one representing the insured, and one, Manitoba Public Insurance.

During this process, the insured can hire an independent vehicle appraiser as their representative. Both representatives will then try to agree on the vehicle's value or the repairs that are needed. After they agree, both must accept the decision. If the representatives don't agree, they select a third independent individual known as the umpire whose decision is final and binding on both parties.

If that representatives can't agree on the choice of an umpire, the courts will name one. Despite—despite the expected improvement, there are some concerning parts of Bill 15. For example, the bill states that a

claim dispute tribunal must make its decision solely on the basis of a written statement and other information or material submitted by the insured and the car appraiser.

Madam Speaker, if somebody doesn't know how to write or read, what recourse they have? So, there's nothing to provide any support for those individuals. This method is not better, not worse than the current one in which Manitoba Public Insurance's current vendor, AutoSource, does not actually appraise the vehicle physically. So they are just searching—the current system is they're searching online and looking at the cars and then just telling the—MPI what the vehicle value is. But rather, it uses various Internet searches to conduct an average selling price. Aspects such as—matters are not taken into consideration that the average selling price which could dramatically change the price at which they could go to.

With this, it is easy to see that the calculations they do not—credible—any way or form. This supports the Manitoba Public Insurance, which has a lot of experience preparing the documents and valuing vehicles against their customers, most of whom may not do this once or twice in their life.

It also works—applicants who have a challenge reading or writing at an additional disadvantage as there are so many new individuals coming and arriving in Canada.

Whom did this government consult when drafting this bill? Actually, the minister didn't say who; he said Manitobans. Really don't know who they consulted.

Through—this makes Manitobans feel uncertain about if they will or will not receive the right compensation for their dispute claim. There's only one other route for who—those who are unhappy with the Manitoba Public Insurance's value. They can take the insurer to small claims court. This option will remain available with the current of the CDT, but it is not available to those whose vehicle more than \$10,000 value.

So, Madam, I don't know where they will be going after they are not agreeing with the current. Let's say, if they go to the new system and the person tell them, like, their vehicle's \$5,000 or \$7,000; if they are not agreeing, and then the claimant doesn't have a new option to go to court after that.

But care must be taken to ensure the process is truly fair and not rigged in favour of Manitoba Public Insurance. Pallister and his government need to stop satisfying themselves—

Madam Speaker: Order, please.

When the member is making a reference to somebody, it should be the Pallister government—in that way. So I would ask the member to ensure that when he uses that, he references Pallister government, not the government of Pallister. Just a reminder to the member.

* (21:50)

Mr. Sandhu: So, the Pallister government need to stop satisfying themselves and need to start thinking about Manitobans and need to start working for Manitobans and what they desire.

As we all know that Manitobans want to trust Manitoba Public Insurance service and want to be treated fairly as much as possible. However, Manitoba Public Insurance has become a corporation that does not have the trust of the majority of their claim holders. For service reasons, such as this bill, from the 2018, the Manitoba Public Insurance annual report, it shows a significant spike in complaints at MPI. Between the year of 2017 and '18 there has been a 50 per cent increase and from recent report, an increase in appraisal—appeals to the Fair Practices Office showing that this is an ongoing systematic problem.

The tribunal is not the solution to these increased number of complaints as it will not resolve fundamental issues within Manitoba Public Insurance claim dispute mechanism. Manitobans do not need another system to resolve their claim appeals. They need a system within Manitoba Public Insurance that will give better results than they—their—they file claims.

Will this bill, if enacted, resolve far-reaching systematic issues within Manitoba Public Insurance? I don't think so, Madam Speaker. This is not the only time that the Pallister government are trying to make the life harder for individuals, as for example, the process of buying salvage has got harder and more expensive. As of September 2020, in order to bid and purchase MPI salvage items, you have to register as a buyer with impact auto source. It is an American company headquartered in Winchester, Illinois, and so money from this is also going to the States, as with the parks. The Pallister government is sending all the money from the bidding to the States.

As before, it was free, but in this new way it is stopping individuals to even bid, as they might not even bid on anything, but they will have to pay the fee, already bid ongoing costs. The lack of affordability,

we—like, Manitobans want to—stress free, especially when it comes to dealing with an insurance claim. But with this bill, it will create a tension between Manitobans and the government.

I would like to ask the Pallister government if they would commit to treat Manitobans fairly, and will this government stop interfering with our Crown corporations, including Manitoba Public Insurance?

Madam Speaker, I'll conclude with this. I think there's only 20 seconds left.

Thank you.

Mr. Dougald Lamont (St. Boniface): I'll be very brief, Madam Speaker.

I do know that there have been major challenges for individuals. Actually, a former member—a former MLA faced incredible challenges in trying to get fair treatment from MPI. This is a long-standing issue, and it is a major challenge for people to be able to get fair dealing from MPI without having to go to the expense of court.

So we do have a couple of reservations about the bill, namely, we would like to know which minister will be—the tribunal will be reporting to, in the sense of reporting its annual findings, annual reports.

And it would also be a positive thing if we could see a little more specifics about the necessary qualifications of the adjudicator, as well that it be spelled out in advance, or at least that we would have an idea of what would be covered in terms of regulations. But I think that, in general, though I say this with a great deal of trepidation, this might be a bill that we can vote for.

Thank you very much, Madam Speaker.

Madam Speaker: The question before the House is second reading of Bill 15, The Manitoba Public Insurance Corporation Amendment Act (Claim Dispute Tribunal).

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

Some Honourable Members: Agreed.

Some Honourable Members: No.

Madam Speaker: I hear a no.

Voice Vote

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

Some Honourable Members: Yea.

Madam Speaker: All those opposed, please say nay.

Some Honourable Members: Nay.

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

Ms. Nahanni Fontaine (Official Opposition House Leader): On division, Madam Speaker.

Madam Speaker: The motion is passed on division.

Bill 46—The Court Practice and Administration Act (Various Acts Amended)

Madam Speaker: We will now move to Bill 46.

I will call second reading of Bill 46, The Court Practice and Administration Act (Various Acts Amended), and recognize the honourable Minister of Justice to move and speak to the second reading motion.

Hon. Cameron Friesen (Minister of Justice and Attorney General): Madam Speaker, I move, seconded by the minister for mental health, addictions and recovery that Bill 46, The Court Practice and Administration Act (Various Acts Amended), be now read a second time and be referred to a committee of this House.

Motion presented.

Mr. Friesen: By my count, we are on bill No. 11 of the evening, which would mean we have 33 to go, and so I will endeavour to keep my comments brief—but I would want to—*[interjection]*—thank you. I know I have the consensus of the House on this matter. It's good to see us developing some consensus in this place on such a thing as the brevity of my remarks.

I do want to put a few terms on the record, but I will qualify my remarks by saying, although this bill is somewhat significant and has many sections, the things it's looking to change are not that complicated and so should be explainable, and I hope they have the support of other in the House.

This is second reading of Bill 46, The Court Practice and Administration Act. It amends seven statutes respecting court practices and operations. The goal is to advance the modernization of our justice system and improve justice services to Manitobans.

So, the first thing this bill does is it amends The Court of Appeal Act and The Court of Queen's Bench Act to essentially allow federally appointed judges to go to conferences and then to bill the federal government for the cost of the conference.

That sounds strange. But it turns out that there are certain obligations, of course, that justices have for training—but they have certain opportunities to attend professional conferences and seminars, and those costs can be covered federally. But in order to do so, we need to amend legislation to provide clarity on this matter. So, this seeks to accomplish exactly that.

There's also amendments to The Provincial Court Act that allow greater flexibility to the chief judge of Manitoba in assigning senior judges to address the provincial courts' workload challenges.

We all know that COVID-19 has caused challenges to the courts; we all understand that there have had to be some pausing of procedures in court procedures in order to accommodate the safety of Manitobans

But that also means that there have been many adjournments and there is a cap, essentially, that exists right now in legislation whereby the senior judge can only avail themselves of the work of senior judges—read: retired judges. There's a cap, to a certain amount.

So this would seek to, essentially, reduce that cap—eliminate the cap, which would mitigate resulting case backlog. So we believe that that should have the support of all members of the House, probably a long time coming.

Mr. Dennis Smook, Acting Speaker, in the Chair

Amendments to The Court of Queen's Bench Small Claims Practices Act would improve the small claims appeal process. Essentially, what it says is, transcripts of the original hearing will be required at the first court appearance on the appeal.

So, that would allow the judge to determine at that time if the appeal has merit, and if it may proceed. Without that provision, it means the judge cannot simply continue but the judge must then pause, wait for the documents to be produced—the transcripts—and then reconvene to make that determination. So this is efficiency act; it's a tidying-up mechanism.

* (22:00)

The next section, amendments to The Court Services Fees Act, will modernize the fee structure. Probably a long time coming in this province; some of

these fees haven't changed for 30 years. And while our fees are very, very affordable, I want to tell all members that great care was taken by justice officials to look across other jurisdictions. A lot of care was taken to determine what fees were in other jurisdictions. No one is looking to gouge Manitobans, but we are in the middle of a very significant shift.

As the former minister of Justice and Attorney General, who is now the Education Minister, will understand, when it comes to modernization of the courts, implementation of the integrated case management system, we are getting a far more beneficial experience into place for people who use the courts, digital interactions between the courts and court participants, all these things will take investments. These things will not pay for those investments, but they do help us to address or acknowledge those costs. In the end what matters, of course, is access to justice.

The Jury Act is amended to modernize the reasons for disqualification exemption from jury duty. I want to be clear on this. It is amended to make it less onerous on the individual. The former rules required very specific health information to be provided in order to become exempt from jury duty. This lowers the burden to the individual to simply provide only high-level information on their condition.

Finally, amendments to The Department of Justice Act will simplify the Crowns processes to retain and compensate court interpreters and expert witnesses. Right now, those costs that are incurred for court interpreters and expert witnesses can't be changed. And so, if there's issues of competitiveness, if those fees rise in other jurisdictions, if we are bringing those people from other jurisdictions here, we have no maneuverability on that cost. It should not be in the legislation that these things are set. They should be set competitively to reflect the expertise of those that we are trying to incur. And I believe that because this is a measure that calls for an increase to wage, the NDP will be highly supportive of it.

These amendments will, of course, like I say, also include regulatory changes in court services fees. So now, when it comes to court jurors, jurors in Manitoba, until now, could never be paid until day 11 of their service. And at day 11, a juror was paid \$30.

Now, Mr. Acting Deputy Speaker, \$30 a day after day 11 is not a lot of money. No one is going to get rich in this province undertaking to perform juror duty. But we should at least acknowledge their time. We should respect them more. These changes should

have been brought in years ago. It is our government, once again, who is getting the job done.

This mechanism would essentially allow juror compensation to begin on day one and at a rate that is almost triple what it is now. So, while I say it's a long time coming and it's our government that is getting the job done.

It's important, Mr. Acting Deputy Speaker, that Manitobans have confidence in their judicial system. These amendments will improve court services and judicial processes. They will enhance access to justice for all Manitobans. Enabling solutions to court backlogs and adjournments will enhance the efficiency and the timeliness of the justice system, and improving our court fee structure will allow Manitobans to better meet the costs of going to court. Improving jury duty, of course, at the end will reduce unnecessary disclosure of health information and attendance at court.

I commend these changes to the Legislature for debate. I look forward to the debate and I look forward to the participation in—of all members to pass these later this evening.

Questions

The Acting Speaker (Dennis Smook): A question period of up to 15 minutes will be held. Questions may be addressed to the minister by any member in the following sequence: first question by the official opposition critic or designate; subsequent questions asked by the critics or designates from other recognized opposition parties; subsequent questions asked by each independent member; remaining questions asked by any opposition members. And no questions or answer shall exceed 45 seconds.

Ms. Nahanni Fontaine (St. Johns): Would the minister be so kind as to explain why the Pallister government is contracting out court service fees?

Hon. Cameron Friesen (Minister of Justice and Attorney General): If the member is speaking to the fact that we have interpreters and court experts who are brought in, this is not a new change; this is not something that the bill accomplishes. These provisions have been in place in Manitoba for years and years and years.

Hon. Jon Gerrard (River Heights): I would ask the minister what has been the experience to date with retired judges.

Approximately how many retired judges or senior judges are employed and what is the projection over

the next, say, five years, in terms of the number of senior judges who will be employed?

Mr. Friesen: I want to make clear that the management and the utilization of senior judges is not the obligation of the Minister of Justice and Attorney General. Rather, it is the obligation of the chief judge of Manitoba.

The minister's—the member's question is tricky because senior judges don't necessarily come back full-time. They are utilized on a part-time basis. Some of them can come back for a lot of significant service. That number would ebb and flow.

I would indicate we are very committed to reducing court backlogs, so I would suggest generally that the utilization of senior judges, as the Chief Judge employs them, will increase over time.

Ms. Fontaine: Would the minister explain why there's such a backlog of court cases that then would require the utilization of retired judges?

Is it not that maybe there is a need for judges overall—more judges or new judges within the system?

Mr. Friesen: The member doesn't seem to understand that the utilization of senior judges in Manitoba is a long-standing feature of our justice system. We have—as a matter of fact, we continue to add chief—or we continue to add judges to the Provincial Court right across Manitoba.

As a matter of fact, we just appointed a new judge in Brandon only weeks ago, and we congratulate that judge, who is assuming those duties, and we wish them well in their new role.

However, the utilization of senior judges is nothing new. We will continue to invest in courts. We will continue to add judges and new positions, as well. And I tell the member to stay tuned to hear the good news that will continue to come from this government in respect of our addressing the issues that were left unaddressed by the former NDP government.

The Acting Speaker (Dennis Smook): The honourable member for River Heights.

Could the member for River Heights unmute himself, or does he not have any more questions?

Mr. Gerrard: No, I do have a question, thank you, Mr. Deputy Speaker.

I'd just ask the minister the definition of a resident is somebody who has spent more than half his time in Manitoba, residing in Manitoba, is—we have a

situation with COVID-19 right now, where we've got some people who ended up in Ontario, and they're staying there until COVID is finished and then are going to move back to their normal residence here.

What is the definition of resident, as it applies in this act?

Mr. Friesen: The member is referring to section 41(1), where it indicates with the amendment that a person must be a Manitoba resident to be eligible to be appointed as a staff justice of the peace or community justice of the peace.

When it comes to the definition of a Manitoba resident, which I believe is a good measure to add to the bill—was not previously there—I would suggest to him that it would be upon the interpretation act's definition of Manitoban that the determination would be made.

Ms. Fontaine: In apparently trying to—attempting to strengthen the jury process and selection, did the minister consider legislation that would construct juries as more representative of Manitobans?

Mr. Friesen: I would suggest to the member that it's not the duty of the minister to hand select jurors in this province. But I do commend to the Legislature that changes that we have brought here. It would—it's clear here that the legislation provides a better framework for using more Manitobans.

As a matter of fact, previously, when the NDP was in power, they prohibited anyone with a conviction at all from serving as a jury—as a juror in Manitoba. Right now, only those with an indictable offence will be prohibited from serving as a jury, but all others will be eligible for jury service.

* (22:10)

So, I would indicate to the person, where they failed, we're getting it right.

Mr. Gerrard: To the minister: The act will repeal section 6.54 of The Provincial Court Act. This was a fairly convoluted section which says the chief judge must not assign a senior judge to judicial duties if the remuneration of the senior judge for performing those judicial duties would they have the effect of exceeding, for the government's fiscal year, an amount equal to the 'annual' salary of one judge or the annual salaries of a number of judges prescribed in the regulation.

Is this to indicate that senior judges sometimes earn so much money that they would exceed the annual salary of one or more judges?

Mr. Friesen: Well, the bill does not get into discussions about compensation of judges. The bill does make it clear that it lifts the broad parameter—cap for the utilization of chief—of senior judges, and that's a good thing. Essentially, the chief judge needs to manage the courts.

It's the responsibility of the chief judge to manage those courts, so we must unfetter the chief judge to be able to say what is the best combination of currently serving judges and senior judges to be able to handle the issues, to be able to bring down the caseload and to allow access to justice.

So we give the chief judge to their duties, and we have every confidence.

Ms. Fontaine: Would the minister be so kind as to explain how the outsourcing of the handling of Manitoba's legal transcripts to a Saskatchewan firm, how does that grow employment, or how does that serve Manitobans?

Mr. Friesen: Procurement of transcription services in this province is as old as the hills, and our government believes in getting good value for the dollar, and that means that we believe in open procurement.

So where the NDP gave contracts to their friends without bidding for them, our government believes in getting good value for Manitobans, and that means we believe in the procurement process. We have a minister responsible for procurement, and we go to where we can get a good deal for Manitobans.

I would remind that member, as well, that transcription services also go to people in this province as well as witnesses used for court proceedings also go to people who live in Manitoba.

Mr. Gerrard: That completes my questions. Thank you.

The Acting Speaker (Dennis Smook): Are there any more questions?

Debate

The Acting Speaker (Dennis Smook): The floor is open for debate.

Ms. Nahanni Fontaine (St. Johns): We are concerned about the changes to The Court Services Fees Act. It would appear that the changes explicitly references third parties. We're concerned that this

opens up the opportunity for privatization and contracting out the jobs of many public-sector workers.

We know that this government has a tendency to want to privatize and contract out jobs outside of Manitoba that serve no good purpose to Manitobans and actually take away jobs and dollars for Manitoba citizens.

And so we're concerned with that—those changes to The Court Services Fees Act.

And, you know, fees to third-party operators are now considered court fees under this act. The government has created a monopoly for a private corporation from Saskatchewan to handle Manitoba's legal transcripts.

And I know that the minister was saying that they are all in favour of procurement, but it seems to be, you know, procurement that's outside of Manitoba's borders, and I find that—I don't think any Manitoban appreciates when they are actively looking to privatize and give out contracts outside of the province and has no benefit for Manitobans.

It's important for folks to know that this used to be a government in-house service through the Manitoba civil service, so it doesn't make any sense why the government would then hand out a contract to folks in Saskatchewan.

The quality of service has worsened under the privatized system and, Deputy Speaker, it's become more expensive. And so every time the Pallister government privatizes anything, it ends up that it's more expensive for Manitobans.

It's more expensive for Manitobans to participate or utilize or have access to a system that they are rightfully entitled to have access to, but somehow this government seems to—every time they touch something, every time they try to change something, every time they try to adapt something, they turn it on its head so that, actually, Manitobans are the ones that end up suffering and end up suffering financially quite often.

And so under this relationship, the government now acts as the bill collector for a private out-of-province corporation, and that's just unacceptable. And since accessing legal 'transcripts' is more—transcripts is more expensive, it becomes another barrier that economically-marginalized Manitobans have to deal with in order to access the justice in the court system.

And so there's been a theme. I've stood up here—I don't know how many times I've stood up here tonight and on other days that we've debated bills. As I've said previously, I am responsible for quite a few of the Minister of Justice's (Mr. Friesen) bills that are before the House, and every single time I get up, part of the narrative is how access to justice in Manitoba is getting more and more inequitable and more and more closed-off from Manitobans who, like I said, have the right—or should have the right—to access equitable justice.

And so, you know, it is problematic and questionable why the Minister of Justice keeps, you know, introducing legislation in this House and—you know, we finally got to see all of the legislation but, you know—keeps introducing legislation in this House that actually works against Manitobans from accessing justice. I don't understand his thinking in why he's doing that, and the only thing that I can come up with is that he simply doesn't care if Manitobans have access to equitable justice, and that's what we're seeing in this as well.

Again, when you contract out to corporations or your best friends in other provinces, like we've seen, you're taking away, well, good-paying jobs from Manitobans. I don't know why this Pallister government and all of his Cabinet, why they want to take away money from Manitobans and give it to people in other provinces.

And so I won't speak too long on this bill. I just will say this as well, Deputy Speaker, you know, when we talk about accessing justice or creating an equitable justice system, one of the things that we have yet to see from this minister or from this government is an attempt at ensuring that there is equitable representation on juries and, you know, specifically I'm speaking about the representation of Indigenous peoples on juries, on Manitoba juries.

I think that, you know, in 2021 everybody at this point should be aware of, you know, that representation matters. Representation matters in this Chamber. Representation matters within the judiciary. Representation matters in the health-care system, in the education system.

And so we haven't really seen any definitive action from this government—from this Pallister government—on trying to ensure that there is representation of Indigenous peoples in all aspects of the justice system, not just those that are overly—are over-policed and over-charged and come before the courts; not only that.

We have a system in Manitoba, we have a justice system in Manitoba that no one in their right mind could argue is—does not racially discriminate and is not systemically racist towards Indigenous people.

* (22:20)

I used to—before I became the Special Advisor on Indigenous Women's Issues, when I was the director of justice for Southern Chiefs Organization, I also used to teach at the university. I used to teach—I was a sessional instructor at the U of M and I used to teach Aboriginal peoples in the Canadian justice system.

And one of the things that I would make all of my students do was they had to go at some point during the course—and it was, you know, they had to hand in an assignment—they had to go spend the day at the Manitoba law courts. And they had to, you know, share what they saw, what were their observations.

And inevitably, every single time I taught that course and every single student that wrote their final paper for me spoke about how all they saw was that those that came before the courts, those that came before the courts with charges or those that came before the courts that would be waiting or in the courtroom there to support their family members were, more often than not, Indigenous peoples.

And the other thing that they reported was that, more than often—more often than not, what they saw was that those that were on the other side of the system were non-Indigenous. And I think that it was very eye-opening for students to see that.

It's one thing to maybe, you know, read it or, you know, maybe you hear it on the news every once in a while, but it's certainly different for young folks that are taking university courses—not everybody's young, but the majority of my students were—to actually see that in living time and living space.

And so it's important that we have representation on the other side of the justice system.

And here was, you know, potentially a good opportunity for the minister to start looking at legislating representation on juries to ensure that Indigenous peoples who come before the courts for a variety of different reasons are judged by their peers.

And a really good example of that, Deputy Speaker, is the trial of—in the murder of Colten Boushie, all the jury were—none of them were Indigenous. In fact, there was a concerted effort by the defence to ensure that there was no Indigenous members on that jury. And there are consequences to

that. There are consequences to not having equitable representation within the judiciary and, unfortunately, I would submit to the House that, more often than not, it is Indigenous peoples that suffer that consequence.

And so, again, I think that the minister has to do better at representation on juries.

Miigwech.

Hon. Jon Gerrard (River Heights): A few comments on this bill: I am pleased to learn that the experience with retired or senior judges seems to be going quite well and that there is likely to be more employment of senior judges or use of senior judges in court proceedings into the future.

The provision to increase the salaries of jurors and to start paying jurors before day 11 is a reasonable one and really should have been implemented some time before this.

I am in agreement with the MLA for St. Johns that there does need to be some significant representation of Indigenous people on the juries of our province and I would hope that the members of court will work to ensure that that happens.

This is a bill which, in general, we can and will support.

We note that there's a provision that if a person who's not eligible to serve as a juror, if the person has a disability cannot reasonably be accommodated, we believe there needs to be a stronger provision here that the court must make a reasonable, significant effort to accommodate those with a disability so that they can be eligible to be jurors and to be full participants.

I think that this should go without saying, but there are too many circumstances where I worked with individuals with disabilities and they have had to fight and have had long battles to get accommodation which current laws and principles would suggest should have been provided naturally.

So I think that there can't be an assumption that, you know, the current conditions are—represent reasonable accommodation, but that there really is a duty to have the court make reasonable accommodation and ensure that there can be good participation of individuals with disabilities on our juries.

I think they provide a really important perspective. We know, as an example, that individuals with learning disabilities and dyslexia are more likely

to be involved with the criminal justice system and more likely to be incarcerated.

And just as we have already seen talk earlier today about the need to have Indigenous representation on jurors, I think it's absolutely fundamental that we should have people with varied disabilities serving as jurors and that we are making the accommodation that's needed for them to participate and participate as full jury members.

So with those comments, we are ready to support this legislation and look forward to it passing and becoming law.

Thank you.

The Acting Speaker (Dennis Smook): The question before the House is second reading of Bill 46, the court practice administration act, various acts amended.

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

Some Honourable Members: Agreed.

Some Honourable Members: No.

The Acting Speaker (Dennis Smook): Agreed and so ordered—oh, there was—I hear a no? Okay.

Voice Vote

The Acting Speaker (Dennis Smook): All those in favour of the motion, please say yea.

Some Honourable Members: Yea.

The Acting Speaker (Dennis Smook): All those opposed, please say nay.

Some Honourable Members: Nay.

The Acting Speaker (Dennis Smook): In my opinion, the Yeas have it.

I declare the motion carried.

Bill 30—The Consumer Protection Amendment Act

The Acting Speaker (Dennis Smook): We will now move on to Bill 30, The Consumer Protection Amendment Act.

Hon. Scott Fielding (Minister of Finance): I move, seconded by the Minister of Health, that Bill 30, The Consumer Protection Amendment Act, now be read a second time and be referred to the committee of the House.

Motion presented.

Mr. Fielding: Bill 30 built upon two government commitments: the government's ongoing commitment to reducing administrative burdens, Mr. Acting Deputy Speaker, and barriers for businesses while ensuring consumers continue to be protected in the marketplace. Bill 30 also fulfills the 2018 Throne Speech commitment to expand consumer protections against unsolicited high-pressure sales tactics used by direct sellers.

Madam Speaker—Mr. Deputy—Mr. Acting Deputy Speaker, Bill 30 proposes to amend The Consumer Protection Act, repealing the contracts for cellphone services and cellphone contract regulation. Repealing the rules related to cellphone contracts will mitigate the duplicated services by the federal government or legislation by the federal government through the regulatory environments and reduce red tape for cellphone suppliers, currently must comply with both federal and provincial legislations.

The federal government's Wireless Code addresses the same issues as Manitoba's cellphone legislation, and industry has raised concerns over over-regulation by the lawmakers. The duplication has also led to consumer confusion in the marketplace, as the Wireless Code is more comprehensive than Manitoba's rules. Consumers will continue to be well-protected in the marketplace.

* (22:30)

Repeal will eliminate over 223 regulatory requirements. Bill 30 also proposes to amend the direct sellers and Consumer Protection Act, to restrict door-to-door sellers, direct sellers that come to consumer's home and use unsolicited, misleading, high-pressure sales tactics to convince Manitobans—consumers to purchase or lease large household systems and supplies such as furnaces, air conditioners, as well as water purifiers, Mr. Acting Deputy Speaker.

Further amendments to the direct sellers legislation will assist those Manitobans, particularly seniors in vulnerable communities, who are falling victim to aggressive and often misleading sales tactics, and entering into direct sales contracts for furnaces, water and air purifier products, water heaters and other household systems and supplies.

By putting the proposed framework in place, Mr. Acting Deputy Speaker, governments will be addressing the most frequent complaint to the Consumer Protection Office—has received over the last number of years.

Consumers have told us that they feel more vulnerable to questionable sales tactics when sellers show up unsolicited at their door. This often leads them to signing contracts for products that may not need or may not be able to afford.

Bill 30 prohibits the direct sale of furnaces, air conditioners, windows, air and water purifiers and other household systems and supplies at the consumer's home or outside the seller's usual place of work.

The proposed prohibited-prohibit-'prohibition'-sorry, it's getting late in the night-does not ban the sales of aforementioned household systems and supplies, and it does not prevent suppliers from attending consumers' homes to sell their products. Rather, the new rules will require that the solicitation of these products be initiated by the consumers themselves, Mr. Acting Deputy Speaker.

In the event of dispute, in the hands of-to prove exactly what parties have agreed to, by amending The Consumer Protection Act, the bill also focuses on information disclosure and requires direct sellers to provide consumers with written contracts containing specific information related to their purchases, including total costs of the products they are purchasing.

The amendments also include some additional measures that will help prevent consumers from entering into lengthy and extensive, expensive agreements that may or may not need, or cannot afford. They want to ensure that consumers have the time and information they need to compare household services and systems and supplies to make informed product decisions.

To that end, Bill 30 provides direct sales contracts cannot contain undefinable lease terms, so there can't be an undefined amount of time. Direct sellers have to provide their name, as it appears on their licence, on the consumer agreement. All businesses provide prescribed household systems and supplies must provide consumers with plain language disclosed, confirming that the consumer initiated that the in-house sales contract and the proposed amendments will also provide flexibility to add to this list of prescribed goods and services by regulation. So we can add different services, Mr. Acting Deputy Speaker.

The proposed amendment will also allow businesses to use unaddressed marketing, promotional materials, such as flyers in a buy ad and home-in a

home buyer's mailbox to promote their businesses. This activity will no longer be continued as an offer of solicitation proposal and approach for the purpose of direct sales.

The Consumer Protection Office will be responsible for ensuring businesses are aware of their obligations under the act and mediation disputes. However, if raising awareness and mediation efforts are unsuccessful, Mr. Acting Deputy Chair, the Consumer Protection Office can use a variety of measures to achieve compliance.

These amendments benefit both the consumer and business, and I recommend all members of the House to support this bill that reduces red tape for businesses, protect consumers and further the government's commitment to develop a fair and prosperous marketplace for all Manitobans.

Thank you very much.

Questions

The Acting Speaker (Dennis Smook): A question period of up to 15 minutes will be held. Questions may be addressed to the minister by any member in the following sequence: first questions by the official opposition critic or designate; subsequent questions asked by critics or designates from other recognized opposition parties; subsequent questions asked by each independent member; remaining questions asked by any opposition members; and no questions or answers shall exceed 45 seconds.

Mr. Jim Maloway (Elmwood): Mr. Acting Deputy Speaker, Bill 30 prohibits door-to-door sale of furnaces, air conditioners-

The Acting Speaker (Dennis Smook): Could the member turn his mic on? Because I cannot hear him.

Mr. Maloway: It's on, Mr. Deputy Speaker.

The Acting Speaker (Dennis Smook): Then either put on a headset so we can hear you, or speak closer to the mic.

Mr. Maloway: Can you hear me now?

The Acting Speaker (Dennis Smook): Yes.

Mr. Maloway: Okay. Bill 30 prohibits door-to-door sale of furnaces, air conditioners, windows and other household systems and supplies. The Manitoba Consumer Protection Office recorded more than 60 complaints concerning home energy door-to-door sellers in 2018-19.

Manitoba Hydro's received more than 200 complaints about Prairie Home Comfort in utility bill in the past five years. Door-to-door salespeople are required to be bonded by an insurance company so victims can be compensated.

How many victims of door-to-door sale scams have received compensation from the bonding companies?

Hon. Scott Fielding (Minister of Finance): I do want to compliment the member opposite—I know he's raised these issues in the past, so I know his many, many, many years—I think it's been 60 or 70 years he's been in this Legislature.

You know, I want to give him compliments on this. There is enforcement. The Consumer Protection Office is often able to resolve a lot these disputes through consumers without initiating any enforcement types of activities and ensuring that businesses are aware of their obligations under the act.

But if enforcement measures aren't able to be used, there's a variety of measures to use to achieve compliance. These measures could include compliance orders, administrative penalties, injunctions and prosecution, and I very much agree with this member that this is initiative that should have been worked on a long time ago.

Mr. Dougald Lamont (St. Boniface): I would just—wanted to ask the minister—just some clarity around the cellphone is that there is already existing legislation at the federal level, so there won't be a gap of where the Manitoba legislation will be repealed—the federal legislation is already in place to protect people from unscrupulous sales.

Mr. Fielding: Yes, the member is exactly right. In fact, Manitoba and Quebec were the only ones that had legislation. Manitoba introduced this legislation, I believe it was in 2012, their wireless—and after, of course, the federal government introduced their legislation, and so the legislation is duplicate.

The federal government's Wireless Code, which is really a mandatory code of conduct for suppliers of retail mobile wireless services—the Wireless Code addresses the same issues Manitoba cellphone services legislation does as results. So there's dual legislation.

As mentioned, there's only ourselves and Quebec that still has this, so it is under the jurisdiction of the federal government in respect of this—has nothing to do with anything to do with pricing that's there, but

there is duplication because the federal government has introduced some legislation after we have some.

Mr. Maloway: Mr. Acting Deputy Speaker, on April 2018, a resident signed a contract with a door-to-door direct seller called UtileBill, promising to pay over \$37,000 for a furnace, 'epifilter,' water filter and electronic air cleaner. All of these products should have cost less than \$10,000. This is an outrageous abuse of the public.

Will the minister get on top of this issue and tell us if even one person was reimbursed for their loss under the bond?

Mr. Fielding: I'm going to agree with the member, once again, that these types of selling—aggressive selling-type of approaches should not be allowed, and that's why this legislation is before us here. There is a variety of sources in terms of the legislation that can happen to make sure that this aggressive type of selling is not working.

* (22:40)

Hopefully, the Consumer Protection Office can resolve a lot of these issues together, but there is a means—other means that they can take, a variety of measures including achieving compliance; measures 'incude' compliance orders, administrative penalties, injunctions and prosecution. So those are mechanisms that can be used by consumer protection to make sure this type of 'gressive' sell doesn't go at the doorstep to have a situation—

The Acting Speaker (Dennis Smook): The honourable minister's time has expired.

Mr. Lamont: That's all, Mr. Acting Deputy Speaker.

The Acting Speaker (Dennis Smook): No further questions from the member.

The member for Elmwood, do you have any further questions?

Mr. Maloway: Yes, I do, Mr. Acting Deputy Speaker.

The minister has long enough to know what's happening in his department. The time for deflection and excuses is over. The time has come for him to come clean and tell us why the bonding 'connies' have not been compensating the victims of these scams? Why keep evading this question?

Mr. Fielding: Well, we know the member's been here for over 90 years, but in the 90 years that he's been here, Mr. Acting Deputy Speaker, I can tell you one thing. There's never been a time where an opposition

have blocked bills during the pandemic. That's a one-in-100-year type of approach. If the member would support these types of initiatives, we'd have these laws in place. But, no, they chose to block the Legislature during a pandemic.

That won't happen. We're going to get this law passed.

The Acting Speaker (Dennis Smook): The honourable member for Elmwood. The honourable member from Elmwood?

Could the member from Elmwood unmute his mic?

Mr. Maloway: Mr. Acting Deputy Speaker, I have a constituent, a long-time resident of Riverton Avenue in Elmwood. What do I tell her when the minister won't answer a simple question regarding her loss to these door-to-door salespeople?

I've asked the minister many times. How many people have been compensated through the bonds? Everybody who direct sells in Manitoba is required to have a bond through an insurance company. He knows that, and he knows that he can call these bonds. Why have these people not been compensated?

Mr. Fielding: If I can take the information from the member, I can certainly look into it from my office point of view to look at the specifics of this individual case. I can tell you there's a variety of measures that's available that could be looked at from the Consumer Protection Office. These things consist of things like compliance orders; the hope is obviously that the Consumer Protection Office can sort these things out.

It sounds like in the case that the member's raising, rightly so, on behalf of his constituents, that things such as administrative penalties and injunctions and prosecution are things that are open to the Consumer Protection Office to go after these individuals. Those are strong measures that our government is taking to ensure that consumers are protected as it respects to these types of items.

Mr. Maloway: You know, the minister just doesn't get it. He knows that to be a direct seller in Manitoba or anywhere else in the country, you have to provide a bond, a bond from an insurance company. So that if people get defrauded because of actions by the direct sellers, that the victims could be compensated. There are bonds in place for each and every one of these people.

The question is: Why won't he answer the simple question? How many people have received compensation up to this point?

Mr. Fielding: I've said clearly to the member I will take the information provided, in terms of the specific case he's raising on behalf of his constituents. He, quite frankly, has been an advocate for these types of initiatives so good on him for doing that.

If you provide the information to our office we can look into this situation. I can tell you that there is strong measures that are in place in terms of things like compliance, in terms of administrative penalties that would be associated with this, as well as injunctions, a—well, as prosecution to go after some of these aggressive natures.

What we are trying to do is ensure that people are able to access, if they want these types of individuals to come in, to give them the product information, but the legislation here is to provide some protections to ensure that Manitobans can review important information and—

The Acting Speaker (Dennis Smook): The minister's time has expired.

Mr. Maloway: Well, you know, the minister's been asked this question before. He was asked a question on November 25th, 2019, about this very issue and yet he sits on the issue, chooses to ignore it when he—I mean, he's got to know that every direct seller has to produce a bond to the consumer department. And when they get complaints like this and they fraud the public, you get the money from the insurance company under the bond.

He clearly knows about this or he is just totally ignoring what's going on in his own department. Which one is it? But he can't say he doesn't know this.

Mr. Fielding: Over \$500,000 have been returned to consumers over the last five years.

Mr. Maloway: Well, there you go. Why didn't he just say that way back on November 25th, 2019, in answer to my question at that time? Like, why has it taken him this long? He was asked a question, he could've responded at the time.

But we would like to have more details. This amount that he has mentioned is a result of the calling of these bonds, as I understand it.

How many victims were compensated with this amount of money that he has just told me they have distributed?

Mr. Fielding: My door's always open, if the member would like to meet with me at any time to discuss these types of issues. I provided an answer. The member clearly doesn't want to hear the answer. I provided the answer to them. It's not going to change. It's over \$500,000 have been returned to individuals.

What this legislation does, it provides adequate protections for Manitobans. That's what we're about. We want to 'pake' sure that Manitobans are protected against this aggressive type of selling in these neighbourhoods.

We have drafted this legislation based on the number of complaints that comes into the Consumer Protection Office. Our hope is that the Consumer Protection Office is able to address these types of things. Otherwise, penalties, as well as injunctions, as well as taking people to court is an option.

Mr. Maloway: Now, that—this is great to know that they've recovered a half a million dollars for the victims, but my resident in Elmwood has not been compensated in any way whatsoever.

I want to know what the rules are on these bonds. Did they—government, in secret, call these bonds and then distribute the money among the limited number of victims, right, that made their complaints within a certain time period, thereby excluding all the other people?

That's why I'm asking him: How many people were actually properly compensated? And he can clarify that by telling us when the bonds were called and what the time limitation was for making claims, because if you don't know what the time limits are—

The Acting Speaker (Dennis Smook): The honourable member's time has expired.

Mr. Fielding: Mr. Deputy Speaker, the CPO office has investigated over 298 complaints and they settled over 170 of those complaints.

Mr. Maloway: It's taken this long to get this limited response from the minister, when he could've just eased his pain by giving me this answer way back in 2019. Seems like a long time ago—why he would sit on this information this long is beyond me, when he's been asked so many times.

Now, Mr. Deputy Speaker, it's five years now into this new government, half a decade and we're still waiting for their consumer agenda. The banning of the door-to-door sales has been done and this is a good thing but, you know, Alberta did it first in 2016.

Ontario followed in 2018. I believe Saskatchewan has legislation in effect at this point.

But there's a lot of other issues that we have yet to hear—

The Acting Speaker (Dennis Smook): The honourable member's time has expired.

* (22:50)

Mr. Fielding: The member can come visit me any time in my office, I'm always open.

What I'm trying to get around, Mr. Acting Deputy Speaker—the member seems to be very passionate about this subject. The one question I may have for the member is, if he's so passionate about this issue and he raised it, why did him and his party decide to blockade the Legislature during a pandemic?

With—legislation like this is important legislation for Manitobans to protect a resident, a constituent that he had mentioned. But instead, the member decided to go the political route and blockade legislation before the pandemic to broaden supports. That's something the member will have to talk to his constituency about. *[interjection]*

The Acting Speaker (Dennis Smook): Order. Order.

The time for questions has expired.

Debate

The Acting Speaker (Dennis Smook): The floor is open for debate.

Mr. Jim Maloway (Elmwood): As I had said, that we're now five years into this government, and we're still waiting for their consumer agenda. They're pretty slow so far.

But, once again, they are now dealing with the banning of the door-to-door sales, and I'd indicated that they're not leaders in that area either, they're followers. And there are other consumer issues out there that are really begging for direct intervention from this government. I'm going to deal with a couple of those now.

The issue of catalytic converters—I don't know whether the members are familiar with the issue with catalytic converters, but they are being stolen all over North America in increasing amounts. And when you look at the amount of money that—*is* involved here, you'll see why.

There is, online, a list—you can obtain this, if you want to go online—which will give you the amount of

money that the scrap dealers will pay for a catalytic converter, so you can decide which car, you know, has got more value. They can go for as low as \$122 to as high as \$800 from a car.

And so what these organized groups of criminals are doing is they're climbing under your vehicle, they're cutting out your catalytic converter and they're selling them to the scrap dealers for cash. No records are kept.

Now, you know, Manitoba's not a leader here. BC's had long-standing scrap metal legislation along these lines. Alberta passed new laws in 2020. We want to know when the Province is going to take some action before the issue starts to get out of hand.

So we need some new rules that'll require the scrap metal dealers to keep proper records for two years so only legitimate sales are allowed and criminals can be caught.

So what sort of rules should we be looking at? Well, it'd be helpful to look at other provinces for starters, but sellers would have to provide government-issued photo ID. Dealers would be required to record and retain this information for two years in case police need it and record details of the transaction; require scrap metal dealers to report to police all transactions involving commonly stolen metals, including copper and items such as catalytic converters. And by the way, all constructions sites—including Manitoba Hydro sites—face the risk of thefts of this type. Payments would have to be made using traceable currencies, such as electronic transfers or cheques.

And by the way, the catalytic converters that are part of your exhaust system—because most people don't even know what they are—they contain precious metals like rhodium, which is, by the way, \$19,000 an ounce; palladium, which is \$2,200 an ounce; and platinum, \$1,300 an ounce.

So now, what happens when one of—your catalytic converter gets stolen, it ends up in the scrap yard, but meanwhile, these thefts are costing consumers about \$2,000 for each catalytic converter replacement. MPIC evidently charges a betterment fee for new replacements, so your insurance doesn't actually cover the cost.

So, the government wants to do something, you know, get ahead of the issue. They should be looking

at introducing this type of legislation. I would encourage them to do that.

Another area is the right-to-repair. In Europe, they have now, I guess, just in recent weeks, enacted legislation to require manufacturers to make appliances that will last 10 years and can be repaired by local repair shops. And, you know, I've had quite a few responses—locally now, since we've a couple of articles out about this issue—and there is a big demand out there for attention to this issue.

So, if you're tired of throwing out or replacing devices that should be easy to repair or that should be lasting a lot longer, then you would be interested in this particular issue. I mean, we do not need the landfills to be loaded with repairable appliances thrown into those landfills.

We've—a lot of us have discarded broken fridges; washers; electronic devices, when these appliances should have been repaired by a local repair shop. So, by enforcing manufacturers to make products that last longer and are repairable, we are going to be helping our local appliance shops in this province.

And if you talk to any of them, they will be quite excited about this particular issue. At least, so far everybody we've talked to has been.

Consumers are being forced to buy new appliances because repairing them is just too difficult. The right-to-repair legislation means small business repair shops will have access to manufacturer's training, the right tools and timely access to parts. So the consumers will benefit.

Consumers want the manufacturers to make products that are easy to repair at reasonable cost that last 10 years minimum, and if given the tools and resources, the repair business sector and small business can flourish, our economy and environment will be the better for it.

And, here's what Europe's doing: some industries already have right-to-repair laws applying to them; new rules there also require manufacturers of appliances, computers, TVs and other plug-in appliances—electronics, sorry, to build their products to last longer and provide spare parts for the machines up to 10 years.

And, what's happening in Canada—I think Quebec, there's activity there, but attempts to legislate in Canada have been met with strong, well-founded

industry opposition by industry groups representing Apple, Panasonic, John Deere, Samsung, Microsoft and other big tech companies.

Just as they did in the United States, and yet in spite of the opposition, many manufacturers—at least 20 United States—have introduced or are debating right-to-repair legislation.

So, I think we should be looking at following Europe's example. There's a lot of activity in this area, and this something that the government should be looking at taking the initiative on. I mean, what we see here is a plethora of bills that are all designed with a, you know, an agenda in mind, and—you know, that's fine, they—their—they were elected, and they can bring in their agenda and try to undo as much of what the NDP did over its years.

But, you know, the public is not really interested in the ideological fight between the NDP and the Conservatives. They really aren't. They want to see things that work. And the government should learn—before it gets booted out, because that's what's going to happen to it a lot quicker than it thinks if it keeps coming in with these kind of bills that we are listening to here one by one over the—all night long tonight and all night long tomorrow.

They should be looking at working together with the opposition and other groups to come up with, you know, initiatives that are beneficial to everybody on both sides. I don't see where we're going to gain by beating each other into a pulp. I've been around here too long; the minister says I've been here 90 years and, you know, some days, it feels like that.

* (23:00)

But, you know, we—it's not going to cost the government anything to start looking at some kind of initiatives. You know, we talked about lemon law a number of years ago. And that is a law that is in the United States in many, many states. If you go to United States and you buy a car there, for 20 years, for 25 years now, if that car doesn't work properly, you have to take it back to the manufacturer, and they have four opportunities to fix it. And if they don't, they have to buy it back.

Now, you know, this is something that if you're a car dealer, you would think car dealers would support this because this puts the onus on the manufacturer to sell products that are well built, that don't break down, that don't cause the consumer problems. But we've

had experience in Manitoba in past years where the car dealers association that would normally think that this is—should be a positive for them because it puts the onus on the manufacturer—General Motors and Ford and so on—they don't see this as a friendly piece of legislation.

But, in fact, that's what the government should be looking at, and that helps the motor dealers. Well, it helps the consumers, but it helps the motor dealers, too, because—

The Acting Speaker (Dennis Smook): The member's time has expired.

Before I move on to the next speaker, it's—it getting a loud in here; it's getting a little late, and I'm getting old and I can't hear that well, so. *[interjection]* Yes.

Mr. Dougald Lamont (St. Boniface): I'll do what I can to be mercifully brief.

There are, you know, there seem to be some important measures in this bill. Part of the issue, I think, is that when we're talking about things like what are called strong sales tactics or high pressure sales tactics, these are really—there need to be stronger terms and stronger punishment for this. There are times I had elderly relatives who were pressured into buying stuff they didn't want, and it—the damage is actually much—goes much more than just financial, that—it can really—when a senior has been duped in this way, it can be really crushing psychologically; it really causes incredible damage to people.

And this isn't high-pressure sales; it's something much worse. It's really a kind of—this should be considered much more seriously, and there should be regular prosecutions of it. This is a form of senior abuse, and we should be on top of that.

That's the—that, from my point of view, is the biggest concern is that I, frankly, cannot understand why we don't have laws in place to deal with these things. I already know that there is a law that allows Manitobans to get out of a contract within 10 days from these, but the—but, really, this is more than high 'preshil' sales 'tactics'; this is something that needs to be cracked down on. This is verging on, you know, criminal fraud, and we need to be taking it that much more seriously.

Thank you very much.

The Acting Speaker (Dennis Smook): The question before the House is second reading of Bill 30, The Consumer Protection Amendment Act.

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

Some Honourable Members: Agreed.

Some Honourable Members: No.

The Acting Speaker (Dennis Smook): I hear a no.

Voice Vote

The Acting Speaker (Dennis Smook): All those in favour of the motion, please say yea.

Some Honourable Members: Yea.

The Acting Speaker (Dennis Smook): All those opposed, please say nay.

Some Honourable Members: Nay.

The Acting Speaker (Dennis Smook): In my opinion, the Yeas have it.

I declare the motion carried. Oh, sorry.

Mr. Matt Wiebe (Concordia): On division.

The Acting Speaker (Dennis Smook): On division.

The motion is carried, on division.

Bill 67—The Public Health Amendment Act

The Acting Speaker (Dennis Smook): The next bill before us is Bill 67.

Hon. Heather Stefanson (Minister of Health and Seniors Care): I move, seconded by the Minister of Infrastructure (Mr. Schuler), that Bill 67, The Public Health Amendment Act; Loi modifiant la Loi sur la santé publique, be now read a second time and be referred to a committee of this House.

Her Honour the Lieutenant Governor has been advised of the bill, and I table the message.

The Acting Speaker (Dennis Smook): It is moved by the honourable Minister of Health, seconded by the Minister of Infrastructure, that Bill 67, The Public Health Amendment Act, be now read a second time and referred to the committee of this House.

Her Honour the Lieutenant Governor has been advised of the bill, and the message—and I table the message—the message has been tabled.

Mrs. Stefanson: It's my pleasure to rise today and put some comments on the record in respect of Bill 67, The Public Health Amendment Act.

Mr. Doyle Pivniuk, Deputy Speaker, in the Chair

The movement of staff between personal-care homes can promote the transmission of COVID-19 and increase the risk of infection with COVID-19 of residents and staff in these homes. To mitigate this risk, the Chief Provincial Public Health Officer issued public health emergency orders restricting staff movement at personal-care homes, which took effect on May 1st, 2020. These orders prohibit staff working in personal-care homes from working in more than one personal-care home without a 14-day gap in between work assignments, with some exceptions.

An order was issued under The Emergency Measures Act at the same time, to deal with the employment matters arising from the public health emergency orders restricting staff movement at personal-care homes. This order, the Order re Personal Care Home Operations, requires personal-care home operators to develop and implement staffing and deployment plans that are consistent with the public health emergency orders, restricting staff movement at personal-care homes and enables them to change staff work assignments and shifts, defer vacations and other leaves, engage non-union staff to perform bargaining unit work and abridge notice requirements for work deployment, despite the provisions of any act, instrument or agreement, including a collective or employment agreement.

The Order re Personal Care Home Operations cannot be extended beyond April 15th, 2021. Unfortunately, we have seen the devastating impact that COVID-19 outbreaks in personal-care homes has on Manitobans residing in these homes and on staff, and the importance of implementing measures to protect them. Dr. Brent Roussin, the Chief Provincial Public Health Officer, advises that the orders restricting staff movement at personal-care homes will be required to be in place beyond April 15th, 2021, to protect personal-care home residents from COVID-19.

Bill 67 will explicitly address the authority of the Chief Provincial Public Health Officer to issue public health emergency orders prohibiting or restricting the movement of health staff between personal-care homes and other health-care facilities and between home-care and health-care facilities.

This authority is currently included in the more general public health emergency order, making authority that is provided to the Chief Provincial Public Health Officer in The Public Health Act.

Although the Chief Provincial Public Health Officer has no plans to prohibit or restrict the movement of health-care staff between health-care settings beyond the current restriction on the movement of personal-care-home staff, the amendments will continue to enable him to make such orders, if necessary, in response to the COVID-19 threat.

The proposed amendments will also enable the Chief Provincial Public Health Officer to make orders to address employment matters arising from public health emergency orders prohibiting or restricting the movement of health-care staff. This authority will enable the Chief Provincial Public Health Officer to issue an order to replace the Order re Personal Care Home Operations, made under The Emergency Measures Act, after this order expires on April 15th.

It will also enable him to issue additional orders in this regard, if additional public health emergency orders to prohibit or restrict the movement of health care beyond—of health-care staff beyond the current restriction, on the movement of personal-care home staff need to be issued in the future in response to the COVID-19 threat.

Consistent with the Order re Personal Care Home Operations, an order issued by the Chief Provincial Public Health Officer to address employment matters arising from public health emergency orders prohibiting or restricting movement of health-care staff will take precedence over employment and collective agreements to the extent reasonably necessary to ensure that appropriate care is provided to patients and residents of health-care facilities.

* (23:10)

As these amendments are intended to support the COVID-19 response, we have included a sunset clause where this will be repealed one year after they come into force.

Thank you, Mr. Deputy Speaker.

Questions

Mr. Deputy Speaker: A question period of up to 15 minutes will be held. Questions may be addressed to the minister by any member of the following sequence: first question by the official opposition critic or designate; subsequent questions will be asked by each independent member; remaining questions asked by any opposition members; and no questions or answers shall exceed 45 seconds.

MLA Uzoma Asagwara (Union Station): Mr. Deputy Speaker, can the minister advise who specifically asked for this bill to be created and is this happening in other jurisdictions?

Hon. Heather Stefanson (Minister of Health and Seniors Care): This is required to extend the—those requirements under The Emergency Measures Act to ensure that we don't have staff moving between personal-care homes.

We know what that has done in the past in many other jurisdictions and we want to ensure and certainly the Chief Provincial Public Health Officer wants to ensure that all Manitobans are safe. And so this will extend those orders. Where they couldn't be extended under The Emergency Measures Act, they'll now be extended under this piece of legislation to ensure the protection of all Manitobans.

Hon. Jon Gerrard (River Heights): My question to the minister is when this talks about staff, does this refer not just to staff who are employed by the personal-care home, but staff who would be agency nurses?

Mrs. Stefanson: So this would include unionized staff as well as non-unionized staff and also staff that have been redeployed to facilities.

MLA Asagwara: So we have checked in with some unions and they've confirmed that they weren't actually consulted in the drafting of this bill. So can the minister clarify who was consulted in the drafting of this bill, and specifically which unions, if any?

Mrs. Stefanson: I know that discussions did take place between members of staff in Health as well as the unions as well. So that's what I'm aware of.

Mr. Gerrard: So, as I understand it, this would not apply to an agency nurse. This seems to have been the interpretation which was used during the height of the pandemic and it's my understanding that there were agency nurses who worked at more than one personal-care home and, in at least one instance, there appears to have been evidence that that particular nurse had transmitted the infection from one home to another.

So why is the minister not including agency nurses?

Mrs. Stefanson: I thank the member for the question and certainly we want to ensure that this will apply to staff to ensure—all staff—to ensure that we don't have people moving between personal-care homes. We obviously have seen what that has done in the past and I—we want to ensure that—and certainly the Chief

Provincial Public Health Officer wants to ensure that we have the appropriate measures in place to ensure that we don't have staff going from one facility to another to ensure that we are not spreading, you know, the COVID-19 virus between different facilities.

MLA Asagwara: The bill doesn't just speak—even though the minister has spoken really specifically to personal-care homes, long-term care—the bill does identify hospitals and other facilities, specifically in this bill.

So what constitutes, and I quote, other facilities. That's how it's written in the legislation. What constitutes other facilities under this bill?

Mrs. Stefanson: Certainly, we know that it does mention other facilities. I know that we had a question in the briefing with respect to this as well and what we found certainly was that—just looking for this here in my notes—I do know that it's not—it's left to be more general in terms of what the other facility—what the other facilities would mean to ensure that this might be able to apply. I know there were some questions around group home—

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

Mr. Gerrard: I wonder whether the minister would consider a friendly amendment that would ensure that agency nurses are included in the people who cannot work at more than one personal-care home or hospital or facility?

Mrs. Stefanson: Yes, I would just encourage the member to bring that—any type of amendment that he is considering to the committee stage.

MLA Asagwara: I think the minister was almost getting to answering my question the last time. So I would appreciate, actually, if the minister wouldn't mind maybe endeavouring to provide some clarity around that, beyond this forum right now. I don't want to re-ask that question when we have such limited time tonight. I would appreciate if the minister could do so.

But I'm wondering if the minister can explain why this legislation is even needed to make this change. Why can't the powers under section 67 of the current Public Health Act be used to enact a one-site rule like they have during COVID-19? That section under the current Public Health Act already exists and the orders and the powers are already in place.

So why can't—

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

Mrs. Stefanson: Just in response to the member's previous question. Counsel at Manitoba Justice have advised that the reference to other facility in amendments could be applied to group homes if the order can be justified under section 67 of The Public Health Act, as the term is not defined in the act.

However, the Chief Provincial Public Health Officer advises that he is not aware of any concerns respecting staff movement in group homes in relation to COVID-19.

Mr. Deputy Speaker: The honourable member for River Heights.

The honourable member for River Heights, any more questions?

Mr. Gerrard: No, I have completed my questions. Thank you.

Mr. Deputy Speaker: Thank you.

MLA Asagwara: Just again, I may have missed it if the minister did clarify, but why can't the powers under section 67 right now as they are written, because as it's already outlined in the act—I reread it again today just to make sure—the chief public health officer could actually enact orders that are outlined in this bill.

So why is this new bill being drafted, when those powers already exist under the current act?

Mrs. Stefanson: Thanks for the member for asking that question again. And certainly, the current orders do not specify personal-care homes within those orders, so that's what this legislation does to include personal-care homes.

MLA Asagwara: Will the government provide any supports to ensure that workers who, as a result of—you know, should they under the single-site order have their hours reduced, so no longer be employed to the same level they were previously.

Does the government have any plans or mechanisms in place to make sure that those workers don't lose wages?

Mrs. Stefanson: Yes, and I know the member asked this during the briefing as well and so just to answer that, the order re: personal-care-home operations issued under the Emergency Measures Act includes provisions to facilitate the return of affected union and non-unionized staff to their home positions.

So there will be no change from that, but this will continue to include that, as well.

Mr. Deputy Speaker: The member from Union Station. No other questions?

Debate

Mr. Deputy Speaker: The question before—now that's for debate.

The honourable member for Union Station, on the debate.

MLA Uzoma Asagwara (Union Station): Thank you, Mr. Deputy Speaker. I appreciate the opportunity to put a few words on the record in regards to this piece of legislation. Certainly, you know, I can appreciate that this pandemic has forced us to, you know, use enhanced powers to help keep citizens safe and to mitigate the transmission of this deadly virus.

* (23:20)

I do think that this bill and this piece of legislation, given the fact that the powers actually do exist under the current Public Health Act, is—I'm still not a hundred per cent clear as to why this legislation is necessary. The powers do exist.

However, I can appreciate that if in fact, you know, this is something that was asked for and recommended by the chief public health officer and certainly health expertise—public-health expertise—if this is something that they've been calling for—which I haven't seen, but you know, I want to believe that if that's in fact the case—you know, we should certainly be supporting our public-health experts who've been leading us through this pandemic.

The concerns that I have around this piece of legislation and that we have around this are valid concerns. They're concerns that have been brought forward by constituents who've been affected by the single-site order, and will certainly be concerned as to how something like this, that's enacted for a full year—you know, starting in April through April of next year—might affect their employment.

Something that is really important to note, Mr. Deputy Speaker, is that if this is a piece of legislation that's going to be enacted; if this a step that's going to be taken; if this should come into effect for folks across the health-care spectrum, it's so important that the government make sure that they provide the resources necessary for folks to be able to, you know, follow these orders and not lose wages, not lose income, not be able to—not suffer consequences

as a result of this in trying to keep people safe, but maybe, you know, lose the ability to adequately provide for themselves or their families due to lost wages, due to lost hours.

The other concern is making sure that the employers who may, you know, have to get creative about how they make sure their employees do have the same amount of hours and earn the same amount of pay—that those employers, when we transition out of this order, when this order expires and we transition out of this pandemic—that those employers are in fact ensuring that there is work stability and security for those workers; that they are going to go back to what they expect, in terms of their employment conditions and their agreements, and not have any concern that, as we transition out of this order and out of this pandemic, that suddenly, they're left without the means that they had previously.

Foundationally, Mr. Deputy Speaker, the last thing I'll kind of touch on here for a point is that it is so important that this government match the ways in which workers have stepped up during this pandemic. It's not good enough to outline legislation or enact orders and ask people to go above and beyond and do what they need to do, make huge changes within their family structures in order to meet those orders and those calls to rise to this challenge; the government has to provide the tools that people need so that they can do so safely and appropriately.

Including: access to PPE; including access to the training that they need, so that when they're going to these one sites—which, for some folks, may not be the place that they are working most often—that they're equipped with what they need in order to do the job well, safely and respectfully.

And so, it's also important that we're making sure employers have what they need to provide the resources for those staff and the training for those staff, and that's where we saw a big gap during this pandemic. We saw that, in fact, employers did not have those resources and we saw some of those challenges in long-term care homes and the devastating outcomes of that.

So, you know, my last point is just that this government—you know, I see, in this legislation—is trying to make sure that we're mitigating the spread of this deadly virus and keeping folks safe, but they have to be willing to address things at a preventative level and adequately resource these workers with fair pay, compensation and the tools and the equipment they need to do their job safely and make sure that they're

protected as we transition out of this pandemic. Thank you.

Hon. Jon Gerrard (River Heights): Yes, I want to make comments in two particular areas.

First of all, that when this public-health measure was initially implemented, that it became apparent that some of the personal-care homes were employing primarily part-time workers and others were employing primarily full-time workers, and that the major problem was with personal-care homes who were employing mostly part-time workers because they needed to get enough income in order to be able to support themselves and their families and that it was apparent that it would've been better to have a structure that encouraged or mandated that personal-care homes have primarily full-time employment instead of having part-time employment.

And clearly, for a number of reasons, having employees who are full-time at personal-care homes is beneficial. I mean, they are—become much more knowledgeable about, used to the residents there and particularly when one is working with residents who are elderly and may have some level of dementia, it is very, very helpful to have people who are there consistently, rather than a lot more people who are there just part-time.

So I think that the minister needs to consider and work with the personal-care homes to try and see if all personal-care homes could move to a situation where they're employing people primarily full-time because this would be better for residents and, I believe, better for the employees providing greater satisfaction and a job that they believe strongly in.

So I think that, in addition to making this public-health rule, the government needs to look at the structure of how they support and finance and work with personal-care homes to see if a solution can be found so that personal-care homes would be employing, primarily, people who are full-time.

I believe that some private-sector homes may tend to employ people part-time to get around some of the need to provide benefits and feel that this is a cheaper way to do it, but I think that what we need to do is to look at the quality of care that is provided and the quality of care that is given and the relationships that are present with the staff and the residents.

The second point I want to make is that it became apparent during the height of the pandemic that one of

the things that was happening was that people who were agency nurses—contracted nurses—would be working at more than one facility and that sometimes this may have been contributing to the transmission of the coronavirus—COVID-19 virus.

And so I believe and I will put forward an amendment that will probably, because of our status have to be a report stage amendment, but I will put forward an amendment which will try to provide that stipulation that agency nurses or contracted nurses are included in those who are not able to work in more than one facility at a time without having quarantined or had a two-week period when they weren't working in a personal-care home in between, in order to make sure that the likelihood of transmission is much less.

Again, in the experience and the comments that I have received from family members, they tell me that the full-time employees who get to know the residents are a big advantage because that knowing the residents makes a big, big difference in the ease of care, in the quality of care, and that having personal-care homes hiring lots of agency nurses is often a problem because they come in without knowing the residents and the quality of care—even though they may be very, very good nurses—suffers somewhat because they don't know the residents—are not familiar with them.

* (22:30)

And I think that if we can move to the extent that's possible, to more full-time nurses and—without having to rely to the extent that we have on agency nurses, but put this limit on agency nurses being able to work only at one personal-care home or not going to another personal-care home until they have actually quarantined satisfactory in between working at one or another.

So, those are my comments on this bill.

We will support this bill because we believe that it is an important step, but hope that it can be enhanced so that contracted agency nurses are included in those who are not able to work at more than one personal-care home without having a two-week gap in between.

Thank you.

Mr. Deputy Speaker: The question before the House is second reading of Bill 67, The Public Health Amendment Act.

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

Some Honourable Members: Agreed.

Some Honourable Members: No.

Mr. Deputy Speaker: I hear no.

Voice Vote

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

Some Honourable Members: Yea.

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

Some Honourable Members: Nay.

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

Ms. Nahanni Fontaine (Official Opposition House Leader): On division.

Mr. Deputy Speaker: On division. The motion is carried, on division.

Bill 58—The Criminal Property Forfeiture Amendment Act

Mr. Deputy Speaker: So, now we'll go onto Bill 58, The Criminal Property Forfeiture Amendment Act.

Hon. Cameron Friesen (Minister of Justice and Attorney General): Mr. Deputy Speaker, I move, seconded by the Minister for Sport, Culture and Heritage (Mrs. Cox), that Bill 58, The Criminal Property Forfeiture Amendment Act, be now read a second time and be referred to a committee of this House.

Motion presented.

Mr. Friesen: By my count, we've got about 29 more bills to go this evening, so we better speed things up here, so I'll try and keep my comments for this bill brief.

I'm pleased to put some comments on the record in respect to Bill 58, The Criminal Property Forfeiture Amendment Act.

Manitoba has some very significant criminal property forfeiture rules in place that allow us to seize assets, cash, proceeds of crime when crime has taken place. What we do is we then liquidate assets, we plow those monies instead into law enforcement, into victim services, and we ensure that we are making good investments.

We have, over time, been strengthening our criminal property forfeiture system, and it is Manitobans and victims of crime who have benefitted. Yet, even now, we believe that changes are possible to strengthen further the framework we have in this province to be able to keep Manitobans safer.

So a few changes are proposed here and presented to the Legislature for debate. Under current law, forfeiture proceedings begin before a person may be required to answer questions about property that's believed to be an instrument of unlawful activity. The bill contains provisions to allow the court to make two new types of orders before forfeiture proceedings begin.

So for discussion and debate is a preliminary preservation order. The purpose of such an order is to prevent a person from disposing of property if the court is satisfied that there's a serious issue to be tried in forfeiture proceedings. So it essentially—it shifts activity and it says that a preservation order—and, of course, we have preservation orders now—but a preservation order may be used before the statement of claim. And what this does, is it goes to speed. It allows people to interrupt the process by which someone might choose to liquidate assets or move property.

There is another order, a preliminary disclosure order. And what this order does is it requires a person to answer questions related to how they acquired property. So, some jurisdictions refer to this as a rule about unexplained wealth. And in essence, in Manitoba, until now, as good as our rules are, if we had pulled over a suspected criminal and we had had them at the roadside and police officers had been to that scene, and they had, perhaps, had, you know, rolls of twenties in the back seat, amounting to, you know, \$100,000.

It was really—the onus was on the courts—the onus was on the officers to determine whether somehow that met the threshold of criminality.

This shifts the bias. The preliminary disclosure order requires the person to answer questions about unexplained wealth. If a person, who earns \$30,000 a year, lives in a place that costs \$5 million, it can be legitimate. It can be legitimate. But sometimes, the proceeds of crime are used to purchase property. And so, in this case, it causes that person to have to answer questions and then an adjudication happens to determine whether there is the suspicion of criminality.

Besides this, of course, I would want to indicate that the bill clarifies some presumptions. The court is to presume, unless the contrary is proven, that cash that is found in close proximity to a controlled substance, or if cash is bundled in a manner that makes it clear it's not conventional, well, that should be presumed to be the unlawful activity—presumed to be the proceeds of unlawful activity.

Also, presumptions that a vehicle that is used to flee from a peace officer or a vehicle that contains restricted or prohibited firearms or a—controlled substances—maybe a vehicle that has a concealed container or compartment, those things should be understood to be an instrument of unlawful activity, unless proven otherwise.

So, these presumptions help police because they can be at a scene, they can be trying to assess a situation and yet, until now, the law has not helped them to be able to make what we believe are reasonable determinations about criminality.

The court also presumes, unless the contrary is proven, that the property that was the subject of a preliminary disclosure order is liable to be forfeited if the person did not provide all the information required to be disclosed by the court, under the order. So that also goes to the forfeit in the case of explained—unexplained wealth.

And finally, there is a provision here that goes to disclosure, that indicates that, when it comes to financial institutions, that the financial institution should be compelled to allow a director to collect information about a person's accounts and dealings when there are reasonable grounds to suspect that the person is—that the property the person is an instrument or proceeds of unlawful activity.

So, Mr. Deputy Speaker, this helps us to then clarify that in the past in this province, and others, financial institutions have been invited to share information. This would be the most significant legislation of its type, whereby we would essentially compel banking institutions to provide, at a threshold determination, information about an individual's holdings at that institution.

And then, of course, this bill also contains some offences and penalties.

Mr. Acting—Mr. Deputy Speaker, we know that our rules in this province are good. We know that people work hard to make sure that those who commit crimes don't profit from those crimes, and organized crime is held to account, but we can do more. We can

do better. And so I commend these amendments to the Legislature and ask that others will support these things.

I'll end by saying this: some of these measures are designed to reflect the advances of technology and with banking that is online, and with smart phones on which you can do all of your banking. We must also become more sophisticated, as criminals are becoming more sophisticated. It does not help us to be at a roadside attempting to to apprehend an individual and have them first moving large sums of money on their smartphone before they actually succumb to arrest.

* (23:40)

So, Mr. Deputy Speaker, we have to keep up. We believe that this legislation allows us to keep up. It allows police and courts to move more quickly to ensure that illegal proceeds of crime cannot be moved and hidden prior to commencing proceedings. The change will put Manitoba at the forefront of addressing organized crime and money laundering. Ultimately, this protects our communities. It ensures criminals do not benefit from criminal activity.

Thank you, Mr. Deputy Speaker.

Questions

Mr. Deputy Speaker: A question period up to 15 minutes will be held. Questions may be addressed to the minister and any of—by any members of the following sequence: first question by the official opposition critic or designate; subsequent questions be asked by each independent member; remaining questions asked by any opposition members. And no questions or answers shall exceed 45 seconds.

Ms. Nahanni Fontaine (St. Johns): Can the minister tell us how this bill will actually reduce crime and benefit marginalized Manitobans?

Hon. Cameron Friesen (Minister of Justice and Attorney General): This bill does not speak to reducing crime. This bill speaks to the fact that crime and organized crime is becoming increasingly sophisticated in our communities and that the proceeds of crime grow and that we need as a society greater means to be able to recoup, to recover, to reclaim those amounts and not to allow criminals to profit. That's what this bill seeks to do.

Hon. Jon Gerrard (River Heights): To the minister: one thing we can be sure about this bill, remembering that we are dealing with people who have not been convicted, is that there will be property taken away

from innocent people. There's just no doubt that this is going to happen.

So what is the procedure if property is taken away from an innocent person and this takes, you know, weeks or months or a year or two, sometimes, to work its way through the court before there's a final decision of the court. What happens to the property?

What happens to that individual who is—

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

Mr. Friesen: Well, first of all, I would've appreciated from the member an acknowledgement that these are reasonable amendments that seek to do right by Manitobans. I would expect an acknowledgement of some sort that we are plowing millions of dollars back into services in the community, including victim services.

Without that acknowledgement, though, I will say to the member remember that in all cases, these preliminary preservation orders and disclosure orders still rely on courts to do determinations on the basis of evidence.

So I would say to him we have confidence in the courts, and in the case of a miscarriage of justice, of course, properties and materials would be returned.

Ms. Fontaine: Well, we do know that there are often opportunities or incidents where innocent people are falsely and wrongly accused of doing things. And so to follow up with the member for River Heights' question, this bill will inevitably, for sure, punish innocent people and take away property.

And so an example is, let's say somebody is driving a mom's car or an auntie's car or whatever, you're inherently punishing a family member or whoever it may be that may—that has nothing to do with anything.

And so, again, I guess the question that wasn't really answered is how is the minister going to—

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

Mr. Friesen: Member seems to be implying that if someone who is not a party to a crime is somehow travelling in a vehicle which was a proceeds of crime, that article—in this case, like a car or something—should be left there because they were an innocent bystander.

Mr. Deputy Speaker, this bill is designed to make sure that criminals who have profited from crime, from atrocious crimes, don't profit. And so it seeks to recoup the properties that someone can plow into real estate, into real property, into cash, Bitcoin, other holdings, houses, those kinds of things.

And so, we're confident these measures will do that. The member speaks about the exceptions—

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

Mr. Gerrard: Yes. I'd ask the minister—who's very convinced of the merits of his bill—why it's not possible to wait for—until somebody is convicted before seizing property.

Mr. Friesen: The member is correct. We do have confidence in the merits of this legislation.

The reason that we don't wait is at the advice of the department; the advice through their stakeholder consultations; the advice through the police services is that things move very quickly when arrest is imminent. We have—just in the very recent past here in Manitoba—some organized stings that recouped millions and millions of dollars.

But at that moment when the operation happens—amounts, monies, properties—can all trade and move very quickly, and we want to interrupt that cycle to be able to make sure that crime does not profit in that way.

Ms. Fontaine: But why is the minister sponsoring a bill that would see Manitobans who come into contact with the police in a myriad of different ways—why would the minister get up in this Chamber and sponsor a bill that will consider people guilty before even any charges or before they come to the court?

Why would he do that to Manitobans? Why assume immediately that Manitobans are guilty?

Mr. Friesen: The member uses an interesting phrase: come into contact with the police. The fact of the matter is that if you are a criminal perpetrating criminal acts in Manitoba, it is our desire that you come into contact with the police.

That is the intent of this bill, so that police have the right mechanisms to be able to make sure that if there's \$100,000 in twenties rolled up in the back seat and they say, well, it was gift from an auntie, that we can test that assertion. It may be a gift from their auntie, but what this does is it compels them to provide a compelling explanation as to why they're

carrying \$100,000 in rolled-up bills in the back seat from their auntie.

Mr. Gerrard: Yes. I'd like to explore a little bit more the restoration of property. The—what are the procedures that are taken if a mistake has been made and if somebody has lost the use of their—well, vehicle, of example—and are unable to work as a result of it.

This has got major, you know, ramifications for the ability of an individual to continue to hold a job, to earn an income. And so, it's not just the loss of property; it is the loss of—

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

Mr. Friesen: So the member seems to be asking about court recourse. And of course there's recourse. Recourse exists; the opportunity for redress exists within our system; convictions are overturned in our system through an appeal process.

None of the mechanisms that we are describing today in this bill undertake to remove those natural courses of appeal that exist in our system. But the member continues to speak of the exceptions; we speak about the rule, and then we also know that there's always that threshold for determination of suspicion of criminality.

Ms. Fontaine: I want to go back to the minister's previous answer to my question when he notes that I had spoken about coming into contact with the police, and he said that that's what they're trying to do.

He clearly doesn't understand that when an individual says, coming into contact with the police, it means explicitly the over-policing of certain communities. That's actually what that means when you say, coming into contact with the police.

It means that there are communities within Manitoba, within Winnipeg, across Canada, that are over-policed and have more opportunity to come into contact with the police and thus be charged. That's what we're talking about.

* (23:50)

While he wants individuals to—more individuals to come into contact with the police—

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

Mr. Friesen: The member says that she would like less people to come into contact with the police. I

would answer the following way: if there is a person who is profiting financially from sexual trafficking, if there's a person in our community who is profiting financially by running illicit drugs in our communities, if there's a person who's profiting with gangs via inflicting damage and harm on others, we want those persons to come into contact with the police.

Mr. Gerrard: I have a concern that in a society where, sadly, individuals who are BIPOC—Black, Indigenous, people of colour—tend to be singled out too often as involved with criminal activity, and that this bill has the potential to be taking property primarily from people who may be marginalized.

And I would ask the minister, does taking property include taking someone's house on occasion?

Mr. Friesen: I would require the member to rephrase the question.

Ms. Fontaine: Again, the minister has gotten up all night and all since we've gotten back here and put legislation in the queue, in the legislative queue here, that is actually aimed at harming communities that are the most powerless and the most marginalized and people that are racialized on a daily context.

And he seems to think that the people that are profiting from the sexual exploitation of women or men or children or doing other things don't come into contact with the police. Inevitably, those folks will come into contact with the police, but what we're saying here is that this bill sets up—

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

Mr. Friesen: There was no question posted.

Mr. Gerrard: I'm understanding that in some United States states and cities, almost all of the seizures under acts like this are in low-income neighbourhoods from people who, you know, are most in need of help and understanding instead of people who aren't necessarily of criminal intent.

But I come back to the question I asked: can a house be seized as property under this act?

Mr. Friesen: I'm not sure where the member is taking that information from when he makes that statement. I'm hoping that the member can back up such a statement with data and statistics. It's not a statement that I've come across.

To his question: yes, the bill makes clear that assets that are the proceeds of crime can be seized.

Ms. Fontaine: I'm curious if the minister knows—which I'm going to submit to the House, probably not—what this bill, the impact that this bill will have on BIPOC communities in Manitoba.

Mr. Friesen: Our government respects the rule that our police and law-enforcement agencies undertake every day to keep Manitobans safe. This bill does not speak to things—subjects like race and colour and creed, as the member's speaking to. This bill speaks to the fact that we do not want criminals to profit from criminal activity.

So I continue to focus on the bill and other members continue to focus on other things, but the bill is designed to make sure that criminals don't profit from criminal activity and to the extent that we are able, I believe we're compelled in society to make sure that we give police the tools that they need to make sure that we can seize assets that are the proceeds of crime.

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

Mr. Gerrard: I wonder, to the minister, if a house or a car is seized and this has made your implications for the ability of an individual to work or to live.

Will there not only be return of the property but will there be reparations made for the damage to the life of an individual who is affected, if that individual is innocent?

Mr. Friesen: In just a matter of days, our government is going to announce a new set of investments back into our Manitoba community that come from exactly this program, the criminal property forfeiture program.

I want members to know that that program does not just go to fund police activities. It goes to fund victims of crime activities. That means that we are reinvesting amounts into Manitoba, with Indigenous organizations, with downtown Winnipeg organizations, with rural and northern organizations. So, exactly those groups, organizations, populations that the members are raising concerns about, it's exactly where these proceeds of crime are going to invest, to create good community—

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

The time for question period has expired.

Debate

Mr. Deputy Speaker: Now we will recognize the honourable member for St. Johns on the debate.

Ms. Nahanni Fontaine (St. Johns): Well, we have four minutes until midnight.

I could, you know, try to deconstruct everything that the minister's put on the record in his answers right now, which, you know, while the minister is saying that he's focused on giving police the tools to do what they need, in respect of criminals, he fails to recognize that Bill 58 will have harms on Black, Indigenous and POC communities, and citizens in Manitoba because the reality is is that Indigenous, Black and POC citizens are over-policed within our system.

And so this bill will aim to, you know, render these citizens guilty; take what they need to take from them and then put them in the system to try and get back whatever property they may have. It's constructing Black, Indigenous and POC as already guilty.

The only thing I'm going to say in my last couple of minutes here is that the minister has said that the proceeds of crime go back into the community and are supposed to go and fund victim services, but they also go to policing institutions.

That's why, and I don't know if Manitobans know that, that out of the criminal forfeiture dollars, policing institutions can apply for dollars: like new vests, like the Winnipeg Police Service has done; cameras, like the Winnipeg Police Service has done. Policing institutions can apply for those dollars.

That's why I introduced Bill 209, and Bill 209 would be—would legislate that all of the proceeds that are in the criminal forfeitures dollars—actually all of those dollars would go to community organizations. And so that you would be pouring those dollars back into the community and help to have, you know, different programming for youth, or whatever the different programming may be.

But certainly, I think that if the minister is serious in his last answer about giving those dollars to community organizations, then he should stand up in the House and he should talk to his Cabinet and say, you know what, Bill 209 is a good bill and we're going to support it so that we can ensure that every single penny that is—that's garnered from criminal forfeitures

goes back into the Indigenous, Black and POC communities, so that we can fund important programming.

And I don't know if the minister's going to do that because, as I've said repeatedly tonight and other nights, what we've seen from this minister is a sweep of legislation that is meant to continue—is meant to further criminalize and marginalize, and put into contact with the police, Black, Indigenous and POC communities.

And, you know, unfortunately, Deputy Speaker, that's what you get when you elect a Conservative

government. What you get when you elect a Conservative government are people that raise your hydro rates, make sure that you come into contact with police, so that you are over-policed—

Mr. Deputy Speaker: Order. When this matter is before the House, the honourable member for St. Johns (Ms. Fontaine) will have seven minutes remaining.

The hour being 12 midnight, the House is adjourned and stands adjourned until 10 p.m. tomorrow—10 a.m. tomorrow morning.

LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, March 24, 2021

CONTENTS

ROUTINE PROCEEDINGS		ORDERS OF THE DAY	
Members' Statements		GOVERNMENT BUSINESS	
Optimist Park Expansion		Second Readings	
Johnston	1907	Bill 55—The Reducing Red Tape and Improving Services Act, 2021	
Ronald Bresch		Goertzen	1923
Altomare	1907	Questions	
Matter of Privilege		Lindsey	1924
Sala	1908	Goertzen	1924
Goertzen	1909	Gerrard	1924
Gerrard	1909	Debate	
Members' Statements		Lindsey	1927
<i>(Continued)</i>		Gerrard	1929
Paulette Côté		Bill 51—The Limitations Act	
Gordon	1910	Friesen	1930
Hydro Power Sale to Saskatchewan		Questions	
Lindsey	1910	Fontaine	1931
World Down Syndrome Day		Friesen	1931
Teitsma	1911	Gerrard	1931
Oral Questions		Debate	
Manitoba Hydro		Fontaine	1934
Kinew	1911	Gerrard	1936
Pallister	1911	Bill 27—The Administrative Tribunal Jurisdiction Act	
Manitoba Hydro Revenue		Friesen	1937
Kinew	1912	Questions	
Pallister	1912	Fontaine	1938
Hydro Labour Dispute		Friesen	1938
Kinew	1913	Gerrard	1938
Pallister	1913	Debate	
Manitoba Hydro Rates		Fontaine	1940
Kinew	1915	Gerrard	1942
Pallister	1915	Bill 3—The Public Service Act	
Legislation on Public Utilities Reform		Helwer	1943
Kinew	1916	Questions	
Pallister	1916	Lindsey	1944
Manitoba Hydro Review		Helwer	1944
Kinew	1918	Lamoureux	1944
Pallister	1918	Debate	
Manitoba Hydro Revenue		Lindsey	1946
Kinew	1919	Lamoureux	1948
Pallister	1920		
Petitions			
Diagnostic Testing Accessibility			
Maloway	1922		

Bill 10–The Regional Health Authorities Amendment Act (Health System Governance and Accountability)		Bill 60–The Liquor, Gaming and Cannabis Control Amendment Act (2)	
Stefanson	1949	Friesen	1977
Questions		Questions	
Asagwara	1951	Fontaine	1979
Stefanson	1951	Friesen	1979
Gerrard	1951	Gerrard	1979
Debate		Debate	
Asagwara	1953	Fontaine	1981
Gerrard	1955	Gerrard	1983
Bill 11–The Workplace Safety and Health Amendment Act		Bill 15–The Manitoba Public Insurance Corporation Amendment Act (Claim Dispute Tribunal)	
Fielding	1957	Wharton	1984
Questions		Questions	
Lindsey	1957	Sandhu	1985
Fielding	1957	Wharton	1985
Lamoureux	1958	Lamont	1985
Debate		Debate	
Lindsey	1960	Sandhu	1986
Lamoureux	1961	Lamont	1988
Bill 13–The Public Sector Construction Projects (Tendering) Act		Bill 46–The Court Practice and Administration Act (Various Acts Amended)	
Schuler	1963	Friesen	1988
Questions		Questions	
Lindsey	1964	Fontaine	1990
Schuler	1964	Friesen	1990
Lamont	1964	Gerrard	1990
Debate		Debate	
Lindsey	1966	Fontaine	1991
Lamont	1967	Gerrard	1993
Bill 38–The Building and Electrical Permitting Improvement Act (Various Acts Amended and Permit Dispute Resolution Act Enacted)		Bill 30–The Consumer Protection Amendment Act	
Johnson	1969	Fielding	1994
Questions		Questions	
Wiebe	1970	Maloway	1995
Johnson	1971	Fielding	1996
Lamont	1971	Lamont	1996
Debate		Debate	
Wiebe	1973	Maloway	1998
Lamont	1975	Lamont	2000
		Bill 67–The Public Health Amendment Act	
		Stefanson	2001
		Questions	
		Asagwara	2002
		Stefanson	2002
		Gerrard	2002
		Debate	
		Asagwara	2004
		Gerrard	2005

Bill 58–The Criminal Property Forfeiture
Amendment Act

Friesen 2006

Questions

Fontaine 2007

Friesen 2007

Gerrard 2007

Debate

Fontaine 2010

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