

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

Official Report
(Hansard)

*Published under the
authority of
The Honourable Daryl Reid
Speaker*

MANITOBA LEGISLATIVE ASSEMBLY
Fortieth Legislature

Member	Constituency	Political Affiliation
ALLAN, Nancy, Hon.	St. Vital	NDP
ALLUM, James	Fort Garry-Riverview	NDP
ALTEMEYER, Rob	Wolseley	NDP
ASHTON, Steve, Hon.	Thompson	NDP
BJORNSON, Peter, Hon.	Gimli	NDP
BLADY, Sharon	Kirkfield Park	NDP
BRAUN, Erna	Rossmere	NDP
BRIESE, Stuart	Agassiz	PC
CALDWELL, Drew	Brandon East	NDP
CHIEF, Kevin, Hon.	Point Douglas	NDP
CHOMIAK, Dave, Hon.	Kildonan	NDP
CROTHERS, Deanne	St. James	NDP
CULLEN, Cliff	Spruce Woods	PC
DEWAR, Gregory	Selkirk	NDP
DRIEDGER, Myrna	Charleswood	PC
EICHLER, Ralph	Lakeside	PC
EWASKO, Wayne	Lac du Bonnet	PC
FRIESEN, Cameron	Morden-Winkler	PC
GAUDREAU, Dave	St. Norbert	NDP
GERRARD, Jon, Hon.	River Heights	Liberal
GOERTZEN, Kelvin	Steinbach	PC
GRAYDON, Cliff	Emerson	PC
HELWER, Reg	Brandon West	PC
HOWARD, Jennifer, Hon.	Fort Rouge	NDP
IRVIN-ROSS, Kerri, Hon.	Fort Richmond	NDP
JHA, Bidhu	Radisson	NDP
KOSTYSHYN, Ron, Hon.	Swan River	NDP
LEMIEUX, Ron, Hon.	Dawson Trail	NDP
MACKINTOSH, Gord, Hon.	St. Johns	NDP
MAGUIRE, Larry	Arthur-Virden	PC
MALOWAY, Jim	Elmwood	NDP
MARCELINO, Flor, Hon.	Logan	NDP
MARCELINO, Ted	Tyndall Park	NDP
MELNICK, Christine, Hon.	Riel	NDP
MITCHELSON, Bonnie	River East	PC
NEVAKSHONOFF, Tom	Interlake	NDP
OSWALD, Theresa, Hon.	Seine River	NDP
PALLISTER, Brian	Fort Whyte	PC
PEDERSEN, Blaine	Midland	PC
PETTERSEN, Clarence	Flin Flon	NDP
REID, Daryl, Hon.	Transcona	NDP
ROBINSON, Eric, Hon.	Kewatinook	NDP
RONDEAU, Jim, Hon.	Assiniboia	NDP
ROWAT, Leanne	Riding Mountain	PC
SARAN, Mohinder	The Maples	NDP
SCHULER, Ron	St. Paul	PC
SELBY, Erin, Hon.	Southdale	NDP
SELINGER, Greg, Hon.	St. Boniface	NDP
SMOOK, Dennis	La Verendrye	PC
STEFANSON, Heather	Tuxedo	PC
STRUTHERS, Stan, Hon.	Dauphin	NDP
SWAN, Andrew, Hon.	Minto	NDP
WHITEHEAD, Frank	The Pas	NDP
WIEBE, Matt	Concordia	NDP
WIGHT, Melanie	Burrows	NDP
WISHART, Ian	Portage la Prairie	PC
<i>Vacant</i>	Morris	

LEGISLATIVE ASSEMBLY OF MANITOBA

Tuesday, June 25, 2013

The House met at 10 a.m.

Mr. 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.

Morning, everyone. Please be seated.

ORDERS OF THE DAY

PRIVATE MEMBERS' BUSINESS

Mr. Speaker: Are we ready to proceed with second readings of private bills, Bill 300?

An Honourable Member: No.

Mr. Speaker: No. Are we ready to proceed with Bill 205?

An Honourable Member: No.

Mr. Speaker: No. Are we ready to proceed with Bill 208?

An Honourable Member: No.

Mr. Speaker: No. Okay. Are we ready to proceed with Bill 207?

Some Honourable Members: Yes.

Mr. Speaker: Yes. Okay.

**DEBATE ON SECOND READINGS—
PUBLIC BILLS**

Mr. Speaker: We'll now call Bill 207, The Family Maintenance Amendment and Garnishment Amendment Act, standing in the name of the honourable member for St. Norbert (Mr. Gaudreau), who has eight minutes remaining.

**Bill 207—The Family Maintenance Amendment
and Garnishment Amendment Act**

Mr. Speaker: Is there leave for this matter to remain standing in the name of the honourable member for St. Norbert?

Some Honourable Members: No.

Mr. Speaker: Leave has been denied.

Mr. Dennis Smook (La Verendrye): I wish to stand up and put a few words on record this morning in regards to Bill 207. I'd like to thank the member from Midland for bringing this bill forward.

The Family Maintenance Amendment and Garnishment Amendment Act: this bill provides that part 4 of The Family Maintenance Act, enforcement of maintenance orders, applies to an award of costs in favour of a person entitled to maintenance payments if the cost remains unpaid for more than six months. A related amendment to The Garnishment Act allows for garnishment of those costs as if they were part of the maintenance order.

Mr. Speaker, family law system can be complex, difficult to navigate and one that takes emotional and financial toll on the families involved. Bill 207 will help lessen unnecessary emotional hardship and ensure that money is distributed justly between parties.

Mr. Speaker, we all know people, couples that have gone through a divorce. Some can be smooth with little or no controversy, but we all know ones that can be ugly and messy. These are the ones that create most of the problems and have lasting effects on the partners and family, both emotionally and financially.

Mr. Speaker, when divorces get to a point where partners will do just about anything to each other just for spite, this is when the problems start. I have seen couples where one partner will harass their ex with legal matters of child abuse and a number of other difficult legal matters. The partner has no choice but to hire a lawyer to fight these allegations. The cost of a lawyer is one of the more expensive parts of a divorce.

It's surprising at what lengths people will go to just to create problems for their exes—stalking, threats of violence. It seems that emotion takes the place of reason in a lot of these cases. Some partners will go to great lengths to make financial difficulties for their exes, not caring about the consequences that it may have for them as well, the costly part of it being the child support payments, the maintenance for the spouse and the legal fees.

Mr. Speaker, we presently have a Maintenance Enforcement Program, MEP. The MEP currently facilitates child and spousal support payments. They keep a record of payments made and take legal action, such as garnishment of payments that are not made. The program means that the person owed money from his or her former partner can be avoided, the emotional turmoil of constantly trying to collect the money, the financial uncertainty of not knowing when money's going to come in to make rent payments or buy food and the complicated court press-court process of trying to collect this money from one's ex.

We presently have a gap in this system. When two partners divorce, they usually have legal fees, and some go to great extents to make these legal matters difficult for the partner. And this creates a loophole, because we have the maintenance system to collect and pay for child maintenance and wife support or husband support. But in other cases, with the legal fees, a judge may award the costs of the legal fees to one of the partners if the judge feels that the one partner's, you know, should be awarded those costs. But, unfortunately, in our present system, there's no way, aside from going to court, to collect this money. They can take a person to court, but is—as the—Mr. Speaker, as everybody well knows, people can move provinces, they can change addresses, and it's very difficult to collect these monies from a person where they're owed.

This bill, Bill 207, would enhance the Maintenance Enforcement Program by bringing in the ability for the partner to put this as part of that program. And that would eliminate a lot of the emotional turmoil, the legal costs and a number of other items that have taken place in these partners' lives. Bill 207, the—moves judge-ordered legal costs into the Maintenance Enforcement Program. This means that the costs will be collected in the same way as maintenance orders are already collected and by doing this, this will put a lot of stability into the lives of the person who is being given these rights to have that money.

* (10:10)

The bill would be one step towards a kinder legal system. It would help a lot of the people out that are having difficulty. As we know, when you're—have children involved in this, there's a lot of things that happen that you have to cut back in order to pay some legal bills. So there's a lot of people who would like to see something better happen to the system.

And I must give the member from Midland credit because we've all seen cases in our personal lives how divorce and trying to collect that money has messed up people's lives, but not only the people's lives, the children's lives as well. Because when a lot of money is tied up in lawyers and court costs that money is something that does not go to the children.

Mr. Speaker, Alberta and Ontario already have similar provisions for allowing the legal costs to be included in their equivalent maintenance enforcement programs. And I would ask all members to think about this, because they all know, and I'm sure they've all had experience with people who've suffered through a divorce and what that divorce has done to the family and to the children. We can't help what happens to the partners when they decide to part ways, but we can make it fair and equitable for everybody involved in the divorce, especially the children, to make sure that there is funding available for them to continue their lives in such a way that'll be respectful for them.

Thank you, Mr. Speaker.

Hon. Jennifer Howard (Minister of Family Services and Labour): Mr. Speaker, it's my pleasure to rise today and speak a little bit about this bill, and I also want to thank the member for Midland (Mr. Pedersen) for bringing this forward. I know that this bill is rooted in the experiences of his constituents, and I think that often those are the best private members' bills that come forward here is when—and we've had this experience on our side. I know that the other members on the other side have had this experience where constituents will approach us with a real problem, a real issue and some ideas for how we can make it better and we can bring those laws forward.

I know that the Minister of Justice (Mr. Swan) in the past has expressed an interest in looking at the ideas contained in this bill and making sure that there aren't any unintended consequences to this bill. I think that's very important whenever we move forward in family—in the area of family law, because making changes in how family law is administered does have direct consequences on parents and children and maybe as much as any kind of law that we have some jurisdiction over, certainly family law is an area that most directly touches on people's lives.

So I also wanted to spend a little bit of time today just talking about the evolution of family law

in Manitoba, kind of where we've come from and how it has changed and advanced over the years. And I wanted to start—and I don't know if this is an urban—it could be an urban myth. I haven't checked it out historically, I look to people with a better grasp of legislative history than I. But I have had the opportunity to sit down and speak with women who were very active mostly in the '70s and '80s when there was a great deal of change going on to family law in Manitoba and other provinces.

And I remember one story that one of these women told me, that she remembered a time when to get a divorce in Manitoba required an act of the Legislature. So if you were married under the law, the only way to get unmarried was for us, in this Chamber, to bring forward a petition or an act and have a debate about whether or not your marriage should be dissolved, and that to us now is unthinkable. It'd be a horrible intrusion into somebody's private life. Can you imagine being—you know, we think that we can't answer all of our petitions' requests now. Can you imagine if we were in a day where we had one constituent asking us to bring forward a petition for them to get divorced and the other one telling us not to? It's not a position any of us would want to be in.

But we owe a great debt to those women who brought forward changes to—requests for changes to family law, and when I got a chance to sit down and talk to them they reminded me that our culture has changed dramatically, certainly in the last 40 years since that struggle re-began, the second wave of the women's movement got underway. They told me about coming to this Legislature to present what now seems like very reasonable requests, issues like insuring that property was divided fairly after a marriage ended, issues like ensuring that children had adequate financial support after a marriage ended, issues like not having to prove that somebody had done something wrong before you got a divorce, that the idea that you just didn't want to be married to that person anymore was enough of a reason to get a divorce.

And when they brought forward those issues to this Legislature, to hear them talk about their stories—first of all, they didn't get a lot of attention. It was very difficult for them to get meetings with members of the Legislature, with ministers of the day, and, in fact, in some instances when they had those meetings they were laughed at. They were told to go home and tend to their knitting and not pretty their heads with such weighty topics as family law. And so they

employed lots of creative methods, lots of theatrical methods, to try to move that forward and, in the end, were successful.

They changed realities for many women's lives, and there is one famous case, and I'm not going to remember the name of right now, that changed the rights of women, as—particularly women to property. And that was a situation where you had a woman who had spent her life on a farm alongside her husband, working the land, supporting her husband, making sure that it was a profitable enterprise, and then something happened. The marriage dissolved. They were divorced, and she was left with literally nothing because she wasn't seen as the one who was the farmer. She was simply the farm wife and, as such, had no rights to property in the dissolution of that marriage. That, of course, would not happen today.

Other evolutions that we've seen and continue to see in family law is an increased use of mediation and conciliation when marriage breaks down. I have many friends who've gone through divorce, and many of them, when you can, have tried to choose a route that involves fewer lawyers—no offence to those in the room—and more of a mediated approach, where they could sit down together and talk about what is fair in terms of division of property, and what is in the best interests of any children that they might have. And we certainly try to support that through our family mediation and conciliation branch.

We know that custody arrangements today much better reflect the reality that both parents are full participants in the lives of their children. And that is good for kids, to have the full participation of all of their family. We've brought in programs and ways to ensure that grandparents can continue to have access after the dissolution of a marriage. And we also have in place education programs for parents who are going through divorce. I have friends who've gone through divorce, and they have to first go and sit and go through workshops that talk about what the effect of this decision is going to be on their children, and how best to deal with those effects, and how to make sure that the separation or divorce process is as gentle on the children involved as possible.

But for me, the most important evolution in the last 10, 15 years in family law has been the full recognition of families like mine, has been the full recognition of same-sex couples and our right to marriage and our right to be recognized fully as families, equal to everybody else. And I tell you,

when I first came out about 20 years ago, 25 years ago, at that time, the idea that someday I could get married legally was a far-off dream. It wasn't something I really let myself think about, and it was certainly a discussion among friends of mine, but we believed that that day was far, far into the future.

And so, you know, as it is when you think that there are aspects of the world that you're never going to get to have access to, that you're never going to be a part of, you tell yourself that you don't really care that much about it. And on the night when the Supreme Court decided that same-sex couples should have the right to marriage, and I was sitting at home and I heard Peter Mansbridge tell us that news over the airwaves, I started to cry. It wasn't until that moment that I realized that it did actually matter to me—to think about, that in my life, someday, I might be able to ask somebody to marry me or be asked to get married, that I would be able to have a wedding and be fully, legally recognized as a married person was meaningful to me. And so, although it's taken some time since I've had the right to get married, I'm very happy to let everybody in this House know that this fall I will be getting married to my partner, Tara, and it will be a fully legal and fully recognized ceremony.

The other thing that's been really meaningful to me is the right to be recognized as a full parent to my child. My son, Harry, is not my birth son; I didn't give birth to him. My partner, Tara, did the honours of that. That is one distinct advantage of having two moms. And I—my name is on his birth certificate. And 15 years ago, that would not happen. My name is on that birth certificate because the people sitting around me on this side of the House made it so. They took a risk. They took a risk at a time when it was certainly not unanimously endorsed by society.

* (10:20)

There were lots of people who came out to the committees to talk about those issues. Lots of people who thought that my having the right to be married or my having the right to be a full recognized parent to my child somehow was going to diminish their rights as a family, somehow it was going to make their families and their marriages less than, because I would also enjoy that right. That hasn't come to pass. I don't think anybody—I hope nobody would legitimately argue that the rights of families like mine to be fully recognized has diminished the right of any other family.

But it was in that moment, it was a debate, certainly, in this House, and it was something that not all members of this House voted for. And that is a reality, but I believe that we have moved on and now the rights of same-sex couples to get married, to have children, is fully recognized. We go to the pediatrician, it's no big deal. We go and register for child-care spots, it's no big deal. We go to play groups, it's no big deal.

But it also—in my remaining 30 seconds—it also speaks to why I think passing Bill 18 is so important. I hope my kid grows up in world that recognizes his family, celebrates his family. But I know that there are still people that he will encounter who will believe that because he has two moms there's something wrong with him, because he has two moms he should be ridiculed and hurt. And I want to make sure that we have a province where the adults in his life, where the teachers in his life are going to have his back when that happens. And that's why I support Bill 18.

Mr. Cameron Friesen (Morden-Winkler): It's my pleasure to be able to get up this morning and to put some words on the record, as well, with regard to Bill 207, The Family Maintenance Amendment and Garnishment Amendment Act, and I appreciate the comments of the other members who have spoken on this bill.

I want to thank the member for Midland (Mr. Pedersen) for bringing forward this bill. As the member for Fort Rouge (Ms. Howard) indicated just earlier, it's interesting in some ways that I think that the best private members' bills comes from the experiences and the conversations that MLAs have across the desk in the constituency office. And even as a new MLA I have been amazed, sometimes shocked, sometimes perplexed by the things that have come across my desk there. Sometimes they've been great opportunities for me to learn. Sometimes I have not had the answers that I've needed to have in those situations, but I could endeavour for the sake of those people who came to me to look into the situation and to try to find an answer.

Indeed, some time ago, when I used to work as a political staffer in the federal system I remember getting some advice from another political staffer who said, keep in mind that in this position you will not be able to help everyone who comes across your office threshold and sits down in your office. Sometimes they've exhausted all the means of inquiry available to them, and they're going to sit in

your office and say, in a desperate way, is there any way to bring a change to the situation? And sometimes the answer is no. But that individual, he had me remember that whoever comes across that office that they will appreciate the opportunity to have been heard. They will appreciate someone taking the time to listen to them and to respect them.

So I do want to thank the member for Midland (Mr. Pedersen) for keeping his ears open, and when this individual came to his office and sat down—we hear a lot of stories and some of them are very sad. But in this case, I know the MLA for Midland said this is something that could change if someone could bring forward an idea, if someone would pursue this there could be a change here that would be meaningful and help many people.

And I think that's where there's a lot of merit in our role as MLAs, finding those important intersections between situations and the opportunities that we have, the influence that we have in this place, the very special place that we've been given here to be able to bring forward ideas and see them move forward.

So I do welcome the comments of members across the floor and on this side and I do anticipate that there will be broad-based support for a bill such as this one.

And, Mr. Speaker, as already has been made clear this morning, the family law system is complex and it's difficult to navigate for families. When families find themselves in situations where a marriage and a union is dissolving, that is a time of high stress. It is a time of great anxiety. It is a time of many questions. It is a time when everything is being questioned. And I believe that people who have been in that situation—for, you know, for those of us who have had family members go through that situation, or good friends going through that situation, colleagues of ours, whatever the case may be, we can all attest to the fact that people in those situations live in a heightened state of anxiety. And the challenges that they face just in terms of facing every day and doing the everyday things of life are made more difficult by the fact that they are facing these real stresses, this discombobulation, this moving from one thing to another, saying, what will the future hold not just for me but for—you know, perhaps if there's children in the household, it might—it will mean a new residency in most cases. It will mean the division of assets. It will mean, in many cases, where there's a more acrimonious

environment, it will mean that some of these decisions that must be undertaken cannot be done in an atmosphere that is conciliatory and that is open and honest.

And instead, I think, as the member for La Verendrye (Mr. Smook) stated this morning, we—some individuals find themselves in situations where the process becomes poisoned, and in those situations it becomes more difficult for those people. That's, I think, the kind of individual who came to see the member for Midland, who sat in his office and said, you know, the system should not work like this.

And we have a good system in many respects. I mean, the Maintenance Enforcement Program is not perfect, by any stretch of the imagination. There are—I know we continue to tweak this system and try to modernize it, as the member for Fort Rouge (Ms. Howard) said. All of law—there's a continuum and it continues to evolve and it continues to reflect the values of society. We continue to turn things over and say this could be made better, this could be made stronger, this could help individuals more effectively. But, in any case, what I think this individual sitting in the office for the member for Midland was able to do is to say, here is a gap. This is a clear gap. This is an instance in which the protections do not flow in the manner in which they should to help a person who is vulnerable and who could experience real hardship and loss if changes weren't made. And, indeed, that was exactly the situation.

So, Mr. Speaker, I would welcome legislation that would seek to close that loophole, to close that gap, and that would basically result in a change whereby a judge could make the decision to bring legal fees under Maintenance Enforcement. So, exactly as members before have explained, where there has been a proceeding in a court, where there has been a child and spousal support payment system set up and somehow one party didn't like the decision made, well, of course, that party that feels aggrieved can appeal the decision.

And I think what this situation, this particular circumstance, showed is the gap, the clear gap that existed whereby those legal fees were incurred. The parties hired legal representation. They went into court. The one partner, of course, had to go—she had to defend because there was a court action undertaken and she had to appear. She had to have representation in that case. Of course, what became

clear is her costs were not going to be covered. Her costs—and even though the decision was made against the other party, there was no way for her to recoup the monies that she had incurred paying her lawyers. Even when the judge ordered that the other party pay for those fees, still, in that situation, there was a recognition that his decision wasn't binding, that it wasn't going to fall under Maintenance Enforcement, and so this particular individual was out the money.

And we understand that a big part of moving into a divorce proceeding is legal fees and not all parties have equal ability to pay those fees. That kind of situation could—produces emotional turmoil. It produces financial uncertainty and it—like I said, it produces a lot of anxiety within people.

* (10:30)

Mr. Speaker, just in this—in the short time that I have left to me, I just want to also mention the fact that I believe that this change could also act as an important deterrent to prevent unnecessary legal action, or at least provide a kind of a mechanism whereby a party can take a sober second thought and say, do I really want to do this, where their own legal counsel can say, you know, you must realize that under these new laws if you do go this—if you go this path, if you follow this path a decision could be made against you and this could fall under maintenance enforcement and you could have to pay back the legal fees incurred by the other party. I think that would be an important provision, an important protection built in. The judge would have that option. It would not be required but he would have—he or she would have that option to assess that kind of penalty.

Mr. Speaker, we understand that in some situations when a family's breaking up, a lot can be done through mediation. Some parties can find a way to do this and maintain civility. We know we're talking about the instances in which this—the quotient of civility has been depleted and individuals find themselves in a place where there is a lot of hurt and there is maybe even an intent to hurt.

And so I believe that this measure, that this bill, Bill 207, could have an effect in changing the status quo, providing protections to individuals who need it. And once again, I do want to thank the member for bringing forward the bill, and I would invite a broad-based participation and support for this bill going forward so we can see it passed.

Hon. Dave Chomiak (Minister of Innovation, Energy and Mines): Mr. Speaker, I've been very attentive to the comments of my fellow—my—the other individuals in this Chamber, and I—there's been some very useful information put on the record. And I was particularly moved by my colleague from Fort Rouge and her comments, which has caused me to change the—somewhat some of the tenor and flow of my comments on this bill, to talk a little bit more about the historical and sociological impact rather than some of the legal, factual natures of it.

I do want to commend the member for bringing this piece of legislation forward. I think that as has been indicated, private members' bills and information comes forward. When I was in opposition for nine years, I don't think we were—the government allowed us to pass a single private members' bill—I don't think we passed any. That was a different era, there was no accommodation for that. I'm glad that we've evolved in this Chamber toward a more co-operative nature, and a number of bills get passed and a lot of good ideas get put into place.

And I think this is an idea that ought to be studied and reviewed, and I know that significant changes have occurred in family law and particularly in family law maintenance in the past several years, including the suggestions from the federal government, suggestions from the members opposite and suggestions from this side of the House. So it's helped to evolve the law to be more even-handed and more reflective of society as a whole.

I've never been a strong advocate of the law courts being the medium or the jurisdiction that makes decisions in this regard. Unfortunately, most judges—I think if you were to talk to them—in fact, I—to a person—I don't know of a judge that I've ever spoken to that really thought the courtroom was the best place to deal with matters of this kind. Notwithstanding that, we are recipients of a system that goes back literally over a thousand years, and then literally in terms of structure, in terms of the economic setup of the court system, several hundred years, that puts matters of this kind in the judicial system in an adversarial sense.

I think members would probably well—very pleased to find out that family law in Manitoba was one of the first jurisdictions to be—to actually be changed and to be updated and to be reformed. Manitoba was one of the leading jurisdictions when I studied law at that time. The professors and the teachers looked to Manitoba and the Manitoba

experience for innovation. So it was another area where Manitoba was first, Mr. Speaker.

We were first in reforming family law—one of the first. We were first in an adequate maintenance enforcement system. We were first in a property—appropriate property division. We were first in a whole series of matters as they related to family law, and I think that speaks well to this jurisdiction and people that are in this Chamber, and it goes to so many firsts that Manitoba's a part of: we're the first Home Care program; the first Pharmacare program; the first cancer drug program now that we're providing cancer oral drugs; the first program to have a palliative—wrap-around palliative care program in Manitoba; the first jurisdiction to really recognize that flood proofing is important to do ahead of time not after, Mr. Speaker, and to put in place infrastructure to prevent floods.

We're leaders now in Canada and North America in putting resources and in flood proofing—and in family law, Mr. Speaker, we've been a first. I think this recommendation is helpful and I think it will be studied and reviewed by the Department of Justice.

On a historical note, Mr. Speaker, I do note, I am reading a current book called *The Mysteries of the Middle Ages*, and it's a discussion of the evolution of the modern western world vis-à-vis the implications from the medieval times and the contact between the east and the west. And it is very interesting in terms of the formation of the family going back to the Roman system where the male-dominated family unit was considered very structured and very male dominated, and offspring that didn't relate, weren't part of the family were kind of tossed aside. And, unfortunately, that concept evolved into our western judicial system where the rights of women and the rights of children and the rights of family and the rights of many were completely neglected—completely neglected. Fortunately, we've evolved dramatically. We haven't gone far enough. There is much to do, but we certainly have improved the situation.

I tend not to like to speak personally, but I must admit that having practised family law it was probably my least favourite 'fam'-form of law. In fact, only twice in my legal career was my life threatened, and the first time it was during a family law dispute where we had to empty out our law office because a dissatisfied spouse decided that he was going to take retribution on the legal system. And we had to clear out our office and contact the

police to deal with that which, of course, lends credence to the comments we've heard here that in the breakup of a family and the emotion and the collateral damage is so dramatic that it can be, literally, life threatening.

I'm very pleased that in Manitoba, I believe, we are the first jurisdiction to ensure that mediation was necessary not—it was mandatory, Mr. Speaker. You had to have mediation. You had to sit down and go through a process and, again, individuals that I've talked to have been much better educated and much more willing to be conciliatory and much more willing to deal with matters having gone through that. And I—we evolved that system. We have a system of mediation I—at—that I think is second to none in the country with respect to dealing with family law, which makes the point, in my mind, that ultimately mediation and conciliation is the first step and that the court system, the legal judicial system, is the last step.

So what we're talking about here in terms of this bill is the last step of a process, and I agree with members opposite and I agree with the comments we've heard today that at the end of the day the rather crude methodology of invoking the legal system with all of its costs, with its inherent delays, with the ability of people to use the system to spite the—to spite their partner is not something that should be a first line of approach. So any kind of incentive that will provide for spouse and children, that will lessen the impact and the costs overall and will put the costs and perhaps the responsibility on the part of someone who's perhaps abusing the system makes sense, and that's why it's a helpful recommendation with respect to moving forward.

* (10:40)

Mr. Speaker, we don't want to go back to a system where people have to chase—to have to chase partners in order to get funding. We don't want to go back to a system where we're underfunding those people that are on assistance. We don't want to go back to a system where the Universal Child Care Benefit is clawed back. I think we're bigger than that.

We have—we're a province of firsts, and certainly in family law we've been a first and in many areas we've been a first, and I think, in some ways, in this kind of dialogue and discussion we have in the Chamber where we have the opportunity to talk about private bills and to move forward on private bills and to have them examined by the Department

of Justice and the ramifications they will have on the legal system, I think is significant.

I do want to indicate that it is necessary to spend some time in terms of the legal consequences of this particular amendment. I do know that when we have moved in this area, we've often done it on a pilot basis or on a narrower basis in order to determine whether or not there's collateral impacts or consequences that occur that may not be intended and, in fact, may result in more difficulty. I don't think that's the case, but I think when you do get into the refining nature of the law, as specific as this kind of recommendation is, you want to be careful. I think we want to do it. You want to be careful in terms of dealing with the ramifications of it.

Having said that, Mr. Speaker, I think I agree with all of the comments here today. It is an area where we in Manitoba have done proud and have been a leader, and I think we can continue to do that if we continue to have this co-operative and innovative and forward-looking spirit that is the province of Manitoba.

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

Mr. Cliff Cullen (Spruce Woods): It's certainly an honour this morning to speak to Bill 207, and I do appreciate the member for Midland (Mr. Pedersen) bringing forward this legislation for—proposed legislation for the House for consideration. And certainly, in listening to the story that precipitated this proposal, it certainly was quite interesting, and it's one of those things that, you know, you—unless you hear a story, you wouldn't think about various situations that may arise, Mr. Speaker.

Clearly, we as MLAs do get a number of calls to our constituency offices. You know, we represent 20,000 people, roughly, and certainly a lot of different situations arise within our constituencies and within that number of people, and it's always interesting to hear those stories. And, Mr. Speaker, quite often there's always—usually you have two sides to every story, and sometimes there's actually a third story in the middle that's somewhere closer to the truth. But, anyway, it's our job to listen to our constituents and see what we can do to help in their respective situations.

And, clearly, this is one of those issues that have—you know, appears to have kind of fallen through the cracks. And I think, as the member for Morden-Winkler (Mr. Friesen) had said this

morning, you know, it's important for us to listen, to hear what people have to say, and when those particular situations arise, then they—a lot of the people have tried just about every other avenue to resolve their conflict or resolve their situation, and it's up to us to listen to their situation and try to steer them down the right path to get their situation resolved.

And, Mr. Speaker, I know I met with some students just yesterday and we talked about some of the things that we as MLAs do, and certainly a key component of our job is to be here at the Legislature and make laws for the people of Manitoba. And I think we as legislators, when we consider legislation and proposed legislation, that we certainly have a look in how it's going to impact Manitobans. And I think this is one of those particular pieces of legislation that will have an impact on Manitobans.

Unfortunately, Mr. Speaker, it's a growing percentage of Manitobans that are going through divorce proceedings, and that's quite unfortunate, but it is a sign of the times in our society. So I think it's incumbent upon us as legislators to make sure that we have the proper framework in terms of the legislation so that people can rely on the court system to expedite their issues in a timely manner and make sure that that framework and that legislation is adequate to address the needs of the families that are going through those difficult situations.

And I think the—you know, as this particular legislation amends both The Family Maintenance Act and The Garnishment Act as well, there's a couple of components in there. And, certainly, from a maintenance perspective, we do direct a number of people each and every year through—over to the maintenance departments and hope that the staff within that department can deal with the issues that come forward on a fairly regular basis. And, you know, clearly it's a challenge for us what—to hear those stories when people are going through a divorce situation, and it is a really trying time for families going through that process. And, clearly, financial issues can be a very troubling part of those conflicts, and certainly when there's children involved, it makes it even more difficult.

So I think it's important that we make sure that there's the framework there that helps people deal with those issues in terms of financial supports. And once the individuals go through the court system, the—you know, the maintenance framework is

established in terms of who's paying what, that those—that framework continues to exist. And I think that's an important role for the Province to play, is to make sure that individuals are being dealt with in a respectful manner, Mr. Speaker. It is unfortunate that it does come up from time to time, but those are the things that we deal with in society.

This particular legislation actually deals with a situation even after the initial resolution has gone before the court system. This legislation actually comes into play if there's an appeal after the initial court application, Mr. Speaker. So I think—hopefully the government side of the House will recognize that's indeed the case in terms of what this legislation asks.

Clearly if there is a situation—I'm sure it's probably a growing number in Manitoba, of individuals that are wishing to appeal their maintenance program. You know, it can leave the other party in a difficult position, you know, especially when it was not their own making to go back to a court through the appeal process. They will obviously face substantial court costs, and this piece of legislation is intending to cover off those extra court costs that an individual may find themselves in. And, Mr. Speaker, as we know, certainly when you deal with lawyers, it can add up in terms of your legal bills and it can be a fairly stressful situation that family members will find themselves in, you know, especially if they're having to look after and support children at this very same time.

So, obviously, the member for Midland (Mr. Pedersen) had come across this particular case, saw a need to, hopefully, fill the gap. And I hope, Mr. Speaker, that the Minister of Justice (Mr. Swan) will have his staff combing through this legislation to see if it can be workable and see if it is a situation that, you know, should be addressed. I would assume the court system would be able to assess how many of these cases we have on an annual basis and we'd probably be able to figure out a number and how many people will be impacted by a situation such as this. I think clearly when we—you know, we talk about different issues that we receive at our constituency level, there's a lot of different issues that we deal with. As I discussed with the kids yesterday, we never know what the issue is going to be when the phone rings. You know, clearly these personal issues that we deal with are very difficult.

I think about some of the health issues we've had to deal with, because we've had some health-care bed

closures, we've had some personal care home bed closures that we have to deal with as a result of a shortage of both doctors and nurses. So we get calls from people that are concerned about their grandparents' well-being when their grandparents are being—having to move from facility to facility, and it's very concerning for us to hear those individual stories when they phone our office and trying for us to try to help them out with that. And certainly it's very similar to divorce situations where people are looking forward to their—having their maintenance costs covered, Mr. Speaker. So it's very important.

* (10:50)

And, clearly, individuals out there don't have the resources such as the government would have, Mr. Speaker. You know, we had two weeks ago, the NDP were in court they had 12 lawyers working on their behalf on that particular file on that one day alone. Now, the average Manitoban going through a divorce proceeding doesn't have the ability to have government resources and government lawyers available at their beck and call. And clearly, you know, to have—certainly the NDP government having 12 lawyers in court one day and having five lawyers in court the next day, they have those resources available to them. We—assuming that, you know, the taxpayers of Manitoba are picking up the tab for that legal bill. But individual Manitobans going through proceedings such as this don't have that resource at their disposal. So that's why the member for Midland certainly recognized this was an important issue for a lot of Manitobans, and that's why he's brought forward this particular piece of legislation.

And certainly, I feel for people that are going through difficult divorce situations. It's a very complex proceeding—court proceedings. They take a lot of time, a lot of effort, and it is a very trying time for a lot of Manitobans, Mr. Speaker. So we certainly hope that the government will consider this particular legislation, and, hopefully, it will fill in the much-needed gap that's required here in Manitoba and hopefully will help resolve some of the issues. And it gives—the member from Winkler-Morden had indicated, hopefully it will provide a second thought—a sober second thought—for some of those people that are prepared to appeal their existing maintenance contracts.

So with that, I thank you very much for the time and look forward to the government's position on this bill.

Hon. Nancy Allan (Minister of Education): Well, Mr. Speaker, I am pleased to put a few words on the record in regards to Bill 207, The Family Maintenance Amendment and Garnishment Amendment Act. Of course, I would like to thank the member for Midland (Mr. Pedersen) for bringing this private member's bill forward.

And, as the MLA for Kildonan said, we live now in a different political world where years ago, these kinds of pieces of legislation would come forward, and there wasn't a lot of co-operation with the government side of the House in regards to whether or not these kinds of bills would pass or see the light of day. And I know that the whole issue of maintenance enforcement and protection for partners, in regards to economic stability, is important to us as a government and has been for many, many years. And I know that the Minister of Justice (Mr. Swan) has had an opportunity to look at this private member's bill, has had an opportunity to speak to it, and I know that he would like to see a further discussion with the member for Midland.

Of course, we believe that the costs of court proceedings are only a part of the issues that families face when they are going through a divorce and custody issues, and we have had a long-standing tradition in our party of looking at family law reform.

My colleague from Fort Rouge spoke about, you know, the pioneers—the women, who, in our party—the Muriel Smiths—and, you know, of our party and who were—Muriel Smith who was the first deputy premier in Canada who cared passionately about women's issues.

And it reminded me of many years ago—many moons—when I worked for Roland Penner when he was the Attorney General, and that was the early days and the early days of family law reform. And it reminded me of some of the people that came to the office to have a discussion with the Attorney General, particularly around reciprocal agreements with other jurisdictions. And, you know, 25 years ago, there were not reciprocal agreements for family maintenance there, so that if a couple broke up and the husband moved to another jurisdiction, there was no way for those enforcement orders to be implemented and for that money to be collected. And I am proud to say that this kind of reform has evolved over 25 years, and now Manitoba has reciprocal agreements not only with every jurisdiction in Canada, but, as well, every state in the

United States and also agreements with other—some other countries. So I really think it is important that we continue to look at these kinds of reforms because I think that is an important issue economically for families and, particularly, for women.

Unfortunately, divorce happens all too often. I've been married for 31 years—[interjection] I can't either. I can't either.

An Honourable Member: He survived.

Ms. Allan: He has survived; yes, he has, mostly because he used to travel a lot when he was with CBC. And—but now he's retired. He might be thinking—rethinking this marriage business. But—and I never travel, so it works out.

But I have to tell you, I want to refer to a Hollywood couple in my speech today, a Hollywood couple that I admire, and it's Will Smith and Jada Pinkett. Will Smith and Jada Pinkett are the longest Hollywood marriage in history. And I saw Will Smith interviewed one day about that. And this was several years, many years ago. I saw him interviewed, and he was asked, what is the secret? And he said, divorce is not an option. No matter what you go through, no matter how difficult marriage can be, you can always work things out.

And so, unfortunately, though, for many couples, that doesn't happen. And we know that there are an increasing number of divorces these days, and that's why the—these—this kind of family law reform is important. Because we have to provide a safety net for those individuals that do go through divorce because they're not all as fortunate as Will Smith and Jada Pinkett. And I think just maybe a lot of money might have something to do with it, but I'm not sure.

I do want to say how proud I am of my good friend and colleague from Fort Rouge who spoke about how proud she was the day that she learned that same-sex couples have the right to be fully and legally recognized. And I would like to, on this side of the House, I would like to congratulate Jennifer and Tara, who are getting married in the fall, and I'd like to congratulate them because I know this is an important—is going to be a very important day for them, and—

Mr. Speaker: Order, please. While I can appreciate the comments of the honourable members when they are referring to other colleagues in the Chamber in a good-natured way, I must caution honourable Minister of Education that when we're referring to

another member of the Chamber, it's by their constituency name or ministers by their portfolio, please.

Ms. Allan: Well, I can say it this way, but it's going to be kind of awkward. I would like to add my congratulations to the MLA for Fort Rouge and Tara on their wedding in the fall. And I—*[interjection]* Absolutely, congratulations.

And, you know, and also, I was at the baby shower for Harry when Harry—shortly after Harry was born. I'm trying to remember how old he was. He was—*[interjection]*—about three weeks old. And it was a wonderful event. And it was kind of, you know, I have to tell you, this was my first baby shower for a same-sex couple, so I wasn't really sure what to expect, you know, and it was just wonderful because it was so inclusive. And they were so comfortable, and talking about Harry, and just really comfortable with the baby. I was more nervous than they were because I—it'd been so long since I had been around a little tiny baby, that I was freaking out more than they were. And I just have to tell you that, you know, it was really—it's very special. It was a very special day for a lot of us to celebrate Harry's arrival in their family.

And I think this is—I think this is our challenge as we move forward with our family law reform, is the definition of family is changing. And, you know, I—every Christmas, there's a hope—open house at the Leg., and Mark Zoldy from St. Vital, he comes to visit me with his partner, and Mark and his partner have three, or maybe even four, of the most beautiful adopted children you've ever seen—

* (11:00)

Mr. Speaker: Order. When this matter is again before the House, the honourable Minister of Education will have two minutes remaining.

The hour being 11 a.m., it's time for private members' hour—resolutions. Today the resolution we have under consideration is the one sponsored by honourable member for Fort Garry-Riverview, titled the "Senate of Canada".

House Business

Mr. Speaker: The honourable Government House Leader, on House business first?

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

Pursuant to rule 31(8), I'm announcing that the private member's resolution to be considered next

Tuesday will be one put forward by the honourable member for Elmwood (Mr. Maloway). The title of the resolution is Western Power Grid.

Mr. Speaker: On House business, it was announced that, pursuant to rule 31(8), that the private member's resolution to be considered next Tuesday will be the one put—brought forward by the honourable member for Elmwood and the title of the resolution is the Western Power Grid.

* * *

Mr. Speaker: Now we'll move on with the resolution.

RESOLUTIONS

Res. 19—Senate of Canada

Mr. James Allum (Fort Garry-Riverview): I move, seconded by the member for Rossmere (Ms. Braun), that

WHEREAS the Province of Manitoba abolished its Upper House in 1876; and

WHEREAS the preferred position of Manitoba is that the Senate of Canada be abolished; and

WHEREAS in 2009 the Manitoba Legislature passed a motion creating a Special Committee on Senate Reform to hold public hearings throughout the province regarding the Senate of Canada; and

WHEREAS that committee heard that Manitobans overwhelmingly support reforming or outright abolishing the Senate; and

WHEREAS since the—that time issues have further eroded the faith Manitobans have towards the Senate and have revealed a major accountability problem within that institution.

THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba urge the federal government to immediately begin negotiations with the provinces with the aim of abolishing Canada's Senate.

Mr. Speaker: It's been moved by the honourable member for Fort Garry-Riverview, second by the honourable member for Rossmere,

WHEREAS the Province of Manitoba abolished its Upper House in 18—dispense?

An Honourable Member: Dispense.

Mr. Speaker: Dispense.

Mr. Allum: I've been sitting here all morning trying to think of a way to connect a speech about the Senate with the Chicago Blackhawks. So let me simply say that as a result of the Hawks winning the Stanley Cup last night, they're led by a great Winnipegger, a great Manitoban, a great Canadian, Jonathan Toews, who in my estimation is not only the captain of the Blackhawks, but the best hockey player in the world.

Now, I'm proud to put this resolution before the House, Mr. Speaker, and I'm confident that all members will look to support it. The fact of the matter, it's time to abolish the Senate, a national embarrassment and what's turned into a national disgrace.

Now, you might think that I put this resolution forward with great joy, great glee, given the spectacle that we've witnessed in the Senate these last several months and over the last year and then decades and then over the last century. You might think that I might have some fun with this bastion of Liberal and Conservative patronage, this old age home for Liberal and Conservative bagmen, but, in fact, I take no great joy in the pitiful conduct of senators who bring our democratic institutions into disrepute.

Mr. Speaker, I take no pleasure in the performance of Senator Duffy who tried to dine and dash on the Canadian people, and then when he got caught he had the Prime Minister's office pay his bill. I find no satisfaction in jet-setting Conservative Senator Pamela Wallin who now has more AIR MILES than Chris Hadfield. I take no happiness to witness the exploits of Conservative Senator Patrick Brazeau who has proved himself to be no more than a common thug. And I take no comfort in the hypocrisy of the Prime Minister who not only appointed the three stooges I just referred to, but another 56 after that, and when he said he would never, ever appoint one senator—and yet he's appointed 59. Shame on him.

No, Mr. Speaker, none of this brings me any joy and I'm, frankly, quite sorry to see our—one of our national parliamentary institutions turn into a three-ring circus. As a citizen of this country, as an elected official, as a politician, and first and foremost as a public servant, I'm appalled. I'm embarrassed and I'm ashamed by the conduct of senators in the house of—in the Parliament of Canada.

Now, Mr. Speaker, I do know that the Senate does have some redeeming qualities and it's

important to point those out. First of all, I think we do know that while there's always a few bad apples that spoil the basket, there have been many good senators who worked very hard in the interest of Canada over the years and it would be wrong not to acknowledge their works and their efforts on behalf of Canada, including two CCF senators, Hazen Argue and Thérèse Casgrain, both of whom brought great distinction to our party.

I can also say that as a—as an academic, I've been through Senate committee work many, many times in my own historical research and I know that lots of good work has been done by Senate committees as well, and we need to respect the research and the dedication that those 'shenators' have shown. And we also know—I also know, from time to time, really progressive legislation has come out of the Senate and made its way over to the House of Commons. It may interest members to know that some of the first progressive piece of water pollution legislation in this country, in the first decade of the 20th century, came from the Senate to the House of Commons because, frankly, Canadians were dying by the thousands from typhoid fever at that point and senators—not elected members of the House of Commons, but senators tried to put forward a national legislation on the pollution of navigable waters. I'm sorry to say in the last federal Conservative budget, that they undid that very act, but there you go.

You know, Mr. Speaker, in spite of all these things, this resolution brings me no joy, but this resolution is frankly not about senators feeling so entitled that they're blind to their own corruption. No, this resolution, calling for the 'abolition' of the 'sendit'—Senate, is simply that the conditions for the existence of the Senate no longer exist.

Indeed, Mr. Speaker, the fathers of 'crefeder'—Confederation created the Senate for some very specific reasons that are no longer, if they ever were, relevant. So what are these things? Well, the first reason, quite simply, was that the Fathers of Confederation did not trust democracy; it's as simple as that. Canada in itself was a predemocratic achievement. The franchise was only allowed to a very few people. Women, First Nations were certain—people were not allowed to vote. Commoners, workers were not trusted to work with democracy, and consequently the Senate was created as a check on democracy in Canada, and I don't know anyone who would subscribe to that point of view anymore.

This notion that the Senate is a place for sober second thought—that is when they're actually sober—for sober second thought, is in fact a fiction. And what we do know, Mr. Speaker, instead of a Chamber for sober second thought, the Senate is in fact the House of last resort. When you don't know what to do with your bagmen, when you have to pay off a political debt, when you need some way of rewarding somebody for having done something for your political party, Liberal and Conservative prime ministers have appointed them to the Senate. Frankly, it's not a House of sober second thought, it's a House of last resort.

Secondly, Mr. Speaker, the Senate was created to protect regional interests in Canada from an overly centralized federal state. It's no secret among historians that Sir John A. Macdonald favoured a very strong legislative union, and he envisioned provinces to be no more powerful than local governments are today. And so, since the provinces were initially thought to be powerless and because seats in the house of 'al—House of Commons were allocated by population, by representation by population, it was understood that appointed senators would not only be a check on democracy, but that each senator from each province would protect the regional interests from a centralized federal government.

Well, Mr. Speaker, I think you could also be hard pressed to find anyone who would subscribe to that notion either. As history has clearly shown, the provinces are the defenders of local and regional interests, and no one in their right mind truly believes that Mike Duffy goes to work each day—when he actually does go to work because his attendance record is deplorable—to defend the interests of Prince Edward Island. No more do people think that when Pamela Wallin goes to work each day—when she gets off whatever airplane she's on and decides to show up—that she goes to work every day to fight for the interests of Saskatchewan.

*(11:10)

It's a fiction to pretend otherwise, Mr. Speaker, and so we need to respect the fact that the original conditions for the creation of the Senate no longer exist and, as a result, we need to get on with the business of abolition. Now, some might say that, what we don't need an appointed Senate, what we really need is an elected Senate. But only those and—playing without a full deck, or those associated with the Reform Party or the Canadian Alliance party, that

is those folks across the aisle from me, really think that we need more government in Canada. I don't know anyone who subscribes to the view that we need a more powerful elected Senate, that we need bigger government, that we need more expenses paid and more cost associated with bigger government.

And one only need to look at the gridlock in the United States, where Congress is always tied up between the House of Representatives and the Senate, so that no work actually gets done in the US Congress. We don't need that kind of deadlock. We don't need that kind of gridlock here in Canada, and I would suggest to you that rather than appointing the Senate, the best thing to do—or having an elected Senate—is simply to abolish it.

Now, Mr. Speaker, in 1933, smart, bright, well-thought-of, left-wing intellectuals got together in Saskatchewan to create the Regina Manifesto. And just so that you know that this is a consistent position of the NDP, from time immemorial to now, the Regina Manifesto said: The Canadian Senate, which was originally created to protect provincial rights, but has failed even in this function, has developed into a bulwark of capital—capitalists' interests and is now one of the most reactionary assemblies in the civilized world. It is a standing obstacle to all progressive legislation, and the only permanently satisfactory method of dealing with the constitutional difficulties is to abolish it.

Mr. Speaker, we have the chance to do something historic today. We can throw off the shackles of our colonial and elitist past, and we can reinvent democracy in the 21st century by abolishing the Senate of Canada.

Mr. Ralph Eichler (Lakeside): I do want to put a few things on the record in regards to the resolution brought forward by the member for Fort Garry-Riverview. First off, you know, he said, it don't bring any joy to him which—seemed like he was enjoying himself quite a bit whenever you look at the comments—or listen to the comments that he put on the record.

I was part of the standing committee that was appointed by Gary Doer at the time, an all-party task force, to look at what actually was the best thing for Manitobans. In fact, the member from Rossmere chaired that very committee and I think she did a great job. As the committee went out, met with several Manitobans in different levels of committee—in fact, I'm going to get into that in just a minute.

But in 2006 was the first opportunity to have a look at this through—we thought at the time was a very important discussion. And as part of going through Manitoba, listening to Manitobans and what they have to say, obviously there's been some things going on in the Senate that's not acceptable. We all agree with that. We understand that there's consequences for all actions. We understand that it's being dealt with.

Yet this government seems to think that it can do whatever it wants. I mean, they brought in a vote tax without referendum. They're taking \$5,000 for every man, woman and—on that side of the House, and that's fine, that's okay. We can hold—we can bring in the PST without holding a referendum, that's okay. But yet we want to dictate to the federal government what they're going to be doing. Yet we don't want to be held to account in our own province. And yet we don't want that second thought.

Maybe if we had a second thought, we would be able to focus more on what we really want to do rather than be a majority government with 37 members who feel they don't have to consult with the people of Manitoba. Clearly, this government don't want to listen to Manitobans, so there they go. They go off and make their own rules, their own regulations, in order to—what they perceive, in fact—spend the money of Manitobans, that they work hard every day to go out and pay this government, because they feel they have the knowledge to spend that money better than every other Manitoban.

But I want to come back to the report that was tabled by the committee from the member from Rossmere, and how things change in just a short time in regards to this government. They can't seem to get it right. In fact, the federal government had stated that it has committed to moving forward with Senate reform, in response, Manitoba established an all-party committee to ask Manitobans to how senators should be elected. The federal government asked provinces to consult and ask for input on Senate selection. The all-party process consultation on Senate elections reflects legislation Manitoba passed in 2006. It is timely to move forward because legislation to create eight-year term limits for senators was introduced recently in Parliament.

Now, the committee, which was a seven-party committee, which was headed up by the member from Rossmere, along with myself, the member from Russell, the member from Selkirk, the member from Portage la Prairie, the member from Fort Rouge, the

member from Flin Flon, the member from Inkster, the member from Wellington, the member from Burrows, the member from Interlake and the 'miniter'—member from Carman. Now, this committee had several committee meetings around the province, and I think it's very important that we understand what this committee was all about, which was led by the government.

Now this flip-flop has come as a result of, obviously, the member from Fort Garry-Riverview saying that things need to be changed. They can't seem to get it right. So what they want to do is throw whatever we did back in just a short time out the window because it means absolutely nothing.

In fact, the committee was very clear that once the election and the term limits were 'thed'—were there, an election should be held in the province to elect nominees to the Senate that will be forwarded to Ottawa. That election should be administered through Elections Canada with costs being the responsibility of the federal government. The method for voting should be first past the post. There should be regional representation amongst Manitoba's allotment of six Senate seats: Winnipeg three, south two, north one; that elections should be held in each of the regions; that persons with the most votes in each region will be placed on a list of nominees that would be submitted to the Prime Minister. The current proposal of an eight-year term limit by the federal government is keeping with what was heard from presenters.

Now, we did go to a number of communities, the following locations: Flin Flon, Norway House, Dauphin, Carman, St. Laurent, Steinbach, Russell, Winnipeg and Brandon. Whenever we met with these folks, we had a very clear mandate and that was to listen to Manitobans.

Now this means nothing. The Clerk's office did a great job at gathering information, helping the committee put it together. This means nothing. It's a shame that the members opposite have now decided to politicize what really needs to be done and that is to help make sure that all senators and all elected people are held to account. That's the most important thing that we all can do.

In fact, when I look at the number of presenters here, in written submissions we had 31, some that this very government feels is important to seek advice from. One was from Paul Thomas; was he not the one that helped the government institute the vote tax with recommendations that this government

seems to want to follow? But yet now they don't want to listen to Paul Thomas no more. What about Lee Dormer? Again, this fellow was very adamant in his position in regards to this. Other senators that are not in power anymore, Terry Stratton brought forward information that the committee used.

This decision was not made lightly by this committee, and now it was adopted by all members of the House, presented through the Speaker to the Legislative Assembly. Now for some reason this government don't feel it wants to listen to those Manitobans that went out and made presentations, not only written but also in verbal form as well. I know, in fact, the member from Thompson, Niki Ashton, the MP at the time, made a submission to the committee.

And it was very clear—very clear indeed—what this committee and mandate was whenever they brought forward the recommendations to the House for us to debate, which we did. And now it seems to appear that, you know, the government's taken a change of heart and in fact is very proud of the fact to bring this resolution forward and abolish the Senate.

* (11:20)

In fact, I know there's lots of standing jokes going around. In fact, there was a driver stuck in traffic on a highway outside Ottawa, and nothing was moving. Suddenly a man knocked on the window, and the driver rolls down his window and asks, what's going on? Terrorists have kidnapped the entire Senate. They're asking for a hundred-million-dollar ransom, otherwise they're going to douse them all with gasoline and set them on fire. Well, we were going from car to car collecting donations. How much is everyone giving, on average, the driver asked. The man replies: Roughly a litre.

Well, I can tell you, Mr. Speaker, that there is a number of things that need to be cleaned up in the Senate, and we know very clearly that those need to be done. I don't think it's the job of Manitoba to take the lead on abolishing the Senate in regards to taking that role very seriously that we were offered back in 2006, and this House made the recommendation back to the members of the Assembly in 2009 which was accepted a hundred per cent by all members of this House.

So, I know that it's a bit of a sore spot with the government that whenever they brought in the vote tax and the PST that they want it their way. And

they're going to have their way one way or another. So, if this is their way of trying to take their eye off the ball in regards to really what Manitobans are telling us, and that's in regards to the PST, they want a referendum. So, if the members really want to do anything in the right way, would be to call a referendum. Call a referendum on the Senate, if that's what they want to do.

But most importantly, they should be calling a referendum on the PST if they want to give members of Manitoba—family members, hardworking Manitobans the opportunity to have their voice. In fact, in regards to the vote tax, they could have a referendum there as well. We've made it very clear we're not about to take the vote tax. We want to work for our money. We want to listen to Manitobans, so I encourage the government to do the same thing. Go out, listen to Manitobans, find out what they have to say, and deal with it accordingly. That is true democracy. That's the way that Manitobans expect to be governed, and that's their right, Mr. Speaker.

So, with those words, we'll see what other members have to say.

Mr. Speaker: Order, please.

Ms. Erna Braun (Rossmere): I'm pleased to have this opportunity to speak in support of the PMR from my colleague from Fort Garry-Riverview, and, as I—as was mentioned by my colleague from Lakeside, that we were together on the standing—or in the special committee for Senate reform and I have to say it was an incredibly interesting experience. I certainly found myself learning more about the Senate than I ever thought I would.

And, interestingly enough, since I'm associated with the special committee, the telephone hasn't really stopped ringing since I chaired it back in 2008-2009, and I'm sure that at least once, if not several times a year, I would get a phone call from one of the elected senators from Alberta wanting to know how we were doing and how things were going, and would I set up a meeting with the Premier. And all I can say is those phone calls seem to have stopped, and I can imagine why, because certainly things have been not very smooth in our capital.

I know that the committee was a really important and interesting process that we went through. However, reforming the Senate is not something that is a new idea and came about as a result of the current Prime Minister.

Historical reform proposals have gone back—probably—and my history is not probably as good as my colleague from Fort Garry-Riverview, however, as far back as 1981 there was a Canada West Foundation that put forward a proposal in terms of reforming the Senate. That didn't seem to go anywhere. Then in '84 it was tried again. Molgat-Cosgrove, looking at Senate elections. That didn't seem to go anywhere. Alberta Select Committee in 1985 also came forward with some reform proposals. We had the McDonald Commission in 1985. That didn't seem to go anywhere either. Mr. Speaker, 1992–Beaudin-Dobie reports, looking at fixed terms. I guess that, perhaps, did come about later on. However, that didn't seem to go anywhere either. Charlottetown, 1992, and then in the early—early in Harper's government, the Prime Minister came forward with a declaration that he wanted the provinces to look at elected senators and was willing to appoint elected senators.

Having sort of reviewed all of these things because it's always interesting, my file from the Senate is quite a large file, and even though I thought I could cull it at one point, it seems to get added to constantly. So it's a rather large file, and going through it, it reminded me of a number of things, and it's sort of interesting. I mean, it was a very interesting time, travelling around the province with my colleagues from all jurisdictions that we had a chance to meet with Manitobans throughout the north, the centre and the southern Manitoba.

One of the things that I do recall—I know our—my colleague from Lakeside has his perspectives of the committee—one of the things that I do remember having many conversations, particularly with a constitutional lawyer, is that the committee really was hamstrung in terms of what we could do and what we could actually recommend because the constitutional issues related to the Senate presented a huge, huge hurdle for us, and I think the recommendations that we eventually did come to agree on were a result of the fact that it was very limited in terms of what we can do.

One of the things that I found really interesting in the whole process was looking at the makeup of the Senate and some of the reforms that would be necessary. I find it interesting that Nova Scotia has more senators than Manitoba is allowed, and we have the same as Newfoundland and Labrador; that New Brunswick has more senators than we do. So there's a whole issue of realignment that needs to happen.

The qualifications for being in the Senate are also somewhat problematic, and we certainly encountered that when we went up to Norway House and had one of our hearings there, because certainly one of the criteria is to own \$4,000 of equity in land in the home province or territory and certainly that restricts who can become a senator. And my understanding is that, in listening to some news report, that there's actually a nun that was appointed a senator and, of course, as a nun, she would not have been able to own any property, but the area in which she had been serving, someone from her church gave her some land so that she could claim that she had met that criteria. And certainly in Manitoba, one of the things that was pointed out to us is that First Nations people, where land title is held by the Crown, they would certainly not be eligible at all to become a senator.

So, in my estimation, there just seems to be many, many issues not at least the ones that are—that have come up in the Senate very recently that are problematic, and I think that it's not being dismissive of the special committee that we sat on and the issues that we heard, but certainly that it's a point in time at which probably it has served its purpose and it is more costly now to—for us to maintain the Senate than it may have been at—when it was first envisioned.

I know that a number of years ago, I was at a conference in Wisconsin, in talking with a number of their representatives from the Senate and from their House of Representatives, they were quite surprised that Manitoba did not have a Senate, and this one senator was quite perturbed and he says, well—he says, oh, that's just terrible to hear that. He says, how are you managing? And I said, well, the Senate was abolished in 1876 and I think we've done pretty well without it so.

I think one of the things that—I mean, when I look back at the special committee, the things that I valued about it, it certainly was a tremendous learning experience working with my colleagues from across and being able to have the opportunity to travel around the province and talk with people from the different areas. And as my colleague across pointed out, we were in nine different locations, and what an opportunity of travelling to different corners and listening to people and sort of the recollection that I have is that some of these people presented under duress. I know that the member from Russell at that time worked really hard to get seven people to come to the hearing and to speak to us, and I recall

the gentleman from Carman. No one had signed up to speak, and finally a gentleman from the audience stood up and said that he really felt that he wanted to make it worth our while and he came up and spoke to it.

* (11:30)

So it wasn't, I mean, the people that did speak were, for the most part very passionate, had very strong feelings one way or the other. Many did start by saying, you know, they'd rather see it abolished, but if it were to be elected then this is the process that they envisioned.

But in total, I know that we put a very brave face on the fact that we went to nine different corners of Manitoba, burned up a fair bit of gas in the process. But, you know, to have 51 presenters for a—such a—a committee with such a large mandate—and it was really important for us. We wanted to make sure that there wasn't a corner of Manitoba that was left out. But still, to see Steinbach which is a very large centre only having two people coming to represent, and even in Flin Flon having nine individuals. So, I mean, it just—to me it spoke of the fact that either people were not all that interested or they felt nothing could be done about it. They—you know, the turnout, I think, should've been,—certainly, given the opportunity that the federal government had placed before us—should've been taken up, I think, a bit more seriously.

So even with the 31 written submissions—and it was a long process to hammer out the recommendations. But I think that looking back to all of that and looking at current events that—I think that we're in a position where reform is, I think, something that will be very costly, very lengthy, be, again, in the works for another 30, 40 years.

The—I think the most appropriate thing is—and I think that if the—if Parliament does the work it's assigned to do and puts its mind to it, I think that there's accountability and an ability to do a lot of the things that the Senate are supposed to do.

So, certainly, without being too negative about our committee, because we—I think we did very good work. We managed to meet with a number of people and—but I, again, support my colleague in his PMR. Thank you.

Mr. Speaker: Order, please.

Mr. Blaine Pedersen (Midland): Speaking to this resolution, I see the Justice Minister is anxious to get

up there and get his nomination in for the Senate. So that's good.

But I—you know, this resolution brought forward by the member for Fort Garry-Riverview (Mr. Allum)—and stands up and he speaks about gives him no joy and he wants to take the ethical high road, and then he turns around and absolutely trashes everyone in his sight and the total contradiction of this government.

This is the government in Manitoba that went to the voters in the 2011 election—says we won't raise taxes. We're not going—that's nonsense. We won't raise taxes. And then they turned around and introduced the largest tax increases in the last two budgets in Manitoba history. This is the government, this is the member who is part of this government that now is taking a vote tax. They wouldn't tell us how much they were taking. They would never admit that they had taken the cheque from Elections Manitoba. It's only when we went to committee and asked Elections Manitoba, and the very good qualified people there told us the amount of money that this government has taken.

And we see now that the—why they don't—why they're reluctant to go to the people for—about a referendum on the PST, why they certainly don't do any door-to-door these days, because I'm sure they're not going to go and admit that we're taking \$5,000 from you as the taxpayer to pay for our next election campaign. And then that minis—that member has the audacity to stand up and rail against another level of government, saying need for more government—there's no need for more government. This is the government that if they can't tax them, they can't control them. They'll drive them out of the province. That is the mantra of this government.

So for the—it's just a total contradiction for this member to bring this resolution forward, for this government, the total flip-flop. They've been on there and the member for—that was just up speaking about being a committee Chair on here—now they've taken the flip-flop where they—before they were actually believing in electoral reform, an elected Senate. Now, apparently, they've changed their—flip-flopped again. Very consistent, flip-flopped him after the election. Told them—told the Manitoba voters, no tax increases, no—read my lips, no tax increases. And then turns around and introduces—not only introduces the PST, which they say they're going to invoke on July 1st, they're doing it illegally, because Bill 20 hasn't passed. They haven't withdrawn the

referendum requirement. But they're afraid to go to the people. They're afraid to go to the people for a referendum and ask them about the PST increase because they know Manitobans are tired of being taxed to the max by this government.

And I've been to the doors, and I've talked to, not only my constituents, to Manitobans, and they're—the comment coming back to me is, well, why do we need this? They've given no reason for a PST increase. They've had—well, they—actually, they've had many reasons, but none of them have held any substance because they keep changing the reason why they need to increase the PST. We know that it's for the slush fund, the NDP slush fund. That's obvious. But they haven't admitted to that one yet.

But they also haven't admitted to Manitobans that they are—that they lied to the people when they—before the last election. You know, and they seem to, they always want to blame somebody else; and now, they're trying to deflect away to a different level of government instead of taking responsibility for their own actions. And they haven't the—anything to divert the attention away from the PST increase that they're illegally bringing in on July 1st. Anything to defer away from holding a referendum, going and asking people—and, you know, tag along—tag this one onto a referendum. They—we could have a referendum on many items. Maybe it'll bring down the—suddenly, they have some cost conscience about that, not having a referendum because they say it'll be too expensive. Add some more items, then, on this referendum. Let's take it out there. Let's ask them about a PST increase, and let's see if—what Manitobans have to say about this.

And, you know, this—you really can't believe anything that this government says. We see their actions. It was Gary Doer who introduced the legislation, the current Premier (Mr. Selinger) seconded the bill to create the committee, and now, there seems to be some change of attitude in there, and it's—and yet, no real clear consensus about where they want to be and where they're going on any of this. And we certainly know that with their record here of not being truthful to Manitobans, that we know that they will not be out there and giving a clear message as to what they really intend to do.

So, Mr. Speaker, this government has stalled all meaningful electoral reform, of course, except for the vote tax. They imposed that and gladly took that, although they wouldn't even admit to Manitobans that they had taken it. And now it's—they're building

their own election fund on the backs of Manitoba taxpayers. They have—they refuse to go to the doors and tell Manitobans that they are taking this vote tax money. They want to keep it very quiet. I think they're ashamed of what they've done because all they'd have to do is stand up—[interjection] No? The member from Riel says she's not ashamed to take vote tax money, money from hard-working Manitobans, to pay for her election campaign. She says she's not ashamed of doing that, and I guess that speaks to the, you know, put themselves—you vision the—you envision the food line. You know, our lines to the food banks are getting longer and longer every year, but these people have put themselves at the front of the food line in terms of tax money. They've put their needs ahead of everyone else. And they can only do that by implementing—or by taking this vote tax.

And yet, they can talk about all other levels of government all they want. They can try to defer away from themselves, deflect criticism from themselves. But the fact is they only have themselves to blame for the sorry state of Manitoba's finances. They continue to run huge deficits. And this—and yet, why is it that they refuse to speak, to address our own issues here and use this resolution on Senate instead of dealing with their own circumstances?

* (11:40)

So, Mr. Speaker, this—and I remember being on this committee and we had some good tours, met a lot of interested Manitobans. They certainly had all spectrum of opinions when it came down to it. There wasn't only one opinion despite what this government may want to—they only heard one perspective but there was many perspectives, and I think it's—if this government was really truthful to Manitobans, they would be out there trying to understand what is happening out there.

I happen to have a friend who is a senator, and she works very hard at her job. And she's—if she, I'm sure she would come and speak to the members in the Assembly here about her work, her committee work. There is—and by her own admission, she says it's the—there's always bad apples in every organization, and, well, I won't pass any opinions on the bad apples across, well, we'll just leave that one to everyone's imagination.

But certainly this resolution is simply a deflection by this government trying to take off of their—from their own—from the issues that matter to Manitobans. The issues that matter to Manitobans

are taxes, the over taxes, the controls that this government is insisting on putting on everyday Manitobans, and it has nothing to do with the Senate.

People's lives and Manitobans are affected every day by what this government does not by what the Senate is doing in Ottawa, and for this government to try and deflect away from our problems here in Manitoba, blaming everyone else. Always remember that when you point your finger and blame somebody else, you've got three fingers pointing back at you when it comes to problems.

Thank you, Mr. Speaker.

Mr. Jim Maloway (Elmwood): Mr. Speaker, I listened to the member for Midland for, I think, a full eight minutes, and I thought he had perhaps brought the wrong notes for the speech so I had to get a copy of what we are discussing today, and I see that it is about the abolition of the Senate of Canada. And I, you know, I do give him credit for—in his last minute, to get—try to get back on topic here.

I've listened to some comments by other members in the Legislature today, and members talk about the Manitoba committee back from 2009. And the reality is, Mr. Speaker, that I think that it's time to talk about where the issue is at vis-à-vis the federal government at the moment. As a matter of fact, the government of the day introduced legislation in 2006, pretty much, I think, similar to what's before the House right now in S-7, basically limiting the terms for senators, and evidently, in 2006, it managed to get the legislation through, I believe, through the House. But when it got to the Senate, of course, it died in the Senate. That time, the Liberals had the majority and they decided to defeat the legislation and made the argument that this was a—required a constitutional change.

Well, everybody knows that when you get into constitutional changes and constitutional arguments where you require seven of ten provinces with 70 per cent of the population, it's pretty much a dead issue. So that's how the Liberals were able to forestall the issue in 2006. And in the 2008 election, the government of the day, the Prime Minister—current Prime Minister reintroduced the bill and so we have six years of actually nothing happening with this legislation.

So what has happened now, just so the members know, is the Prime Minister recently referred the whole issue to the Supreme Court because I think he's recognized that nothing is going to happen as

long as it's going to require a constitutional change. Now the federal government argues that they don't need a constitutional change to do this, but the reality is that they have, I think, finally decided it's not worth the effort anymore and that they've referred it to the Supreme Court.

Now the Supreme Court are planning to come down with a decision as early as this November, and they've asked the Supreme Court to rule on a possible five options: Option 1 is the fixed-term Senate appointments, which is essentially what their bill is about; repealing the property qualifications required to become a senator; a system in which the federal government consults with the provinces but still appoints the senators at a national level, which is what they're doing, by the way, now, or have been doing for the last few years in Alberta and, I think, BC; No. 4 is a system which the provinces choose their own senators; and No. 5 is abolishing the Senate altogether.

So even—I note the members opposite couldn't seem to come up with a conclusion as to whether they're for this resolution or against this resolution. I've been trying to discern whether or not they're in favour or against. But the fact of the matter is, that even their Prime Minister, in this country, is actually referring the abolition option to the Supreme Court, for the Supreme Court's opinion on this matter. And hopefully by November—and there—of course, there's a Québec appeal court decision that's all been—I think referred to by the Québec government. That may have some impact in—into this. But, at the end of the day, if the court rules, I suppose, that abolition is a possibility, then we could proceed down that route.

Now, Mr. Speaker, in terms of the actual provincial premiers, at any given time, there's usually half of the provincial premiers—because, of course, the members keep changing over time—at least half the provincial premiers are in favour of outright abolition.

And none other than the opposition's hero over here, Brad Wall, you know, is leading the way. That the—you know, no wonder the opposition's confused. I mean, they know they follow Brad Wall on almost every point and everything he has to say, and then all of a sudden he decides he likes Manitoba Hydro, and whoa, they're having a crisis over here, you know. Now Brad tells them they should be supporting abolition of the Senate, so there's a—it—Mr. Speaker, the reality is that many jurisdictions over the years have had senates and they've, in fact, abolished them.

We, in fact, had in Manitoba—we had a Senate in Manitoba. We had a Senate in Newfoundland that was abolished. Manitoba abolished its Chamber in 1870, New Brunswick was abolished in 1892, Prince Edward Island in 1893, and even Québec abolished its Upper Chamber in 1968.

And the fact of the matter is, Mr. Speaker, that it doesn't take a lot of study to know that what the Senate in fact does is basically duplicate the functions of Parliament. And, in fact, if you want a system of gridlock, all you have to do is look at the United States or look at other countries that actually don't work that well legislatively. These countries, what they have in common are senates. Because, I mean, the argument—and the member for Riverview mentioned it earlier today—was that the senates, historically, came about because, fundamentally, the country's founders, of various countries, you know, didn't really trust the people. They set up a system where you had elected officials but said, well, what if those elected officials don't—aren't—you know, don't make proper decisions? Well, we have to have this backup; we have to have this Senate to basically, you know—a Chamber of sober second thought, they call it—to override and overrule what the main Assembly, the elected people, decide. That's where it comes from, like the electoral college in the United States.

* (11:50)

And we know that there's been an evolution over the years and that those institutions are a relic of the past. And I think even the Conservatives, who a lot of them were around in the 1880s and so on—certainly on the municipal amalgamation issues—I mean, even they know—even they know that is totally fruitless and in a ridiculous proposition to promote trying to change the Senate. You know, they spent, as reformers, a whole lot of years talking about Triple-E options and making it equal and effective. But, you know, when you think about it, when you realize that any and all of this requires a constitutional amendment, requires 70—seven provinces with 70 per cent of the population, you realize that it's never going to happen.

What would make you think that the Atlantic provinces would want to give up their preferred position in the system right now? What would make you think that the province of Québec would want to give up its 24, relative to the six in Alberta or the six in BC? You know that's not going to happen.

So, you know, let's stop dreaming on about, you know, Triple-E and all these great ideas about

electing a Senate and look at the only option available. I mean, I guess that's where the—you know, Premier Wall and our Premier (Mr. Selinger), and so on actually converge that the only solution here is actually rid ourselves of the Senate.

You know, even the Prime Minister appointed people to the Senate. Now a lot of them are involved in scandals and they're not as sharp as he would have thought they would be. But, you know, one thing he did with all of these people, Senator Wallin and Senator Duffy, was he got a promise from them all, Senator Plett included, all of the senators to resign their seats and go for elections.

Well, guess what one of the senators had to say, maybe more than one—the member for Kildonan (Mr. Chomiak) will know—maybe even more than one of the senators have told him to buzz off; they like it in the Senate; this is a great gig. I'm glad you gave it to me, but me resign and run for election? No, that's not on.

So even the Prime Minister's own Conservative appointees, who have only been there for a couple of years, are starting to revel and revolt. So I think even the Prime Minister himself is probably looking at option 5 at this point. So I think these members should get on board and get with the times.

Thank you, Mr. Speaker.

Mr. Cliff Cullen (Spruce Woods): Thank you very much, Mr. Speaker, certainly a pleasure to enter into a debate this morning on this interesting resolution brought forward by the NDP.

Mr. Speaker, it's clear the NDP are pretty good at the old orange bouncy ball routine; you know, follow the bouncing ball and we'll talk about that and we'll get us off topic on some of the real issues that Manitobans are facing.

You know, we—this is another one of those interesting resolutions brought forward. Clearly, we're in the middle of a serious debate about provincial sales tax here in Manitoba, and Manitobans have a right to be concerned about the increase in provincial sales tax. Especially, Mr. Speaker, when the NDP were going out just before the last election saying there would be no increase in taxes and saying that it was nonsense there'd be an increase in provincial sales tax.

And here we are, you know, 18 months later; we've had an increase in provincial sales tax on a whole bunch of different products and goods and

services. And then we've also got the increase in the provincial sales tax, too, Mr. Speaker. And clearly Manitobans are concerned about that.

You know, Mr. Speaker, we've got people going door to door this summer around Winnipeg and visiting with Manitobans, and clearly there is some issues, federal issues and provincial issues that come up. And sometimes, you know, people that are going door to door, it's a bit of an education in terms of what questions people are asking at the door. And quite often they get the federal issues and the provincial issues mixed up: who—which—who has responsibility for what. And it's always interesting because when you knock on a door, you just never know what the discussion's going to be and what the questions are going to be.

Clearly, there's some issues about the Senate, certainly discussions about Senate these days and some of the activities surrounding members of the Senate, Mr. Speaker. And, clearly, man—Canadians, I guess we would say, are interested in some of that discussion and it's—I know the members, I know the member from Elmwood, he certainly had some experience up on Parliament Hill there. It was certainly good to see him come back to the House, and we'll see what he's—what election he's going to run in next time. We've got all kinds of options open for the member for Elmwood (Mr. Maloway).

But it looks like we're not going to have an elected Senate for some time, or maybe even ever, Mr. Speaker. So I'm not sure the member for Elmwood is eyeing up a Senate position or not, but time will tell. In fact, I'm not even sure how many NDP senators there are. Now that might be a question—[interjection] Well, there you go. Maybe that's why the NDP are so sensitive about Senate issues. Maybe that's where the resolution is coming from. You know, there's no use having a Senate if there's no NDP members there.

It sounds like I touched a nerve there, but I just thought it would be worthy to ask the question, and I guess there is no NDP senators there. And, you know, interestingly, Manitobans, when they went and visited with Manitobans there a couple years ago, it sounded like Manitobans were maybe open to the idea of having an elected Senate. I think that was actually the recommendation that came out of the committee. And certainly interested to see what the other members of the NDP say. That was my understanding in that report that came forward, you know, chaired by the NDP, that Manitobans told

them that they were looking forward to having an elected Senate and the opportunity for Manitobans to vote on the next senators.

Well, now, clearly, it appears that at least some members of the NDP just want to abolish the Senate altogether, and we're kind of curious to see how the rest of the members on the other side, what their opinion is in terms of an elected versus maybe an abolished Senate, Mr. Speaker. We certainly look forward to that discussion.

And it brings up an interesting point, Mr. Speaker, and it's the concept of a referendum. And the referendum could be posed to Manitobans. You know, what do you, as Manitobans, think we should do with the Senate? What recommendation should we, as government, put forward to Ottawa and to the other provinces? And it's a novel approach, I would think, to have a referendum. I know the NDP here, you know, they're—at certain times they like referendums; at certain times they don't.

And we go back to another federal issue, Mr. Speaker, the Canadian Wheat Board, not too long ago. Ah, the NDP were pretty excited to have a referendum on the Canadian Wheat Board, and they were ready to put some money out. In fact, they put money out on the table for a referendum and discussions about the Canadian Wheat Board.

You know, now, Mr. Speaker, here we are. We're debating provincial sales tax, which is going to affect every single Manitoban, not only today, but for years to come and for generations to come. And the NDP decided, no, we don't want a referendum on that.

Why is that, Mr. Speaker? Why would they choose not to have a referendum on something that's going to impact every single Manitoban for years to come? Well, because they probably don't want to hear the answer to that referendum. So what they're doing now is they're going to basically, in essence, they're going to break the law July 1st with a new provincial sales tax, taking away Manitobans' right to a referendum. By law, it says now that we are to have a referendum before an increase in provincial sales tax is introduced. In fact, the legislation says you're to have a referendum before legislation is actually introduced to the House. That's how far they're going to break the law.

But they're okay. They are going to take away Manitobans' right to a referendum on that issue and they're going to push forward their agenda, and their

agenda is to raise taxes on Manitobans. It doesn't matter what Manitobans think. They're just saying, as Big Brother, we know best what's good for you. And that's the way the NDP act, Mr. Speaker.

Now they've said, by way of this resolution, that we believe, and Big Brother knows best, that we should abolish the Senate, Mr. Speaker. I'm looking forward to other members opposite to hear what they have to say. *[interjection]* And I'm glad the member for Elmwood (Mr. Maloway) brings up Brad Wall. I really am, because I was just reading in the local paper today about how Brad Wall is doing such a great job, and people appreciate the great work that Brad Wall is doing. Brad Wall is the most popular Premier in Manitoba—in Manitoba and—*[interjection]* But he is a Manitoba premier when you compare him with the numbers that—when you compare him with our Premier's numbers, I would put forward, and this would be an interesting referendum, who's more popular in Manitoba, Brad Wall or the current Premier (Mr. Selinger) we have in Manitoba? It would be a very interesting vote on that. I would think it would be a very interesting vote.

Now, I know the member referenced hydroelectricity going to Saskatchewan. Well, I'm sure the Premier of Saskatchewan is really excited about that. If he can get the same deal from the NDP that the NDP are giving to the Americans at three cents a kilowatts, I think it would be—

An Honourable Member: On a point of order, Mr. Speaker.

Point of Order

Mr. Speaker: Honourable Minister of Justice, on a point of order.

Hon. Andrew Swan (Minister of Justice and Attorney General): If the member has nothing further to say about Senate reform, maybe he could sit down and let this resolution pass.

Mr. Speaker: On the point of order raised by the honourable Minister of Justice, I didn't hear any breach of the rules, so therefore I must rule that there is no point of order.

* * *

Mr. Speaker: The honourable member for Spruce Woods, to continue his comments.

Mr. Cullen: I just wanted to reference, you know, the member for Elmwood brought up Premier Wall a couple times during his presentation, and I thought it would be important for us to—

Mr. Speaker: Order, please. When this matter is again before the House, the honourable member for Spruce Woods will have two minutes remaining.

The hour being 12 noon, this House is recessed until 1:30 p.m. this afternoon.

LEGISLATIVE ASSEMBLY OF MANITOBA

Tuesday, June 25, 2013

CONTENTS

ORDERS OF THE DAY		Resolutions	
PRIVATE MEMBERS' BUSINESS		Res. 19–Senate of Canada	
Debate on Second Readings–Public Bills		Allum	2675
Bill 207–The Family Maintenance Amendment and Garnishment Amendment Act		Eichler	2677
Smook	2665	Braun	2679
Howard	2666	Pedersen	2681
Friesen	2668	Maloway	2683
Chomiak	2670	Cullen	2684
Cullen	2672		
Allan	2674		

The Legislative Assembly of Manitoba Debates and Proceedings
are also available on the Internet at the following address:

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