

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

Official Report
(Hansard)

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authority of
The Honourable Daryl Reid
Speaker*

MANITOBA LEGISLATIVE ASSEMBLY
Fortieth Legislature

| Member | Constituency | Political Affiliation |
|--------------------------|----------------------|------------------------------|
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| ALLUM, James | Fort Garry-Riverview | NDP |
| ALTEMEYER, Rob | Wolseley | NDP |
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| GOERTZEN, Kelvin | Steinbach | PC |
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| NEVAKSHONOFF, Tom | Interlake | NDP |
| OSWALD, Theresa, Hon. | Seine River | NDP |
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| PEDERSEN, Blaine | Midland | PC |
| PETTERSEN, Clarence | Flin Flon | NDP |
| REID, Daryl, Hon. | Transcona | NDP |
| ROBINSON, Eric, Hon. | Kewatinook | NDP |
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| SARAN, Mohinder | The Maples | NDP |
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| WIGHT, Melanie | Burrows | NDP |
| WISHART, Ian | Portage la Prairie | PC |
| <i>Vacant</i> | Morris | |

LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, July 31, 2013

The House met at 1:30 p.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, 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.

Good afternoon, everyone. Please be seated.

ROUTINE PROCEEDINGS

Mr. Speaker: Introduction of bills. Seeing none, we'll move on with—

PETITIONS

Provincial Road 520 Renewal

Mr. Wayne Ewasko (Lac du Bonnet): I wish to present the following petition to the Legislative Assembly.

The background to this petition is as follows:

(1) The rural municipalities of Lac du Bonnet and Alexander are experiencing record growth due especially to an increasing number of Manitobans retiring in cottage country.

(2) The population in the RM of Lac du Bonnet grows exponentially in the summer months due to increased cottage use.

(3) Due to population growth, Provincial Road 520 experiences heavy traffic, especially during the summer months.

(4) PR 520 connects cottage country to the Pinawa Hospital and as such is frequently used by emergency medical services to transport patients.

(5) PR 520 is in such poor condition that there are serious concerns about its safety.

We petition the Legislative Assembly as follows:

To urge the Minister of Infrastructure and Transportation to recognize the serious safety

concerns of Provincial Road 520 and to address its poor condition by prioritizing its renewal.

This petition is signed by C. Miller, L. Penner, A. Penner and many, many more fine Manitobans, Mr. Speaker.

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

Further petitions?

St. Ambroise Beach Provincial Park

Mr. Ian Wishart (Portage la Prairie): Mr. Speaker, I wish to present the following petition to the Legislative Assembly of Manitoba.

And these are the reasons for this petition:

The St. Ambroise provincial park was hard hit by the 2011 flood, resulting in the park's ongoing closure, the loss of local access to Lake Manitoba, as well as untold harm to the ecosystem and wildlife in the region.

The park's closure is having a negative impact in many areas, including disruptions to the local tourism, hunting and fishing operations, diminished economic and employment opportunities and the potential loss of the local store and the decrease in property values.

Local residents and visitors alike want St. Ambroise provincial park to be reopened as soon as possible.

We petition the Legislative Assembly of Manitoba as follows:

To request the appropriate ministers of the provincial government to consider repairing St. Ambroise provincial park to its—and its access points to their pre-flood conditions so the park can be reopened for the 2013 season or earlier if possible.

This petition's signed by A. Harder, P. Futro and D. Kirton and many, many more fine Manitobans.

Applied Behaviour Analysis Services

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

And these are the reasons for this petition:

(1) The provincial government broke a commitment to support families of children with a diagnosis of autism spectrum disorder, including timely diagnosis and access to necessary treatment such as applied behavioural analysis, also known as ABA services.

(2) The provincial government did not follow its own policy statement on autism services which notes the importance of early intervention of—for children with autism.

(3) The preschool waiting list for ABA services has reached its highest level with—ever with at least 56 children waiting for services. That number is expected to exceed 70 children by September 2013 despite commitments to reduce the waiting list and provide timely access to services.

(4) The provincial government's policy of eliminating ABA services in schools by grade 5 has caused many children in Manitoba to age out of the window for this very effective ABA treatment because of a lack of access. Many more children are expected to age out because of a lack of available treatment spaces.

(5) Waiting lists and denials of treatment are unacceptable. No child should be denied access to or age out of eligibility for ABA services.

We petition the Legislative Assembly of Manitoba as follows:

To request that the Minister of Family Services and Labour consider making funding available to address the current waiting list for ABA services.

Mr. Speaker, this petition is signed by K. Torres, H. Nelson, P. Torres and many other Manitobans.

Mr. Blaine Pedersen (Midland): I wish to present the following petition to the Legislative Assembly.

The background to this petition is as follows:

The provincial government broke a commitment to support families of children with a diagnosis of autism spectrum disorder, including timely diagnosis and access to necessary treatment

such as applied behavioural analysis, also known as ABA services.

The provincial government did not follow its own policy statement on autism services which notes the importance of early intervention for children with autism.

School learning services has its first ever waiting list which started with two children. The waiting list is projected to keep growing and to be in excess of 20 children by September 2013. Therefore, these children will go through the biggest transition of their lives without receiving ABA services that has helped other children achieve huge gains.

The provincial government has adopted a policy to eliminate ABA services in schools by grade 5 despite the fact that these children have been diagnosed with autism which still requires therapy. These children are being denied necessary ABA services that will allow them access to the same educational opportunities as other Manitobans.

Waiting lists and denials of treatment are unacceptable. No child should be denied access to or eliminated from eligibility for ABA services if their need still exists.

We petition the Legislative Assembly of Manitoba as follows:

To request that the Minister of Education consider making funding available to eliminate the current waiting list for ABA school-age services and fund ABA services for individuals diagnosed with autism spectrum disorder.

And this petition is signed by A. Reimer, A. North, K. Kulchyski and many more fine Manitobans.

Provincial Sales Tax Increase—Referendum

Mrs. Myrna Driedger (Charleswood): I wish to present the following petition to the Legislative Assembly.

And these are the reasons for this petition:

The provincial government promised not to raise taxes in the last election.

Through Bill 20, the provincial government wants to increase the retail sales tax, known as the PST, by one point without the legally required referendum.

An increase to the PST is excessive taxation that will harm Manitoba families.

* (13:40)

Bill 20 strips Manitobans of their democratic right to determine when major tax increases are necessary.

We petition the Legislative Assembly of Manitoba as follows:

To urge the provincial government to not raise the PST without holding a provincial referendum.

And this is signed by B. McLeod, I. Glusco, L. Ageyev and many others, Mr. Speaker.

Applied Behaviour Analysis Services

Mr. Cliff Cullen (Spruce Woods): I wish to present the following petition to the Legislative Assembly.

The background to this petition is as follows:

The provincial government broke a commitment to support families of children with a diagnosis of autism spectrum disorder, including timely diagnosis and access to necessary treatment such as applied behavioural analysis, also known as ABA services.

The provincial government did not follow its own policy statement on autism services which notes the importance of early intervention for children with autism.

The preschool waiting list for ABA services has reached its highest level ever with at least 56 children waiting for services. That number is expected to exceed 70 children by September 2013 despite commitments to reduce the waiting list and provide timely access to services.

The provincial government policy of eliminating ABA services in schools by grade 5 has caused many children in Manitoba to age out of the window for this very effective ABA treatment because of a lack of access. Many more children are expected to age out because of a lack of available treatment spaces.

Waiting lists and denials of treatment are unacceptable. No child should be denied access to or age out of eligibility for ABA services.

We petition the Legislative Assembly of Manitoba as follows:

To request that the Minister of Family Services and Labour consider making funding available to address the current waiting list for ABA services.

This petition is signed by C. Cairns, M. Pollen, S. Kearns and many other fine Manitobans.

Mr. Speaker: No other petitions?

TABLING OF REPORTS

Hon. Kerri Irvin-Ross (Acting Minister of Finance): I am pleased to table the Finance, Special Operating Agencies Financing Authority annual report for 2012-1013 and the report to the Legislature pursuant to section 63(4) of The Financial Administration Act.

Mr. Speaker: And I'm pleased to table, in accordance with section 28(1) of The Auditor General Act, the auditor's report on the Operations of the Office of the Auditor General for the year ending March 31st, 2013.

Introduction of Guests

Mr. Speaker: Prior to oral questions, I'd like to draw the attention of honourable members to the public gallery where we have with us today Ms. Kaelene Forsyth from Eriksdale, who is the world champion, 2013 World Stock Dog Championship from the Calgary Stampede, and the guest of the honourable member for the Interlake.

And also in the public gallery we have with us members of the Sierra Leone Nationals Association of Manitoba, SALNAM, who are the guests of the honourable member for Concordia (Mr. Wiebe).

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

ORAL QUESTIONS

Manitoba Public Insurance Customer Satisfaction Survey

Mr. Brian Pallister (Leader of the Official Opposition): Well, one of the many problems the NDP government has is their lack of business acumen, Mr. Speaker. We know that, and we need to clarify for them that customer service actually doesn't mean that the customer serves the government opposite.

Now, Mr. Speaker, the MPI Minister yesterday, in defending a bottom-of-the-barrel analysis of MPI's performance with customers, launched into a rhetorical diatribe on the benefits of monopolies and then followed it up with an attack on the survey

firm without a single word on how he plans to respond to the survey in a positive way.

And I remind the member that putting on a Jets jersey and putting your name on the back of it doesn't mean you're on the team. There's a commitment required. There's a commitment to improve. There's a commitment to work hard. Those are the things that are necessary and those are the things that will achieve success. Making excuses doesn't cut it.

Will the Premier commit to replacing this minister with one of his backbenchers who has the enthusiasm for the customer necessary to build a solid Manitoba Public Insurance Corporation?

Hon. Greg Selinger (Premier): Well, Mr. Speaker, never let it be said the Leader of the Opposition has any lack of sanctimony when it comes to the House, for sure.

The survey that was done by MPI—800 claimants, a very large sample—showed 89 per cent were satisfied with their overall dealings with 'embia'—MPI, 95 per cent were satisfied with their initial contact with MPI and 86 per cent were happy with the way their adjustor handled their claim. Those aren't perfect results; they're a solid foundation upon which MPI will endeavour to improve its services.

But the important thing is we have a Crown corporation in Manitoba which provides the lowest rates for auto insurance in Canada, among the lowest rates in North America if not the lowest rates in North America, and we have passed legislation in this province which will ensure auto insurance rates, home heating and electricity rates will be the lowest in Canada. That is the commitment we've made. That goes along with good service for Manitobans, good service which, obviously, we need to improve every single day.

Mr. Pallister: And the government's motto should be, avoid disappointment; aim low.

The—you know, attacking the survey—you know, founded in 1968, J.D. Power and Associates, it says on their website, the voice of the customer expert. As a global marketing information company, J.D. Power and Associates conducts independent and unbiased third-party surveys regarding customer satisfaction, product quality and buyer behaviour.

So what did their study do? Well, it measured insurance company experience across our great country—interactions, billings, claims—and MPI finished 14th out of 15. And the Premier's happy about that, but we're not.

Now, the minister yesterday rant us—he gave us a rant worthy of a monopoly maniac, but the reality is Manitobans don't have a choice on auto insurance. But that doesn't mean the NDP has the right to take Manitobans for granted when it comes to providing customer service.

Will the Premier replace his arrogant and disrespectful minister with someone who will build a more customer-friendly company that respects Manitoba's customers?

Mr. Selinger: Mr. Speaker, I will just reiterate for the member opposite, in the midst of all his sanctimonious comments, that 95 per cent of people in a sample of 800 MPI customers were satisfied with their initial contact with MPI, 86 per cent were happy with how their adjustor handled their claim and 89 per cent were satisfied with the overall service that they received from MPI.

Manitoba Public Insurance Corporation has provided tremendous value to Manitobans, among the lowest rates in North America if not the lowest, and it does it in a way where they continuously monitor the quality of their service and try to improve their service. And Manitobans—a representative sample of Manitobans serve on the board of directors of MPI and the minister is very—in regular contact with them as well as all Manitobans.

It was the members opposite in the last election that hypothesized the need to privatize Manitoba Hydro, Mr. Speaker. That was not something Manitobans supported. I only hope the Leader of the Opposition will—

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

Mr. Pallister: Couldn't run a lemonade stand, Mr. Speaker. Here's the deal. If 10 per cent or more of your customers aren't happy with your business, you're out of business. And the reality is that's what this—the survey showed about MPI. But, of course, it can't go out of business. The people at MPI want to do a better job. Why doesn't this government want to do a better job? It's a bottom-of-the-barrel government.

This is the best news they got all week. They're only nine—or only second last in this rating. They were dead last—dead last—on—just in the last week, Mr. Speaker, on access to health care, small-business optimism, in fighting inflation, dead last. This is good news for this government. They should respond accordingly.

But it's no surprise. This Premier, what does he do to go from bottom of the barrel on fiscal management? He's—he runs a half-a-billion-dollar deficit, raises the PST and then annihilates Manitobans' right to vote on it.

And this Premier expanded gambling in this province at a record pace. Maybe he'd like to tell us what he thinks the odds are of him moving from 10th to ninth on the next rating.

*(13:50)

Mr. Selinger: Mr. Speaker, the Leader of the Opposition never identifies that it was the Fraser Institute that did the survey that he so often likes to quote, and we all know where the Fraser Institute comes from on public policy in this country. They may be his kissing cousins; they're not the kissing cousins of Manitobans or the people of Canada. They regularly call for the privatization of Crown corporations. They regularly call for the privatization of health care, a policy supported by the Leader of the Opposition. He believes in two-tier health care in Manitoba, just like the Fraser Institute.

He can have a good relationship with the Fraser Institute. We want to make sure we have universal health care for all Manitobans, universal no-fault auto insurance for Manitobans and universal access to the lowest electricity rates for Manitobans. Those are the commitments we've made. Those are the commitments we will keep, and he will try to find another way to privatize those services.

Fiscal Management Government Record

Mrs. Myrna Driedger (Charleswood): You know, that's a rich dialogue coming from the Premier of a party that is becoming known as a spend-and-spin party and a ribbon-cutting party, and that's all they're really good at, Mr. Speaker.

This NDP Premier has a poor track record when it comes to fiscal performance. In fact, he was rated dead last, bottom of the barrel, amongst all

Canadian premiers for his spending, taxes, debt and finance, and since that report nothing has changed.

So I'd like to ask this Premier to tell Manitobans: Why are they being forced to pay for his fiscal incompetence?

Hon. Greg Selinger (Premier): Mr. Speaker, the Manitoba economy has been the second best performing economy over the last five years of any economy in Canada, something the Fraser Institute overlooked in their report that the never—that the members opposite never wish to identify. It's an anonymous report that they always quote. Table the report. Let's see what the report really says. What is says is they want to privatize health care, they want to privatize electricity, they want to privatize auto insurance, they want to privatize home care.

We know where the members opposite want to go. They can quote the report of the Fraser Institute as long as they want. We will do what Manitobans ask us to do: access to universal health care, the lowest rates of hydroelectricity in Canada, the lowest rates for auto insurance in Canada and good quality public services that are not cut like the members opposite want to do, indiscriminately, across the province.

Mrs. Driedger: Well, if the Premier says he's going to do what Manitobans want him to do, why won't he call a referendum on Bill 20?

Mr. Speaker, I would remind Manitobans that this was the government that lied to them in the last election, and this NDP Premier was the only Premier in Canada to be given a big fat zero because of his uncontrolled spending in that report—dead last, bottom of the barrel. In fact, the report blamed spending for much of Manitoba's fiscal problems.

So can the Premier tell Manitobans: Why should they have to pay for his fiscal incompetence?

Mr. Selinger: Mr. Speaker, the member opposite's opposed to spending. We did spend \$1.25 billion on the 2011 flood, which was the time frame that the report was looking at. Members opposite stood up every day in the Legislature and asked for even more money for their friends. We spent the money necessary to compensate people. We spent the money necessary to put dikes in place. We 'spunt' the—spent the money necessary to put the emergency channel in place. We do not apologize

for spending money that will protect Manitobans from natural disasters.

Members opposite don't want to do that. They had a chance to do that after the '97 flood. They eliminated that opportunity. They were too focused on privatizing the telephone system.

We'll protect Manitobans. They'll privatize things for Manitobans.

Mrs. Driedger: Mr. Speaker, that's rich coming from a Premier who wants to take a million dollars away from taxpayers and put into a vote tax. That's where his priorities are. It's not with Manitobans.

Mr. Speaker, during the last 12 years the NDP have spent more than they budgeted 11 times out of 12. They've also increased spending by more than double the combined rate of inflation and population growth. They are spenders.

So, Mr. Speaker, I'd like to ask this Premier to tell hard-working Manitobans: Why can't he control his spending? Why do Manitobans have to pay for his fiscal incompetence?

Mr. Selinger: Per capita spending in Manitoba is the fourth lowest in the country. We've done it on essential services like health care. We've hired more nurses. We've hired more doctors. We've expanding the Home Care program. Yes, we've hired more teachers, and we've got an initiative to reduce the class size in schools down to 20 students per teacher on average. That's the objective. We're doing it in a way that will allow Manitobans to get a good education, will allow Manitobans to get health care in a timely fashion.

The members opposite are cutters, Mr. Speaker. They want to lay off another thousand nurses. They want to lay off another 700 teachers. They want to lay off public servants that provide social services and corrections services. They want to reduce the number of police officers and RCMP officers we have on the streets of Manitoba. We know their agenda: indiscriminate cuts all across the board, all the kinds of things—stopping building Manitoba Hydro, run the economy into the ground and create more unemployment. That's their agenda for the future of Manitoba, a very dark and gloomy agenda.

PST Increase

Impact on Mining Industry

Mr. Cliff Graydon (Emerson): Well, Mr. Speaker, he's also the proud owner of cutting and closing 18 ERs in the province.

Mr. Speaker, it's clear that Manitobans have a have province and a have-not government. The minister of innovation, mines and energy—this government has mismanaged the development of natural resources in this province.

The Calgary School of Public Policy reported in May that the—Manitoba mining is the most heavily taxed among all provinces. The provincial sales tax is again largely responsible for this.

Mr. Speaker, why is the Minister of Innovation, Energy and Mines driving mining companies that have helped build our north out of this province with his illegal tax increases?

Hon. Dave Chomiak (Minister of Innovation, Energy and Mines): Mr. Speaker, I thought I dealt with that Calgary study with the laughable points that were put on the record by the member for Springfield, but that study did not include the components of Manitoba's tax system, its staggered royalty system to mining companies which means that we have the lowest rates in the country.

And I might add to the member opposite, the largest mine development in Manitoba history is happening right now at Lalor mine in Snow Lake in Manitoba.

Mr. Graydon: And you should have added it's the only mine that is starting in Manitoba.

In a recent survey, Manitoba ranked 21 out of 96 mining jurisdictions ranked worldwide. Manitoba was first in this survey only seven years ago. The same survey also found Manitoba to be second worst province in Canada for mining attractiveness, citing the spenDP's high-tax policy, uncertainty over government regulation.

Mr. Speaker, will the Minister of Innovation, Energy and Mines get his head out of the sand, admit his policies are destroying the mining industry and reverse his PST hike?

Mr. Chomiak: The member references that very, very well-respected, right-wing, extremist outfit, Fraser Institute, in getting its figures together. If I want to use the Fraser Institute, why don't I talk about the Fraser Institute saying we're No. 1 in terms of oil in the entire country? But I won't, because, Mr. Speaker, their methodology is flawed.

And, Mr. Speaker, members opposite cried about what was happening in Thompson and Vale. They said, you're so mismanaged you're going to close. Thompson Vale is going to open a new shaft

because they're expanding, and the labour force is staying there.

Lalor is going to be the largest mine in Manitoba history, Mr. Speaker. And as we speak, one of the largest gold mines in Manitoba is being explored up at Red Sucker.

Mr. Speaker, members opposite are dead wrong.

Mr. Graydon: Well, Mr. Speaker, it's clear that the minister is well past his best-before date.

The mining companies are voting with their shovels, and they're leaving Manitoba. According to the department's latest annual reports, the number of hectares under mineral development has fallen to its lowest level since 2000.

Businesses are looking to other areas to develop mineral resources rather than Manitoba, thanks to high taxes and red tape, as the minister and his spenDP government destroying the mining industry with their illegal PST hike and red-tape policies.

Mr. Chomiak: You know, Mr. Speaker, I urge members, in terms of dealing with government, to aim higher.

* (14:00)

And, Mr. Speaker, let's talk about 50—let's talk about hydroelectricity, where Manitoba has the opportunity to make \$29 billion, employ 42,000 people of man—of person-hours and provide clean energy. Let's talk about Lalor mine, the largest in Manitoba history, that's going on right now. Let's talk about Vale that's been saved, and let's look across the spectrum. Let's look at the potash industry that's having a little bit of trouble right now. Let's talk about an industry where we're training First Nations, where we're trying to expand wealth and where we have a committee of First Nations, and the mining company's on board to go forward in mining into the—

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

Jail Capacity Prisoners Awaiting Trial

Mr. Reg Helwer (Brandon West): And it's—I'm just wondering how the minister's oil mines are going or how his privatization plans are going for Manitoba Hydro. Very sad, Mr. Speaker.

You know, Mr. Speaker, Manitoba continues to be the violent crime capital of Canada, and yet our jails are over capacity. This government refuses to release the 2011 report reviewing jail capacity in Manitoba. Since those jails are over capacity, it's creating a very dangerous situation for corrections staff. Building a new jail, another ribbon cutting in Dauphin with no numbers and no plan is not going to solve this problem.

There are about 2,500 people in jail in Manitoba, and 64 per cent of them are awaiting 'trival'—trial.

When will this NDP government stop warehousing people and come up with a plan to move them through the justice system?

Hon. Andrew Swan (Minister of Justice and Attorney General): Mr. Speaker, indeed, I received the report of the Adult Corrections Capacity Review Committee back in January. We thought it very important to give some outside eyes to take a look at what we should do in Manitoba, and No. 1 in the recommendations was, indeed, to build a new jail in Dauphin.

I toured the facility. I know the member for Dauphin (Mr. Struthers) has toured that facility. I know some members on the other side have toured that facility too. It's an outdated facility, and we've committed to building a newer, bigger, better facility. We're going to increase the resource that we have.

We know the more we can do to assist people in dealing with life skills while in correctional institutions is good. The more we can prepare them for life on the outside is good for public safety.

We'll continue to invest. I know the member for Brandon West will vote against every single one of those investments, Mr. Speaker.

Mr. Helwer: Mr. Speaker, well, I wonder if the minister will share that report with outside eyes as he pretends to do.

You know, as the violent crime capital of Canada, the strain on our police forces is evident. The Province continues to warehouse accused offenders in our jail system rather than moving them through the court system.

Mr. Speaker, when will this Minister of Justice stop being—using our jails as warehouses for accused offenders and allow them to proceed through the court system?

Mr. Swan: Mr. Speaker, just to correct the record, the recommendations of that report were made public, and that's why we're moving ahead with a new jail in Dauphin that will be built that will be a facility to allow more services to take place, because, unlike the members opposite, we do believe that we do have the capacity to change people.

That's why we have the first mental health court ever operating in Manitoba to assist those breaking the law because of their mental health issues. We think an appropriate and humane and safe way to deal with that is to give those people services.

That's why the Winnipeg Drug Treatment Court has been very successful at taking individuals who break the law because of their own addictions issues—is a good way to go, and the recidivism rate, the reoffence rate on that, only about 13 per cent. We know if we can get those kind of results across the system, we'd actually be looking at closing jail beds rather than opening them.

It would be good to have a federal government on side with that, Mr. Speaker.

Mr. Helwer: Well, Mr. Speaker, some of our prisons are over capacity by 140 per cent, and this minister talks about closing them. Very interesting.

This minister is poor on planning and even worse on implementation. Our jails are far over capacity as warehouses for accused offenders, with almost 64 per cent of them awaiting trial. This is very dangerous in the violent crime capital of Canada.

When will this minister take action rather than spinning a new line to the media?

Mr. Swan: Well, of course, as the Leader of the Opposition stood up and talked about his \$550 million in cuts, deep cuts to civil servants, a hiring chill, of course, they never talked about exactly who those individuals will be. Well, now we get a bit of an idea from the member for Brandon West.

I know the member for Brandon West is concerned when police are out there taking dangerous people off our streets. That's why now, I suppose, their position would be to do away with the Warrant Enforcement Unit. Maybe they would do away with the dedicated officers of the Winnipeg Police Service and the RCMP who've

taken more than 1,200 individuals into custody who haven't followed their court orders because of the investments of this government. *[interjection]* I hear the member for St. Paul (Mr. Schuler) chattering away. I know people in his community want that Warrant Enforcement Unit out there. Maybe the members opposite would cancel the Gang Response and Suppression Plan which is giving resources to police to take dangerous people—*[interjection]* Maybe the members opposite want—

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

Children in Care Information Management System

Mrs. Leanne Rowat (Riding Mountain): Under this NDP government's watch we have seen the number of children in care increase. We have over 10,000 children in care, we have over 6,000 children receiving services that—in their home, and this is the busiest child-welfare system in the country. But what we have is a disinterested, bystanding minister and government.

Mr. Speaker, the minister has refused to implement mandatory tracking through information systems, and this is a very vital tool—to ensure that all children are taken into consideration and are accounted for.

So how does this minister make her decisions within her department without this information that is so important to the well-being of the vulnerable children in Manitoba?

Hon. Jennifer Howard (Minister of Family Services and Labour): Part of the changes that have come into place in recent years in the child and family services system have been to increase the tools available to social workers, to front-line workers to help better protect children. And part of that are new tools that are available on the information system, an intake module that collects information on children that is able to share that information so that people can see on intake what is going on in a family, and that helps strengthen the role of front-line service providers.

There have also been challenges to ensure that rural, especially rural and remote, agencies have the equipment and the connectivity needed to make those systems work, and we're also partnering with communities to make sure that's happening.

Mrs. Rowat: That's not what the Auditor General said. In 2006 her review indicated that this was a critical recommendation that needed to be fulfilled. In 2012 she indicated that the completeness and accuracy within the information system was far from implemented.

This is a bottom-of-the-barrel government. Action by this NDP Cabinet was, do not fund that program, that support system, that was required.

Health and justice information systems must be accountable. How could a health system or a justice system work without these types of records being online or on—in an organized fashion? We know that if not, action must be taken and a redress is completed.

No oversight, no—complete negligence with no accountability: this is how this government is running its family services—

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

Ms. Howard: Well, in actual fact, the—this government, under the previous minister, brought in new measures of accountability so that every death of a child who's come into contact with the Child and Family Services is now investigated by the office of the Children's Advocate, and those recommendations are followed up by the Ombudsman. There's now an accountability system in place that ensures that.

But we need to do more to ensure that this system is accountable, and we're taking more actions to do that. In this budget there is money set aside to improve the information system that's available to social workers and agencies, and this is the budget that members opposite have voted against, but more than that, they voted against funding every child-welfare agency in this province not once but twice.

Mrs. Rowat: I think I'll take the word of the Auditor General, who has indicated that this information system is far from implemented, and that's seven years in the making and still no action.

We saw this week where we saw the CFS lawyer shamelessly do damage control for this minister. That's bottom of the barrel when a lawyer has to do spin for this minister. He blamed the CFS staff for not asking the right questions during the Phoenix Sinclair time in care.

Well, this week we also learned of a young boy who was involved in a incest case. He asked for help, was refused help. This minister just found about it—out about it through the media.

Really, how does this minister ensure communication is occurring between her, her deputy, the agencies—

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

* (14:10)

Ms. Howard: Well, Mr. Speaker, what I don't do is tell the commission of inquiry how to do its job. That's what I don't do. I have been very clear from the beginning that Commissioner Hughes should have the ability to ask the questions and get the information that he needs. I have had no conversation whatsoever with any lawyer that is appearing before that inquiry.

What—the point that I understood that lawyer to be making was very clear. At the time of Phoenix Sinclair's murder, people in the community—including the media, including members of the opposition—rushed to judgment, said that that was the fault of an Aboriginal agency. What that lawyer was doing is to be very clear, to accept responsibility that the file for Phoenix Sinclair was with the Winnipeg Child and Family Services. I think making that point was very important to—

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

ER Services (Minnedosa) Potential Closure

Mr. Cameron Friesen (Morden-Winkler): Mr. Speaker, the list of emergency rooms in Manitoba that are either closed or experiencing reductions in service grows and grows. There was 17 in February, and then there was Vita and Altona and Teulon and Boissevain and Killarney and Pine Falls, and this week we find out that Minnedosa is next on the long list of communities facing an emergency room closure this summer.

And week after week we pose questions to this minister about doctor shortages in Manitoba communities, and week after week she skates around the issues, and it's the last day in July and she's still trying to skate.

I mean, will the minister admit that she's planning to shut down the Minnedosa ER and

should this community expect to join the long line of others with closed ERs and no access to acute care?

Hon. Dave Chomiak (Acting Minister of Health): Mr. Speaker, since this government has come to power this government has hired 500 more doctors—500 more doctors—than were here.

And you know, Mr. Speaker, if you look at what the members opposite wanted to do just this budget, cut out half a billion dollars from the budget, that would have eliminated at least a quarter of those doctors.

So we will take no lessons on how to manage the health-care system from a Leader of the Opposition who said the Gary Filmon government was one of the finest in the world's history.

Physician Departure

Mr. Friesen: I believe what the member meant to say was, since that government has come to power over 2,200 doctors have left Manitoba to go elsewhere.

Mr. Speaker, Minnedosa lost two more physicians earlier this year, leaving just four doctors for the ER. So a replacement doctor was found, came in in July, but quit after one day on the job.

Residents say they are concerned about the loss of doctors. Minnedosa's mayor says he's concerned. The Prairie Mountain RHA say they are concerned.

Mr. Speaker, this minister owes the Chamber an explanation: Is she concerned? Why would a replacement doctor quit after one day? What possible reasons did that doctor cite for their departure?

Mr. Chomiak: One of the terrible legacies of those lean, mean, Tory years, Mr. Speaker, was the fact that they reduced the medical class down to 70. We have brought the medical class back up to 110 students.

And you know, Mr. Speaker, just in the last year—just in the last year—62 doctors has started working in rural areas, including 19 in western Manitoba, seven in southern Manitoba, 11 in the Interlake, including Portage, Steinbach, St. Pierre, gladspardon me—Hodgson, Beausejour, Eriksdale, Lac du Bonnet, Pine Falls, Selkirk, 'teulu'—19 in northern Manitoba.

What a difference from the mean, lean years when doctors were leaving the province and couldn't get out of here fast enough because they weren't paying. They were cutting and they closed the largest hospital in the—

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

Potential Closure

Mr. Friesen: And question after question and yet no response, Mr. Speaker, to an obvious question.

Prairie Mountain's CEO says there is a real possibility that Minnedosa ER will close its doors in the near future. Surely the minister understands that if the ER closes there isn't an ER within an hour's drive, and that puts people at risk.

No wonder a Conference Board of Canada report just shows that Manitoba is bottom of the barrel when it comes to accessing health-care services, getting the only failing grade in a category called patients not receiving needed care.

This minister needs a plan so communities can have access to health-care system at an ER where they live.

So the question to this minister is: Where is the plan, or are they content with a grade of bottom of the barrel?

Mr. Chomiak: Yes, Mr. Speaker, you know, there is a real contrast between firing 1,500 nurses and hiring back a thousand. So we have 3,500 more. There's a real contrast between closing the largest hospital in the history of Manitoba, Misericordia hospital, Mr. Speaker, and opening centres all across the province. There's a difference in firing doctors and laying off doctors and having 500 more doctors in the province of Manitoba. There is a contrast.

There is a price to pay if you vote Tory, Mr. Speaker. There is a price to pay if you go the mean, lean, Tory cuts and cut out of the budget the largest expense, and what's the largest expense in the health-care budget? Doctors, nurses, respiratory fire—respiratory therapists, nurses' aides. Though—that's where the money goes. That's where the services go—

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

PST Increase Economic Impact Study

Hon. Jon Gerrard (River Heights): Mr. Speaker, the government's decision to raise the PST from 7 to 8 per cent is the centrepiece of this government's economic strategy and, of course, was the centrepiece of its budget earlier this year.

Mr. Speaker, today I table a response to a freedom of information request asking for the government's economic impact study on the PST increase.

And I ask the Premier, who said he's concerned about the economy: Why is it that the government raised the PST without ever doing a single economic impact study?

Hon. Greg Selinger (Premier): Mr. Speaker, what we saw was the economic forecast, which showed a slowdown in the economy, not only in Canada but globally, a global economic slowdown. We saw reports from the International 'manito'-Monetary Fund that said governments should be—take a balanced approach to grow their economies, not just to cut services. We saw the flood report that came out just weeks before the budget, which indicated up to another billion dollars needed to be 'prote'—invested to protect communities.

And we knew that the responsibility to protect Manitobans from severe weather events like floods was our No. 1 priority, and to keep the economy going by building infrastructure. And both of those objectives were completely in sync with each other.

Better dikes, better flood protection, better roads, all of those things will lead to a more prosperous Manitoba, Mr. Speaker. Those are the kinds of things that informed our decision this spring.

Mr. Gerrard: Mr. Speaker, the Premier says he's concerned about the economy. And the economic impact of raising the PST, as shown in presentations by many, many Manitobans who came to present at committee stage, is impossible to ignore. It includes loss of business in Manitoba as people shop elsewhere. It includes business closing, businesses not investing in technology or research, businesses investing outside of Manitoba or transferring operations out of the province because of the rise in PST.

So I ask the Premier: Why did the government never seriously consider all these damaging

economic impacts before making its decision on the PST?

Mr. Selinger: We did take a look at the slowdown in the global economy and the Canadian economy. All provinces are starting to experience this right now. We did see the requirement to spend an additional billion dollars on top of the \$1.25 billion that we've already spent for additional flood protection in Manitoba.

We did see the returns from previous investments in flood protection. When we spent a billion dollars on the Red River Valley and—to protect the city of Winnipeg from a one-in-700-year event, we saw the cost benefit of that, Mr. Speaker. That billion dollars has avoided \$30 billion in additional costs to stop flooding in Manitoba.

Mr. Speaker, when you can invest a billion dollars to avoid \$30 billion of damage, that's a good economic investment. That's a good investment for communities. That's a good investment for the economy, and our economy has done very well as a result of these investments we've made over the last 10 years.

Mr. Gerrard: Mr. Speaker, the Premier says he's concerned about the economy, but the concern is here that the economic impacts of raising the PST are large, and perhaps particularly so, as many have pointed out, for those on low incomes.

You know, astonishingly, as we find out today, the government never thought to do an economic impact study. It's not too late, perhaps, for the Premier to reverse his decision to raise the PST, commission an independent economic impact study, and when the study is complete, share that information and trust the people of Manitoba to make the decision in a referendum.

* (14:20)

I ask the Premier: Will he say today that he will do this study and have the referendum, or doesn't he trust Manitobans?

Mr. Selinger: Thank you for the question. Mr. Speaker, we did see the results of previous investments in flood protection in Manitoba. The billion dollars that we invested in protecting the city of Winnipeg and all the people in the Red River Valley with ring dikes around their communities, with lifting their homes up 2 feet above the 1997 level has resulted in \$30 billion of savings on

avoided flood costs in Manitoba. That's a very significant leverage of savings for Manitobans.

It has allowed Manitobans to keep working. This spring, when, without the flood protection around the city of Winnipeg, Winnipeggers would have been under water, Winnipeggers were going to work every single day. Manitobans were working, and that is why we have the second lowest unemployment rate in the country.

And if the members of the opposition and the Leader of the Liberal Party would understand that when we build the province, build Manitoba Hydro, don't lay off public servants, invest in education, we will have prosperity, then we can move forward. That's what we're committed to, Mr. Speaker.

Y Downtown Early Learning Centre New Child-Care Spaces (Brandon)

Mr. Drew Caldwell (Brandon East): I'm proud to work for Brandon, Mr. Speaker, and I'm proud to be a member of a Manitoba NDP government that has invested in Brandon at levels never seen before in Manitoba history. Working together with others in our community, we have built the Brandon Regional Health Centre and the Westman cancer treatment centre. We have transformed Assiniboine Community College and Brandon University and we are today building the Brandon family YMCA, public schools and daycare facilities.

Mr. Speaker, can the Minister of Family Services please advise the House of a recent announcement in the city of Brandon that will help Brandon families?

Hon. Jennifer Howard (Minister of Family Services and Labour): Thank you for that excellent question. I was pleased to be in Brandon over the weekend attending the folk festival.

I also got to stop by the new Y and visit with the people working in the new child-care centre there, a child-care centre that is going to see available spaces double from 24 to 48, a child-care centre where we're proud to be investing \$250,000 there.

I was especially proud to do it on the day after every member of the opposition voted to stop funding every child-care centre in the province, Mr. Speaker, which I thought was a bad day for them.

But I was able to also tour some of the new Y facility, and I know the old Y was the Y where I learned to swim. It is a beautiful facility, and every

person in the city of Brandon who's been involved in that project should be commended.

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

Greenhouse Gas Emission Targets Government Timeline

Mr. Larry Maguire (Arthur-Virden): Well, Mr. Speaker, the Premier (Mr. Selinger) just said we'll do whatever Manitobans ask us to do. Does he still agree, too, with his former premier, Mr. Doer, who said in '08, if we don't achieve our greenhouse gas emission targets, I think the ultimate penalty will be the defeat of the government?

Well, Mr. Speaker, truly the NDP doesn't have a plan for Manitoba's environment. In fact, the minister admitted yesterday he'd be developing a boreal forest plan starting this fall. No wonder UNESCO has abandoned this government's first Pimachiowin Aki proposal. Our boreal forests are a great resource for Manitoba's air quality, but this minister is reannouncing old announcements, and yet he's not distracting Manitobans away from this government's key characteristic, mismanagement.

Can the minister tell Manitobans what his new greenhouse gas emissions target is, Mr. Speaker, and what decade does he guess he'll implement it?

Hon. Gord Mackintosh (Minister of Conservation and Water Stewardship): Phew, he made the question just under the clock. An environment question—I was waiting for it. You were goaded yesterday by the member for Wolseley (Mr. Altemeyer). Oh, my gosh. The Maytag guy is happy today. Bring on some questions.

But I just want to reflect on a very serious observation, Mr. Speaker. Yes, I got the environment question, so now—[interjection]—Mr. Speaker, something I think very profound, if I can get a word in.

Mr. Speaker, something profound happened in this building yesterday. In one room in this building, this government was announcing renewed efforts to tackle climate change, to reduce fossil fuel reliance, along with leaders in the environmental community, Keystone Agricultural Producers and many others, while in another room in this building—unfortunately, in here—the Leader of the Opposition was saying—

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

Some Honourable Members: Oh, oh.

Mr. Speaker: Order, please. Order, please. Order, please. Order, please—and it's not even Thursday.

Time for oral questions has expired.

It's time for—

MEMBERS' STATEMENTS

SALNAM

Mr. Matt Wiebe (Concordia): Mr. Speaker, I am pleased to live in a multicultural province like Manitoba. With more than 150 countries represented and more than 140 languages spoken and with over 220 ethnocultural community organizations across the province, Manitoba continues to demonstrate its commitment to preserving and sharing our unique cultures with one another.

Today I rise to recognize the Sierra Leone Nationals Association of Manitoba, or SALNAM. Recently, I had the opportunity to attend the official grand opening of the organization's new resource centre on Henderson Highway. SALNAM is the umbrella organization for all Sierra Leoneans living in Manitoba. Since its founding in Manitoba in 1980, SALNAM had organized and held meetings in its members' basements, but now I'm happy to report that for the first time the organization has its very own centre.

This not-for-profit organization promotes the cultural heritage of Sierra Leoneans in our province. The goal is to build a strong and distinct community by encouraging participation and interaction between its members. Learning about Sierra Leone history and culture will help youth develop an understanding of their identity and how to interact and integrate within Canadian society.

The SALNAM resource centre offers support to newcomers as well as providing programs for youth such as homework club, the snack program, computer tutorials and cultural retention programs while also providing a space for children, youth and adults to gather.

Mr. Speaker, today in the public gallery, we are joined by Allieu Sesay, Vice-President Abu Bakarr Kamara, Secretary General Alie Hassan Nasrara, Financial Secretary Hassan Sesay as well as many other contributing members of the organization. I would like to ask all members of the Legislative

Assembly to join me in congratulating SALNAM and thanking the organization for continuing to encourage and share their culture with Manitoba.

Thank you.

Assiniboine Valley Claim Settlements

Mrs. Leanne Rowat (Riding Mountain): Mr. Speaker, I want to put a few words on the record with regard to the victims along Assiniboine valley who thought this government meant well by bringing forward a Shellmouth Dam act a few years back, but it took them a—quite a while, actually, to proclaim that act, and then when they did there seems to be some confusion as to this government actually fulfilling its mandate to provide support for them.

In February 2003 the minister of—or the—Steve Topping from the Department of Infrastructure and Transportation sent a letter out indicating that the program will be moving forward and applications for compensation will be accepted beginning in April 2013. Well, Mr. Speaker, it is now end of July, almost beginning of August, and these ratepayers just have still not heard from this government with regard to compensation.

Six months ago the RM of Russell actually emailed the government several times asking, and I quote: Are the forms available yet? Where can I access them? We would like to try and get some funds back to our ratepayers for all the losses they have incurred.

Well, Mr. Speaker, the response was very interesting. The response was, I think your email got classified as spam. At this present time, the department of MIT, EMO and water management are dealing with this flood. That was this year's flood.

Mr. Speaker, the Assiniboine valley is not flooding right now, and this has been six months since this minister and this government sent out the notice that there were going to be letters for compensation.

*(14:30)

So I would like to know, Mr. Speaker, at some point, for my ratepayers within the constituency of Riding Mountain, when this government is actually going to fulfill its mandate to actually provide support for the individuals who along Assiniboine valley were artificially flooded. They can't stand behind an act that has not been fulfilled. They

cannot stand behind words from their department who are saying they thought their requests were spam—

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

Kaelene Forsyth

Mr. Tom Nevakshonoff (Interlake): Mr. Speaker, it is my pleasure today to rise in the Legislative Chamber to pay tribute to a very special young lady from the community of Eriksdale in the Interlake. I'm referring to Ms. Kaelene Forsyth, who, along with her border collie, Gypsy Rose, won the top prize at the World Stock Dog Championship at the Calgary Stampede earlier this month.

The pair beat out 52 other teams in the competition, which required the dogs to gather three sheep, put them through a figure-eight course around barrels and down a chute into a pen. Kaelene and Gypsy accomplished this spectacular—this in a spectacular one minute and seventeen seconds to take home a prize of \$10,000 of the title of World Champion.

Working with stock dogs runs in the family, as she is the daughter of Campbell of Forsyth Brothers Charolais farms where these dogs work for a living. Indeed, she is a chip off the old block as her father also runs dogs and managed to place first before her at the Red River Ex continental stock dog competition, albeit with the time of 1.22 to her 1.39.

Mr. Speaker, as my wife and I operate a small sheep ranch and use a herding dog named Willow, I can attest to the fact that these dogs have immense value. They are a testament to the symbiotic relationship between humankind and the animal world, indeed nature itself, that is the very essence of farming and rural life.

Given the vagaries of weather and the marketplace, farming is difficult at the best of times. Full appreciation of the resources at hand eases this burden somewhat. Mastering what is available, as is the case here with the story of Kaelene, makes life in rural areas truly a joy to live.

I ask all members to join with me in applauding the success of a fine young Manitoban and her family.

13th Anniversary of Centro Caboto Centre

Mrs. Myrna Driedger (Charleswood): It was a pleasure to join the Leader of the Official

Opposition (Mr. Pallister) as well as His Honour, the Lieutenant Governor of Manitoba, and Her Honour, Mrs. Anita Lee, at the 15th anniversary celebration of the Centro Caboto Centre.

It was in 1980 that the Italian Canadian League of Manitoba purchased its first home, Casa d'Italia, at 556 Notre Dame Avenue, a modest facility with two offices, a library, a meeting room, a sports bar and a small banquet hall. Over the years, it became evident that the venue was no longer capable of meeting the changing needs of a vibrant Italian community. A 1992 needs assessment survey led to the resolution to build a new centre to provide a strong message of renewal, ongoing development and community building.

After years of careful planning and relentless dedication, the dream became reality when on June 14th, 1998, the Centro Caboto Centre officially reopened its doors.

Born of the spirit of adventure that characterized the life and times of the Italian explorer Giovanni Caboto, the centre provides people of all ages and cultures with a meeting place and activity centre to celebrate and embrace Italian culture and lifestyle today and into the future.

The Caboto Centre has become an important facility in Winnipeg and one that the Italian community should be justifiably proud of. Their warm hospitality is always much appreciated.

Mr. Speaker, the evening also marked the special recognition of members of the Italian community who have received the Queen Elizabeth II Diamond Jubilee Medal to honour their significant contributions and achievements. On behalf of our caucus, I would like to congratulate these outstanding Canadian citizens who have all played a strong role in moving Manitoba forward.

And, Mr. Speaker, I would ask leave to include the names of the recipients in Hansard. Thank you.

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

Ida Albo, Joe Bova, Ermino Caligiuri, Gennaro Cianflone, Dr. Rayleen De Luca, Maria De Nardi, Thomas De Nardi, Riccardo De Thomas, Sam Labro, Giuseppe Grande, Stefano Salvatore Grande, Giuseppe Leuzzi, Sam Loschiavo, Arthur Mauro, Giuseppe Pisano, Judy Richichi.

Emergency Session

Hon. Jon Gerrard (River Heights): Mr. Speaker, I rise to review the situation of our current emergency sitting. When this emergency sitting began June 17th, I asked the government what the emergency was. The government said it was calling it for the public interest, and I quote the House leader, "to ensure that the business of the government comes to a conclusion in some way."

This extraordinary emergency sitting was called for everything, and it was very difficult to figure out what exactly was an emergency and what was not. Today, after 26 days of this emergency sitting, we're in our seventh week and we're still waiting for the government to explain exactly what the emergency was.

If the emergency was to make sure people in the civil service are paid, the government was better off not to call the emergency sitting at all because it could have passed the required warrants in a single Cabinet meeting and with two orders-in-council the money would have been available. Clearly, this process would have been a lot faster than the time we spent all last week and this Monday in order to pass Bill 48. So it's pretty obvious that the government didn't need the emergency sitting to get the funds to pay people.

For several weeks after the emergency sitting began, the government focused on getting the Estimates completed. As we now know, from 2003 and 2007, when the Estimates were completed after the summer recess in the fall, these Estimates could easily have been completed in the fall at the regular sitting time. So this can't be the prime reason for the emergency sitting.

This week, the government is concentrating on a variety of bills, including a bill on heritage trees. While these bills are important, they're hardly emergency matters.

We did see Bill 37, The Emergency Measures Amendment Act, but this bill, as I discussed on Monday at second reading, was clearly put together in some haste and needs considerable improvement. Passing Bill 37 is unlikely the emergency the government was talking about.

Bill 20 could possibly be the reason for the emergency, but it hasn't even been on the Order Paper this week for coming forward for debate, so it seems unlikely to be the reason.

Bill 18 could be the reason for the emergency, but this week it has not been 'prioritized' and we have dealt with other bills.

The bill on amalgamation could be the emergency, but it hasn't even been called this week.

So we're left with a continuing question—

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

That concludes members' statements.

Grievances. No grievances?

ORDERS OF THE DAY

GOVERNMENT BUSINESS

House Business

Hon. Jennifer Howard (Government House Leader): Can you—thank you, Mr. Speaker. Would you please call important debate on Bill 21, 23, 25, 36 and 18.

Mr. Speaker: We'll now resume adjourned debate on the Bills 21, 23, 25, 36 and 18.

DEBATE ON SECOND READINGS

Mr. Speaker: Starting with Bill 21, The Highway Traffic Amendment Act (Impoundment of Vehicles—Ignition-Interlock Program), and the debate is open.

Is there any further debate on this bill?

Bill 21—The Highway Traffic Amendment Act (Impoundment of Vehicles— Ignition-Interlock Program)

Hon. Jon Gerrard (River Heights): Mr. Speaker, I'm glad that we're here and debating these bills, but I'm still wondering what the emergency was.

Mr. Speaker, this bill is the highway traffic amendment act, the impoundment of vehicles, the Ignition Interlock Program. This bill deals with restrictions on driving a motor vehicle and ensuring that people who are convicted of certain alcohol-related offences under the Criminal Code will be addressed and that somebody who is using the ignition-interlock device must have that device on their car when they are driving around. And it provides for provisions so that there may be certain exceptions when the driver can drive without such an ignition-interlock device.

First of all, in addressing this bill, I think it's important that we are treating people fairly. It's

important that before this is implemented fully that people in the general public are made broadly aware of the legislation. Ordinarily, there would be a period of, whether it's one month, two months or up to six months, where people be given warnings, but, certainly, in order to make sure that everybody in the province is treated fairly who could be under this condition, that anybody who is prescribed an ignition-interlock device is told very clearly right from the start what the results of driving a vehicle without such a device would be.

* (14:40)

And, certainly, when we're looking at the parts of this legislation, one of the areas which probably needs some clarification is the area around the employees driving a vehicle for—which is a company program or employer car. And, you know, certainly, this seems a restriction which—a limitation of the fact that somebody who may have a company car could be able to drive under limited circumstances. The circumstances need to be clarified as to exactly when and how a driver can or can't drive a company vehicle. A number of companies allow employees to drive company vehicles for personal use. And so, if this is to be a meaningful and fair piece of this bill, then certainly, you know, one needs to have clarification in terms of what is company use, what is personal use, what is acceptable and what is not in terms of driving without an ignition-interlock device on the car.

There also needs, of course, to be some addressing the situation of where there might be a malfunction in the device. And clearly one doesn't want to have a situation where a malfunction can be used as an excuse to be driving a car without a functioning device, but certainly, at the same time, you want to make sure that people are not impacted because there was a short-term sudden malfunction of a device. And I think this is something which should be addressed in terms of the regulations and how, in fact, this is—this bill is implemented.

So, in general, I think this is a reasonable approach that the government is taking. I'm looking forward to hearing presentations at the committee stage and for this bill to be not only going to committee but for when it comes to committee in the near future.

Thank you, Mr. Speaker.

Mr. Speaker: Is there any further debate on Bill 21?

Is the House ready for the question?

Some Honourable Members: Question.

Mr. Speaker: The question before the House is second reading of Bill 21, The Highway Traffic Amendment Act (Impoundment of Vehicles—Ignition-Interlock Program).

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

We'll now proceed with the next bill, Bill 23, The Highway Traffic Amendment Act (Increased Sanctions for Street Racing), standing in the name of the honourable member for Brandon West.

Bill 23—The Highway Traffic Amendment Act (Increased Sanctions for Street Racing)

Mr. Reg Helwer (Brandon West): I'm pleased to rise to speak to Bill 23, The Highway Traffic Amendment Act, also Increased Sanctions for Street Racing. And that is indeed something that we do need to look forward to having legislation of this nature.

Manitoba does have the, apparently, the fourth highest number of incidents of street racing in Canada and the—a very high rate of street racing. So it's not surprising that maybe we're at this rate. We are, of course, the violent crime capital of Canada yet again, and the criminal element just continues to thrive under this government's lack of attention to it.

So this—and street racing, I'm sure you know, Mr. Speaker, is a very dangerous behaviour and does put many people at risk. I don't know if you've ever been in the—on the streets when something like this has happened.

As you probably know, I do travel down Portage Avenue quite often returning home to Brandon, and that does seem to be an area of a high amount of street racing, high amount of incidents here. I have been, you know, driving down there and then been passed by two accelerating cars, and then they disappear out in the distance and off down a side road. So I can't imagine, Mr. Speaker, if you were a driver that is new or a driver that is uncomfortable or perhaps a senior that is cautiously proceeding your way down there, if you were passed by these vehicles, what that would do to your state of mind. It's certainly pretty easy to cause accidents in that regard and certainly to intimidate other people and put them at risk.

So this is a, indeed, something that we need to do some work on and it's a fairly-fairly brief little bill, but there are some questions that we need to bring up here. And, obviously, the bill 'permie'-permits the police to impound a vehicle for seven days and to suspend the driver, the licence of the driver for seven days, as well. And there are some opportunities in there if it is not the driver's vehicle, I think, that the owner can apply to get their vehicle back. But it being only a seven-day suspension. There may not, indeed, be enough time to get that vehicle back as we go through the process.

But I see there is a bit of an anomaly, Mr. Speaker, in section 242.4(18), in area (c) it says if the driver does not hold a valid driver's licence or out-of-province driving permit, the peace officer may, by serving a suspension and disqualification order on him or her, disqualify him or her from holding a driver's licence or driving a motor vehicle in Manitoba for seven days. So we're suspending somebody from having a permit that doesn't have a permit. I'm thinking, perhaps, there's a better way to word that; how you suspend something that isn't there, perhaps a bit of an anomaly.

And when we look at the paragraph up above it, Mr. Speaker, section (b), it says if the driver holds a valid out-of-province driving permit, the peace officer may, by serving a suspension and disqualification order on him or her, disqualify him or her from holding a driver's licence or driving a motor vehicle in Manitoba for seven days. Well, if you're out-of-province, what next? Are there ramifications that follow that individual back to their province, or is it just an opportunity to come race in Manitoba and then you can't drive here again, but you can go back to your province of origin without anything following you back? I imagine there must be a plan there. Maybe that will be something that we might see in regulations and, you know, there are opportunities there to deal with this, because we certainly don't want Manitoba to become the place will-where you come and street race with no ramifications if you are, indeed, from out of province.

So there is, you know, also, there's an-a reinstatement area that-it talks about charges. If we look at section 242.4(23) where it says a person whose driver's licence is suspended under this section or who is disqualified under this section from holding a driver's licence or driving a motor vehicle in Manitoba must pay the reinstatement charge specified in relation to this section in the

regulations. So the regulations, I guess, are where we're going to see what that cost will be, if it is a punitive cost and if it is something that, you know, will maybe dissuade people in the financial aspect. I assume that under this there's probably, also, we're looking at maybe some charges that may come forth. And also maybe some demerits might come forth on a person's driver's licence, if indeed they do have a driver's licence and they're operating a motor vehicle in this regard.

So it is something that, you know, it's legislation that I think will probably move ahead. There are some questions about particular areas. It is an area that is unfortunate that we see people engaging in street racing and modifying their vehicles in order to do so. Some of those modifications may indeed be illegal. But they're difficult to see if you are 'modit'-modifying a vehicle to give it an extra boost through NOx or something of that nature. Most of that is not visible unless the car is pulled over and searched. Those types of things are all questionable, whether they are indeed changes that should be made to that vehicle. So it's a concern there, Mr. Speaker, on when these changes are made to vehicles, because what is the intent other than to give it extra power for street racing?

* (14:50)

So, indeed, we do have concerns in that regard. It is-has often been said that street racing kills, and we have had some very unfortunate incidents in Manitoba in this regard, not just the individuals that are involved in the race, but innocent bystanders that may be driving a vehicle that were either collided with or forced off the road and, indeed, some devastating circumstances for those individuals, those victims and their families. Very sad to see the impact that some-an individual's action has on an innocent bystander.

And with, you know, our no-fault system that we have here, of course, it depends on the impact on that particular victim's family, there may or may not be repercussions; there may or may not be opportunities for that family to be, certainly, reimbursed. I am concerned about some of the things that have happened in the past.

We had a circumstance here that, whether street racing was involved or not, there was a young mother who was killed not that long ago, and, of course, with the system that we have in place, I think, from what I've been told from individuals

acting for—on behalf of the family, that MPI offered somewhere around \$54,000 as a value for the life of that young mother because she was not working, in their eyes. She certainly was the primary caregiver for two young children, and that is a cost that is certainly serious to that young family, Mr. Speaker. It is not something, obviously, that can be replaced even if you were able to hire someone to help with that young family. Certainly, the removal—the tragic removal of that young mother from that family is not something that can be replaced. So circumstances of this nature, the street racing, can have an impact on situations like that, and it's very sad to see.

We do need to be tougher on this type of an occurrence, and perhaps seven days of a suspension is not enough time. As I understand it, cruise nights tend to happen weekly and are often on a particular week, so if you have a suspension for a week, all you—all that means is you get your car back in time for the next one. So maybe that's something that needs to be reviewed and a longer term prohibition may be something that we need to look at. It is certainly an area of high incidence in Manitoba, and because we have a high incidence here we have to send that message to people that this will not be tolerated.

And, you know, Manitoba's at the bottom of the barrel in so many areas here, and particularly in justice, that really shouldn't be of any big surprise that we have a problem with this. It is unfortunate that that environment does seem to be—seem to occur in Manitoba and certainly in Winnipeg.

And it is not something that the police always can be on hand to deal with because these races happen very quickly, obviously, that's the intent, and at a moment's notice, so they're set up and they're run and then everybody may go their separate ways. So it's difficult for the officers to be on site, and I'm sure they know when are the more prevalent times for these races to occur and where they might occur but certainly can happen at any particular time of the day.

And with the construction we now see on our roads, it makes it even more dangerous, because I'm sure, Mr. Speaker, you've driven on some of the roads now, and it is construction season in Winnipeg and in Manitoba. And, you know, some of those construction projects are long past their due date; they should have been done years and years ago, but this government tended to ignore

infrastructure and so we had problems build up along the way and now we are paying the price for that as the roads are tending to deteriorate and to fall apart. And so we're working on, apparently, replacing and repairing those roads, and that creates bottlenecks, as we see in a lot of areas, that come up even very quickly when you're travelling at the posted speed. I can't imagine if you were in a race that, you know, you would—if you came upon those bottlenecks, what that would mean to reaction time.

And certainly we saw a tragic case not that long ago with a young flag person that was killed at a construction site, and certainly that was not a street race, but certainly that is something that could easily occur here where a race would come up upon a construction site with the flag person and have to make sudden corrections and probably not be able to do it, because these individuals that are involved in this don't always case out where they're going to do it. They may be at a light and find an opponent and away they go. So what is ahead of them may or may not be relevant to their particular action at that time or their reactions. They're just in the race and that's the important thing to them at that time.

So we need to put something in place that is going to make sure that Manitoba is safer for people that are travelling at the appropriate speed and using the roads as a safe place and make sure that people that are engaging in acts such as this street racing are properly penalized and that there are repercussions for their actions. So, when these types of things occur, we want to make sure that people understand the impact that they're having and the ramifications that they may have, even if they happen to get away with this occurrence with no devastation to individuals or to property. It is something that we do need to spend some time on, making sure that there are penalties in place that are appropriate and that there is a disincentive, indeed, for them to do it again, you know, because we need to deal not only with the actions of these individuals, but need to find a way to make sure that we can educate them into the proper conduct on our roads and highways, so that they can move ahead to being a valuable member of society, as opposed to somebody that may be causing havoc on our roads. And certainly that's not something we want to see.

You know, I—when I think back into my driving history, Mr. Speaker, and I've talked a lot about the amount of driving I've done, not only of small vehicles, but large semis, and you see a lot out of

the higher seat in a semi there, and because you're not travelling at a high pace, but usually just the speed limit or going up and down as the hills demand, you do see a lot of vehicles that are impatient and pass you and you do see races happen, not only in the city, but out on the highway. You can see them coming and you can see them going a long ways into the distance, and it is something that's a bit of an eye-opener, and when you're talking about someone that is travelling with 80,000 pounds of gross weight, those vehicles don't change or stop very quickly.

So, if someone's coming, weaving and cutting in and out of traffic, doing this type of racing, Mr. Speaker, that, indeed, is very dangerous, when you have semi-trailers around because their reaction is—while their reaction time may be good, you just can't stop those vehicles on a dime, nor can you turn them on a dime. They often overturn and then you have some other tragic circumstances because sometimes they are hauling material that is dangerous. They may be hauling material that is poisonous or flammable, and we certainly don't want those types of vehicles damaged on our roads. We don't want them overturning. We don't need to have any extraneous influences on them so that we may have some more dangerous occurrences of either leaks or explosions and that type of thing.

So this type of a legislation, Mr. Speaker, it has a lot of ramifications and we are going to see it move ahead, I would imagine, and we want to make sure that the message is given out to people, that street racing is indeed a crime, and it is a dangerous crime, and it is something that we want to have the proper repercussions for. We want to make sure that it is something that the police can deal with in a timely manner as they give—are given some opportunities here to do so. But it is by no means the worst thing that we have in Manitoba. We are, as we talked about, the violent crime capital of Canada, and as we have a finite amount of police resources, they need to balance on where they spend their time, and they need to decide, obviously, is it best spending their time dealing with street racing or dealing with a particular violent crime area or, you know, doing—what is the best role for the police in this?

* (15:00)

So it's a very difficult balance, Mr. Speaker. I don't envy them, and I know they have a very challenging job to do and we like to support what

they do and they work in a very difficult environment and see a lot of things that you and I do not see and probably do not wish to see. So street racing of youths who, you know, are working with cars that are probably valuable, maybe not some of the poorest people, maybe have opportunities to go do things somewhere else, but we need to redirect their intent. I know some of these vehicles you look at, there's been a lot of time and effort to modify them, and the mechanical know-how to do that is certainly impressive, but perhaps we can direct it in a more useful fashion so that the individuals can find an outlet for their work as opposed to just, as we should say, hopping up a car to make it perform better in a particular race. I can think back to some of the occurrences that happened in my youth—not that I was indeed a street racer, certainly that was not the case—but some acquaintances that we did lose to this type of thing, people that were involved in races and either lost their lives or had severe damage done to themselves. Or, indeed, there's some cases of chicken that I'm sure you're familiar with that game, Mr. Speaker, and it's not something that you like to see happen with motor vehicles. But I do recall one case of that happening and there were several youth that lost their lives in that one particular occurrence.

So it is not only devastating, obviously, to the families; it is also devastating to the individuals, the innocent individuals that may have been drawn into those accidents.

And, you know, those are repercussions not only from the injury side because some of those injuries to the innocent victims you never recover from; but also from the psychological side. And you want to have confidence when you're driving a motor vehicle in Manitoba and in Canada, and you want to make sure that the streets are safe. And these are some of the things that we need to deal with.

So we want to make sure that this type of an individual is dealt with appropriately because, as I said, the ramifications of their actions can be very devastating not only to the individuals involved in the street race, but also to any individuals that may be along the road in an innocent fashion, either stepping out from the curb or operating another motor vehicle that may be damaged and perhaps the individual, other individuals in that case, could indeed be injured and permanently so. And those are injuries and psychological injuries, as well, that one does not recover from quickly.

So the impact on society is something that needs to be made clear, that these—to these individuals that are involved in the race and the ramifications need to be strong enough to give them a disincentive to do again. There's also, I believe, Mr. Speaker, we need to work on some education so that they can see that their actions have ramifications far beyond what they might expect. And education in this regard, in the many regards is something that we need to work on so it's not just a penalty, but it's also a system of making sure that the youth involved can make sure—can—we can ensure that their actions are modified and that they don't do it again so that we move ahead into a safer system for Manitoba drivers.

So I know, Mr. Speaker, there are probably other individuals that want to speak to this particular legislation. So I will allow them to proceed with that.

And thank you for your time, Mr. Speaker.

Mr. Kelvin Goertzen (Steinbach): I want to thank my colleague from Brandon West for putting his comments on the record regarding street racing and the concerns around this particular crime.

And it is a crime and we need to remember that it is something that is, obviously, it can endanger the lives obviously of those participating in the street racing, but, of course, those who are also nearby or observing are often on the road and they're not understanding or aware that this is happening.

Now, I know we need to ensure that when we talk about street racing we know who it is that we're talking about. And I noticed there are in Winnipeg on Sunday nights there's the club that goes out with their old vehicles and they do a Sunday cruise night. And I think many of us have participated in the safe cruise night that's organized by the Winnipeg Police Service, and gone out on that cruise night and they do an excellent job of showing how to do that activity safely and that the vast majority of, I think, almost all of those who are participating in that activity are there because they're car enthusiasts. They want to show their cars on Sunday night. They often end up at the Pony Corral, I think, over on Grant Avenue, and they show their vehicles there as well. And that is something I think that can be done in a safe fashion, in a good fashion and they can ensure that those who are involved there can have their love for vehicles and can be enthusiasts about that.

But we also know that there are others who use their vehicles in different ways and they want to participate in street racing. And when they in—get—involve themselves in street racing, again, they not only put themselves at great risk, but they put the risk on the—those who are passengers or those who are nearby who may not be aware that this kind of activity is happening.

We've seen incidents in Winnipeg and around Manitoba of street racing. We see incidents where there are vehicles going at 150 kilometres an hour down Osborne. I remember a couple of years ago a vehicle that was going about 150 kilometres an hour hit a restaurant in Osborne. We've heard incidents where there are vehicles going upwards of 150 to 200 kilometres an hour down Lagimodiere avenue and has resulted in tragic incidents. So we know, whether those are specifically street racing incidents or whether those are individuals who are simply driving well beyond the capacity of the road and their own individual capacity and the safe conditions of those roads, that those are very, very dangerous situations, and we want to do everything we can to discourage that.

You know, in fact, if you go and you look on YouTube, you can see a number of cases, and some, I think, are in Winnipeg, of people who are street racing. And I don't know if the videotape of—on YouTube has come from those who are friends of the participants and they're videotaping it for them, or if it's from average citizens who happen to see this going on and they videotape it and they put it on YouTube. And I do know, particularly in the American experience, that there are a lot of times when individuals who are street racing, that's how they get caught, because there are people who are nearby who take pictures of licence plates, who videotape the street race that's going on, and they provide that to police in one form or fashion and they're able to then go ahead and apprehend the individuals and try to ensure that it doesn't happen again.

So, we would certainly hope that any sort of deterrent mechanism that can be effective, that can be useful, is put into place. Any sort of tool that we can give our police officers would be important, because if we can identify those individuals who are participating in this and take proactive measures, and that is certainly important.

It's one of the reasons I supported the funding of the vehicle reading instruments for licence

plates. And I can't remember the exact acronym, Mr. Speaker, but it's a machine that allows police to essentially have licence plates read automatically by a machine and have that fed into the police computer system and it can identify immediately if, for example, the vehicle is stolen or if there is outstanding, I believe, warrants associated with that particular vehicle or if there are other things associated. And it was couple of years ago that it was something I supported and I'm glad that we saw that initiative take place in the city of Winnipeg. It's helpful not just for issues around stolen autos, but it is helpful for that, but it's helpful for a lot of different things. And, when we live in a world of technology, we have to use that technology to try to sway those individuals who are using their vehicles in a manner and in places where it's not intended to be used.

We have to ensure that our—those who are driving in this way understand that they are not participating in a race that you might see on TV. They're not participating in something that's sanctioned, legal, and under those particular conditions, that there are—all of us, when we're on the road, we have the right to assume that the other individuals who are participating in those activities, driving on the roads as well, are doing so in a safe manner.

So yesterday we had the discussion about drinking and driving and how we want to try to do everything that we can to reduce drinking and driving. And we have, I think, as a society a right to assume that the vehicles that are coming—in a two-lane instance, for example—coming at us, those individuals are not under the influence of drugs, alcohol or other things that might inhibit their driving ability, Mr. Speaker. That's our right, to assume that they are watching the road as well as we are, because they're not simply putting themselves in danger; they're putting all the people who are driving on that particular road in danger as well.

So it's one of the reasons, when we discussed yesterday the issue of drinking and driving, that we certainly support things that can be a deterrent and that can be effective. But we must not overlook the fact that that doesn't mean just giving tools to police officers, but we want to ensure that our police officers are able to utilize their time appropriately, that they're able to go out onto the street and not be burdened with administrative issues, Mr. Speaker,

that they're able to do the kind of work that they want to do, that they have the time to do that.

* (15:10)

And particularly with street racing, there is a lot of investigative work that is involved in street racing. It's not simply, you know, showing up at the time where there's a street race and being at the right place at the right time. That's difficult, obviously, for police officers to be able to do that. It's particularly difficult when they don't know, of course, where the street racing's going to happen or at the time that it's going to happen.

I know I've heard that those who are involved with police—or with street racing are often listening to the police scanner so they have a sense of where the police are or aren't responding to a particular situation. So they're trying to avoid detection, obviously, Mr. Speaker, and they're trying to do that by listening in to police activities. And so we need to be able to do things that we can to support our police so they can do the investigative work, because there is certainly groups of individuals who are involved in street racing, not unlike there are groups of individuals who are involved with the auto theft within the province of Manitoba. And, if you can determine who those individuals are and you can get a sense of their activities, you go a long way as police officers to detract from that happening. But that's investigative work; it's not simply being at the right place at the right time. Those citizens who are able to provide information and education, that is certainly helpful as well, if they can provide that to police. Not to intervene at a particular time, but if they can provide that information to police, then that is certainly something as well that can be very helpful to police as they go about doing that investigation.

So we would certainly encourage this government to look beyond sanctions, of course, and try to look at prevention. The sanctions have some preventative value, I think, Mr. Speaker, to some extent. I've often said in this House, and I said it yesterday and I'll repeat it today, that where there are deterrents in place, that does have some impact in terms of reducing crime. And we've often argued, as Progressive Conservatives, that every crime has to have a measured but meaningful consequence to it so that those who are committing that crime have some sort of a deterrent not to commit it again. And so that is important, but there's also a prevention aspect.

And how do you prevent these crimes from happening to begin with? Because it's far more satisfying, I think, both for police officers and those who are involved in the legal system to prevent somebody from becoming a victim than to respond to somebody who has been a victim. Mr. Speaker, obviously, if we can prevent something from happening, we are far better off than if we are simply responding.

So I would encourage the government to look at those proactive measures that help police do their investigation and do their work and not spend excessive amounts of time behind a desk or filling out forms, that they can actually do that hands-on proactive police work. They can be involved with the investigation, because street racing, as many crimes are, are quasi-organized. I mean, there is an organized element to it. There are individuals who are deciding to have these races often at certain times or at certain places. We know that some of it can be spontaneous as well, but a lot of it isn't. A lot of it is organized and a lot of it is planned. And so if the police can get ahead of that, if the police could have those investigative tools, that is very helpful for them, I think.

And we also know that community education is important. We often rely on our citizens, whether it's a small community or a large community like Winnipeg to be the eyes and the ears for police officers. It's one of the reasons that we support, for example, the Citizens on Patrol Program, Mr. Speaker, in many of our communities, our smaller communities. I have the opportunity to meet frequently with the Citizens on Patrol volunteers in the community in the city of Steinbach and to talk to them. And they often remark, not so much on organized street racing, but they do remark on sometimes young people who are driving their vehicles in an unsafe way at speeds that are excessive, and those citizens on patrol become the eyes and the ears for the police officers as they mark down the different things that they see and licence plates and those sort of things. They don't directly intervene, that's not the role of a citizen on patrol, but they are certainly the eyes and the ears for police.

And I know in speaking with the RCMP in the jurisdiction that I represent, they're very supportive of that. And they appreciate the fact that they have that additional resource. And it's an extension into the community when community members can also be the eyes and the ears of police officers who

can't be everywhere. And we recognize that, Mr. Speaker, you can't have a police officer on every corner. But you want to ensure that you have a representative of—within the community who are helping out the police officers. And then you want to ensure that the police force in that community has the time to be able to react to things when they get it. Getting information is certainly valuable, but it has diminished value if you're not able to respond to it. If the police officers aren't able to take that information and then go and investigate that information, then it has diminished value because you can't actually act upon it.

So we would encourage the government to consider that, to look at more proactive measures, Mr. Speaker, when it comes to trying to deter crime, trying to stop street racing and other things, not simply to look at the back end of things after the crime has already been committed or after somebody's already been caught, because often there's already been a victim by then. There's somebody who's been harmed in the act of street racing, either because they were participating, or they were nearby and they were involved in an accident.

I know my colleague also mentioned—I think it was a bit of an aside—that it's important that we have good highway patrol, that we have good infrastructure as well, Mr. Speaker. And those things are certainly important, and we would encourage the government to look at that as something that's valuable and that's an important as well.

So we look forward to having this bill go to committee. I know that they'll be—I certainly hope that there'll be people who have input into this. They might have some particular insight into this particular crime. They might want to give their suggestions about how the bill could be improved, how it can be strengthened, Mr. Speaker. And I would hope that the Attorney General (Mr. Swan) would have an open mind to those suggestions, that when it goes to committee he'll be open to hearing the recommendations of the public, who often come with great life experience in these issues.

There are 57 members of this Legislature and we all have our own life experiences, but we benefit—but when we listen to the public more broadly, and we hear about the life experiences and the different ideas that we can get from the public, right across Manitoba. That's a benefit for all of us,

as legislators. There's a lot of input value to that, but it requires the government to have an open mind to it.

And, Mr. Speaker, we've seen, with other pieces of legislation, for example, the Education Minister, who's said that she's not willing to listen to anybody about anything. And that's troubling, and it's difficult when you want to have—

An Honourable Member: Let's go to committee.

Mr. Goertzen: Well, and this is exactly the point. I don't understand what the minister—the member for Riel (Ms. Melnick) doesn't understand about this. She says send it to committee. Well, there's no point in sending it to committee when the minister says they're not willing to listen to anything. So I don't understand what she doesn't understand about committee. The committee is actually the place where you get input from Manitobans if you have an open mind. But if you're close minded, and you've already said I'm not going to listen to anybody, what is the value?

Now, maybe the minister doesn't get that, and maybe that's why she's lost ministry after ministry. But certainly I would suggest to her and to members of her Cabinet, that they respect Manitobans, that listen to Manitobans. And that they say we will ensure that individuals will be able to come to committee and be heard with an open mind, and with the respectful sort of value. *[interjection]*

Well, and there again. And I'm troubled by the fact that the member for Riel just simply doesn't get it, that she just doesn't understand that there's no point in having people come when the government has already said we're not going to listen to you. But, I suppose, perhaps, she's reached a level of arrogance in this House, Mr. Speaker, where she just doesn't get it any more, that she doesn't feel the public has any sort of input or value. And that's perhaps why she's slipping down the Cabinet ladder and just clinging on to the last rung.

But I would encourage her—I would encourage her to think about the fact that Manitobans actually have things to contribute at these committees, and we have to be able to go with an open mind.

Now, I'll give credit to the member for Minto (Mr. Swan), he has not indicated, like his colleague from—Minister of Education (Ms. Allan), that he won't listen. He's not said that he's not going to listen at all. So we'll—we were happy to see this bill

go to committee after others have spoken to it, and we can actually hear those individuals.

And I hope that the Minister of Justice, the member for Minto, who's not said he's closed minded, unlike the member for Education—Minister of Education. And so he'll, I hope, listen. If there's ways to improve this bill, then they'll be improved, at committee.

So knowing that the government hasn't at least expressed a closed mind to that, we are certainly willing to see this go to committee, and we hope the government will open their mind on other bills, and also be willing for amendments, Mr. Speaker.

Mr. Ralph Eichler (Lakeside): I do want to put a few things in records in regard to Bill 23.

I happened to be one of those hot rodders back in my younger years, and I was very careful—very careful. I always took my car to the track. And, in fact, I remember when I first started racing, there was a racetrack out at Keystone on the way to the Whiteshell. And that's where racing belongs, not on the street. We all know very clearly that there's a time and place for all race vehicles. And I know, in my younger years, that I had a lot of passion for speed, and certainly knew the right place for that. And there was a place that we needed to go, to be able to have those competitive races. And we certainly want to ensure that safety is first and foremost.

* (15:20)

I know also that whenever we have speeders like that on the streets, and we see it on Sunday night. Both members had talked about that. I know very clearly that, you know, people line the streets of Portage Avenue and they go to the Pony Corral to look at the cars. And the member from Steinbach talked about the cruise night that—and also the Speaker was part of that as well. And I can tell you, it's a demonstration that's so important to get the message out to every Manitoban. There's a place for it, there's a time for it. And certainly I know the Shriners take a lot of pride, in fact, and I know the LG took part in it. And I can tell you that it was a proud moment when I had that opportunity. I actually rode my motorcycle. I rode my motorcycle, my wife and I, and we went down Portage Avenue, guarded in the front, guarded the rear. They blocked the streets, and I can tell you we enjoyed it immensely.

Which brings me to the next point; I wanted to talk a bit just about motorcycle safety and—as well. And we know that safety is paramount and we know that there is the opportunity for a ride for different causes. In fact, my father was riding in the Ride for Sight and—great cause. He was on his way to Gimli and hit a patch of fresh pavement, and we know that when you get on to fresh pavement the oil first comes out of it whenever you have a rain, and so that makes the pavement very slippery. And as a result of that—he was pulling his motorcycle trailer, him and his—my stepmother—lost control of the motorcycle. The trailer went one way. The bike went the other and my father and mother-in-law went with the bike. And my mother-in-law veered off to the side and my dad actually hit the motorcycle. I know they were going to say, well, what's the relevance to the bill?

But it's about safety, and no matter how careful you can be you always have to prepare for the unexpected. And whenever we see, whether it be a hot rod or a motorcyclist take matters into their own hands and speed, certainly we know that we have the opportunity for an accident. And we want to make sure that we do everything we can to make sure it's safe.

And I just, I want to echo the comments from the member from Steinbach in regards to the member from Riel. I'm a bit disappointed that she wants to ram this legislation through. The more we talk about issues, the more we talk about issues the more open concept we have to an open mind. And I have said this time and time again—*[interjection]* And she's trying to shot me down from her seat, but that's not going to work. I can assure you, Mr. Speaker, that I won't be intimidated by any member of this House when it comes to having what I want to say. And that's what committee is all about—that's what committee is all about: to make sure that we listen to those folks. Those folks are—*[interjection]* I know, she's trying it again, but it's not going to work. It's not going to work. I'm not going to take the bait and sit down. I might just talk another 15 or 20 minutes, I'm not sure yet.

But I can tell you that I'm looking forward to this bill going to committee. And I know the hot road association, the motorcycle association, all the car clubs, they're really focused on this because they're focused on safety as well; they want to be able to identify, they want to be part of the group that said we are part of the solution not part of the problem.

So anytime—anytime—we can work with our—the people that put us in this great building, that give us the opportunity to debate these issues is what it's so important about.

So, when we look at Bill 23, we know that there's going to be a number of presenters on it. We really don't know at this point, but until we get to committee we really can't decide that.

And that's why we wanted to come back early in the year. We had an opportunity, 10 days—10 days—to talk about legislation for the number of bills that we have in this House; 48 bills—48 bills we've talked about in this House, or at least we're trying to talk about. So he brought us back April the 16th to talk about bills, and this is one of the bills that we think we should be talking about.

So without 10 days, the opportunity—*[interjection]* And I know, probably there's all members of this House want to get up and talk about it. But, obviously, the government will have the opportunity to do that and we haven't seen that debate. They say they support it, but whether or not they're going to get up and talk about it will be another thing.

But we can encourage those people, those people that want to drive in to committee or partake in the debate have that opportunity. We certainly will encourage them to do that.

So with those few words, we look to see—and it to go to committee. We like the opportunity to hear what Manitobans have to say. And first and foremost, safety, No. 1.

Hon. Jon Gerrard (River Heights): Mr. Speaker, just a few words on Bill 23, The Highway Traffic Amendment Act, dealing with Increased Sanctions for Street Racing.

First of all, I notice that the Minister of Local Government (Mr. Lemieux) has been driving from his seat, and I wonder if he's been out there street racing or, hopefully, he's been trying to prevent it and stop it as, in fact, he should.

The goal of this legislation and I hope the intent of all the members of this Legislature is to make sure that we're reducing and ending street racing because of the problems with accidents, fatalities and problems and there is, as the member for Lakeside (Mr. Eichler) has already pointed out, a proper place to be doing racing at the track and a lot of people enjoy racing at the track and maybe that's

where the Minister of Local Government (Mr. Lemieux) was trying to race, although we haven't built a track in here yet.

But I think, Mr. Speaker, we should make sure that people have the opportunity to enjoy racing at the track, and being done well, under proper conditions, appropriately supervised with the usual safety measures and so on and to avoid the problems of racing on our streets and the accidents and the fatalities, from time to time, that that can lead to.

Certainly, I want to pay tribute to Ross Holt who has led on numerous Sunday evenings over the last many years a group of people, including very often the chief of police, sometimes the mayor, sometimes some Cabinet ministers. I've been along for quite a number of these rides down Portage Avenue, and just to try and demonstrate that there is an appropriate way to tour down the street with interesting cars. Many of them were from the Khartum Shriners but there were other vintage cars along and certainly to demonstrate to young people that there's an appropriate way to tour with cars at-well within the speed limit and done appropriately and without having any danger to members of the public or other people who are driving or people who are, you know, along the street as-watching what's happening. I think it's a big credit to Ross Holt, the effort that he has made, to increase awareness of the issue of street racing and to decrease the racing on our streets as it's occurred, particularly on Sunday evenings.

I think there are—one aspect of this bill that I would, Mr. Speaker, specifically comment on is section 242.4(18)(c). This deals with, if a driver doesn't hold a valid driver's licence or out-of-province driving permit, he can or she can be disqualified from holding a driver's licence or motor vehicle in Manitoba for seven days. Presumably, if they don't have an appropriate driver's licence that there's likely to be other measures taken because of a lack of a driver's licence and certainly one of the things that, you know, hasn't been perhaps adequately discussed is the fact that when you have street racing, you may have, in fact, multiple offences: people who are speeding, people in this instance who are driving without a licence, and certainly one would expect that the severity and the stiffness of the penalties would reflect in some instances where there are multiple offenses, the multiple nature of these offenses and result in appropriate fines as well as

the loss of the use of the vehicle and the loss of the ability to drive for a week. It is a significant issue in our province. It's been a significant issue in other jurisdictions and this is a reasonable measure so long as there's adequate public information about the increase in the fines. I think that that information often is a deterrent in and of itself and so we should not hesitate to make sure that the increased penalties are—people are aware of them because even that awareness can decrease the amount of street racing, and, of course, that's what the penalty is meant to do, is to prevent street racing in the first place and not just punish people after it's happened.

So, with those few remarks, Mr. Speaker, I will pass it on to other MLAs who may want to comment.

* (15:30)

Mr. Speaker: Is there any further debate on Bill 23?

The question before the House is Bill 23—second reading of Bill 23, The Highway Traffic Amendment Act (Increased Sanctions for Street Racing).

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

We'll now proceed with second reading of Bill 25, The Statutory Publications Modernization Act, standing in the name of the honourable member for Brandon West.

Bill 25—The Statutory Publications Modernization Act

Mr. Reg Helwer (Brandon West): I'm pleased to rise to speak to Bill 25, the statutory publications and modernization act, and that is indeed a somewhat formidable bill, Mr. Speaker, as someone spent a good deal of time going through changes that are necessary to deal with these issues. And I do remember listening to the brief on it and the individual involved was certainly very passionate when it came to this environment, and as well they should be. This is indeed something that is a great idea moving into the 21st century of electronic documents.

Well, it's been available in other areas for a very long time, and now it's good to see that the government is finally paying attention to some of the things that are happening in the world and they're going to move ahead with this one. So a

change that is often—I should say—that should have been made a long time ago and, of course, in here, in this particular bill, it does deal with—a good part of it—in terms of what is going to be the official act. Is it going to be the printed one? The electronic one? Is there an opportunity down the road to move to the electronic one as the official act, and how do you make sure that that particular electronic item is only accessible by the people that are allowed to change it?

You know, we have various online 'wikis', as they're called, Mr. Speaker. You may have been on some of them that changes happen very quickly, and sometimes malicious, sometimes through fun, but those things happen where—I've even seen such things happen as Elkhorn might be the capital of Canada at certain times, depending on who puts what or posts what on these particular areas.

So it does need—we do need to make sure that changes like that are limited by what people are able to do so that the—if the—eventually the electronic act does become the one that people are going to rely on as opposed to the printed act that we make sure that there is only one act that people are referring to, much like what you would see in the measurement world. I'm sure you know that there are standards in place for weights and measures and, indeed, there are atomic measurements that they use, but originally there were also actually physical measurements of a kilogram or a kilo, that type of thing that—a gram—so that people had an actual physical understanding. And those particular items were checked every year to make sure that they were, indeed, the standard and that they were correct, that they weren't losing any weight or length or whatever. So all of those things need to have some areas that they're checked on to make sure that they're correct.

There is, as in many of the things and I, you know, as a—I have to say, a layperson, I'm not a lawyer—reading government bills that are crafted by, I'm sure, some legal opinion that time or another is often perplexing. And when I see here on this particular bill on page 14, the effect of non-publication in section 19(2), it reads very interestingly, I think. It says: except as otherwise provided in an act, a regulation is not enforceable against a person until the day after it is first published by—on the Manitoba laws website—unless the person has actual notice of the regulation. So I think that might be somewhat termed circular reasoning, and maybe it's something that we need to

check. It might be something we'll hear about in committee, if this moves into committee, and I'm sure it may. So those are areas that, you know, when we—when the public looks at our bills, Mr. Speaker, they need to be clear, I think. They need to be understandable and that's one area we might want to spend a little bit of time on.

So this is an issue with electronic data that we see in a few areas of this government. There was some talk about electric submission in a previous bill to the courts but not the outcome of the courts.

The—we've been spending a considerable amount of money on electronic health records and one has to wonder, Mr. Speaker, if these are silos that we're creating within the government or indeed there is an ability to learn between them because, while medical records have a different intent than publications, they nonetheless are legal documents and they need to be treated as such and maintained as such and some of the security does indeed need to be the same because these things, obviously, the change over time—the methods of storage change over time, and now we're making a step here to go from paper to electronic.

And I think if you go back, you don't want to go too far back in time, Mr. Speaker, but back to my university days when we were dealing with computers at Brandon University and at that time it was a mainframe, a vac system that the university had access to, and to program the computer, you had to go to another physical device that actually punched holes in a small card and you wrote your program essentially by punching holes in this computer card and filing them all hopefully in the correct order and not tripping on the way to the card reader, where you might spread your computer cards all over the floor and have to reassemble them, miss a comma or something of that nature or anything of that nature, and then hand it over to the individual that would put it into the reader. It would go through there, all the particular punch cards would be read and then the computer would kick out a result and hopefully that was a—result was what you were looking for. Sometimes it was a result that was a little mystifying, so obviously you missed something in the programming and you'd have to go back and redo it.

Mr. Mohinder Saran, Acting Speaker, in the Chair

But that was the early days of my experience of the computer and we even had in our company an early version of an Apple computer, probably

something if we had kept—I don't think I kept that particular one—it would be probably quite valuable today. I think it was an Apple II and it was a stand-alone computer with a dot matrix printer attached that we ran blends on. So certainly not networked at all. It did not interact with our general ledger system. We had to go through the—entering the blends on that computer and printing them out and weighing them and then going back and entering that into the general ledger. So certainly we've come a long ways today where all of those things are indeed connected together, but that does also raise the issue of security, as I've spoken of with these electronic documents and who has access to those types of things. And programs change over time and we know there are going to be different legacy issues that this government will be dealing with in this particularly—particular act.

We look at legacy systems. Even when I think to ones that I operated on in the United States when I attended university there; Excel was the spreadsheet of the day and everybody understood that that was the one that was the leader. I think it had about 99 per cent of the market. I know I did some work on another one called 20/20 and it was trying to get the crown away from Excel. I did some work for a professor there to write a bit of a manual for it, but indeed it was—or sorry, it wasn't Excel; it was the Lotus 1-2-3 was the leader, I should've said. And 20/20 was another one. Excel was something that was not even envisioned yet by Microsoft because Mr. Gates was still operating on the DOS at that time. I think we were in DOS 1 or DOS 2 perhaps and certainly is something that the spreadsheet world was not able to deal with.

* (15:40)

When Excel first came out, it was an awkward program and people didn't pay much attention to it; Lotus was the leader and had the lion's share of the market there. And indeed it is a business case study at this point now because everybody ignored Excel until Windows was launched, not Windows 1 necessarily—that was just an interesting little piece of technology. When we got into Windows 2, Excel became much more powerful and you started to go into networking. Then those opportunities came around to make that program much more powerful and pretty soon it was—I think, within a couple of years Excel was the dominant program in that market and Lotus had all but disappeared. Lotus 1-2-3 was no longer a popular program.

And so those are some of the legacy issues, I'm sure, that this particular act has to deal with. We see that they go into a lot of related consequential amendments that speak to different acts that have to be amended, and it is quite the task to go into all those other acts to see where electronic documents would be present and would be necessary and how they would be managed. So that's, indeed, something that takes a—quite a bit of time to go through in this particular act. And we want to make sure that electronic documents as they're described here are applicable to all those other acts, that they're useable and, indeed, they will make life easier not just for legislators and for civil servants, but also for the public, because access to information is a very important area of our world, and I'm sure you're well aware of that.

When we look at some of the things that have evolved over time—we had rudimentary messaging on some of those university computers that I spoke of. You could send a message from terminal to terminal, but it was all in an enclosed system, had to go through the central computer and was only a few lines. Often you didn't know who it was coming from. So all of that interconnectivity is something that we now come to expect, and people see it on their smart phones and other devices, and they expect to be able to access things of this nature—electronic documents. So not only when we format these documents do they need to be retrievable from devices such as desktop computers and laptops, but now people also expect them to be accessible from the variety of other smart phones that they have available on the market—that you can not only access some of these documents, also perhaps download them and read them on that screen if your eyes are, indeed, good enough to read them. As I'm sure, some of the others in this House, I need to wear glasses now in order to read electronic documents on a device, but nonetheless there are many that that's the way that they deal with their lives, and they want—they not only want access to things of this nature, but they expect it. So it's high time that we put legislation of this type in order and made sure that those documents were available to the public.

It is, though, interesting, I guess, when I look at this, it talks about this bill being an online— putting emphasis on online publication and it also, in doing so, drops many of the former requirements to have items republished or published in the Gazette. And there is going to be some retraining necessary,

because Manitobans, in a certain way, are used to looking for things in the Gazette so that they know when things are going to change, when legislation is changed, when regulations have changed. And now the onus is on Manitobans not just to check on the Gazette, but also to look at the electronic documents themselves.

So there is a level of complexity there that we want to make sure is dealt with, and simpler is often better. So it does—it is a system that needs to be accessible, easily accessible by Manitobans around in various places so that we make sure that not only are Manitobans aware of changes to legislation, but they can easily access the documents and see how that—those changes will impact their lives and their businesses and, indeed, make any changes to commerce or anything else of that nature that must be required by that legislation.

So that is, indeed, something that I'm sure will probably take some education, and I spoke to education several times here and a very important part of it all, and my education is something that is a critical part of my life. And when I look back at some of the things we dealt with in various areas, and especially in the computer world, where we saw computers go from stand-alone devices that were worth several thousand dollars to something that was networked—and initial networks just made printers available so that you only needed now maybe one printer for 10 devices. Often, it was a five- or 10-device network that you could purchase and was sitting on top of the operating system you had there. So you had to manage that network as well.

And then often that network evolved and then we saw messaging between computers start to appear and, indeed, when things like the Internet started to appear where people could actually connect to the rest of the world while sitting in their office or their house, and that changed things again considerably.

You know, I can think back to a time where, in graduate school, IBM gave the university, our department, I think they gave us several IBM computers to use that were worth about \$10,000 each at that time, plus some printers, and they couldn't talk to the HP computers that we had in the adjacent room because it was a totally different operating system and different software. And nor could they talk to the Apple computers that were around at that time as well.

So now we see devices are able to communicate quite easily. There are still some hiccups here and there. And you can't possibly test every device to make sure that these programs are available. But I guess what we're looking at here is that the government is going to make sure that they're particularly—particular publications are present and are legal and are available on this type of an infrastructure so that people can access them from other devices, and the device may have to download a particular piece of software in order to access that document or they may need to make some changes, but the onus there is on the particular user of that device, as opposed to the government.

So you make the product available and you make the report, the regulations, the acts available online, and individuals are then going to have to make sure that they can access them in a way that makes sense. They're going to have to make sure they can access them in a way that doesn't delete anything from the document, because changes to that document may have tremendous ramifications. If you're viewing an online document or downloading an online document and the device you have makes changes to it and you interpret it in a different way, well, there could be some serious ramifications, and those are things that I'm sure we'll have to make sure is well covered off in this particular act so that there is, as I said, you go back to the core act, use it as the publication at this time that it is actual printed publication, that's the one that's correct.

But then we talk about the electronic document, and there are—often we see errors and omissions that need to be corrected, and that's where we see some of these bills come to the Legislature. I think there's one coming up not too far down the road. It may even have been yesterday we were going to talk about particular amendments to acts, or it's yet to come forward, legal changes in order to correct misspellings, in order to correct translation into French or from French, and all those things need to be moved along as we go through here.

So we have the printed version, and then we have the online version. Obviously, the online version is easier to change in that regard, and so I'm sure, as we move along in time, we may find that the printed version, while it's a document that we need to change and we need to amend, it may, in fact, become easier to say that the online version, if there is a dedicated version there, that may, down

the road, become the one that is going to be the correct version, as opposed to just reprinting all the time just to change a comma or to add a space or to change a word.

* (15:50)

So it does open up some interesting discussions. And when you change that online version, obviously, what we've seen in this act is it then puts the onus on Manitobans to make sure that they are up to date on the changes. So notice of change is not something that we deal with here, but Manitobans, I guess, are going to have to look at these documents fairly often, then, to make sure that any changes that are made—to know—so that they know what the changes are and, indeed, are aware of how that may or may not impact their lives, their commerce, their business so that we make sure that everything is moving ahead in appropriate fashion.

And then we need to talk about things like storage and, indeed, storage is something that the costs have come on—come down considerably. But, nonetheless, how you store documents is a question and how you secure those documents is indeed another question. Because when we see storage, you are right now able to take documents on-site off—or off-site, sorry—in pretty small, little zip drives. And what is the security that is dealt with there? And as you use drives of that nature you also have a difficulty of, perhaps, introducing viruses to the system.

So the limitations to the system are—these electronic documents, they are accessible to the public, but are they immune from viruses? And we've seen some targeted attacks in the last several years. Obviously, there are people that have way too much time on their hands. I don't imagine that the Manitoba government is one of their targets, but you never know where someone might just decide that today's the day that I'm going to make life miserable in the Manitoba Legislature for people and I'm going to attack their electronic document system or whatever else. Sometimes these things happen.

So I think it's very unlikely, but, nonetheless, that has to be guarded against not only from online attacks but also from viruses that are transmitted, now usually through zip drives—used to be through discs that people used and was often pretty easy to transmit a virus without knowing it. And sometimes they didn't show up for up to a year or a particular

date and you'd walk in one morning and find out that your entire system had been wiped out. So storage is critical. Backup is critical. Are these documents going to be backed up? Are they mirror drives? Are they backed up onto other electronic devices such as tape or CDs or perhaps even off-site into cloud—the cloud computing type of network that we have available?

So all those things are important so that, you know, if we backup this document—and I have certainly had experience in this regard. In our business, we backed up our whole system every night and removed that backup from site so that if there was a catastrophe in a fire or something of that nature, that we would indeed have a backup of our general ledger and all of our transactions. And I have had to 'reese'—come in—I have actually come in one morning and found out that there was a problem with a hard drive or something. It had crashed during the night, or we had a power outage or a spike that got through all the electronic protection and toasted the computer. So we had to, you know, install a new system and restore everything from that tape. At that time, it was a tape. It has since moved to a harder type of a backup, indeed, we've gone to CDs and DVDs and zip drives and, indeed, backing it up online off-site.

Mr. Speaker in the Chair

So all those things can happen, Mr. Speaker, and that is something that we need to work with here because there is a time difference. So if you have a document that is your—let's use our time here today. At, say, 4 o'clock, we backup this document and we have another hour or so of work and there are changes made to that document and the system crashes tonight. So the backup document is an older one. It's not the one that changes were made to. So, when we restore that document, what is the legality? We're still working with a document with—that was pre-4 o'clock and we have made changes to that document after 4 o'clock, as we're going to do today—not make changes to these documents, but we, indeed, are probably going to move them along when we amend documents.

So there comes the question: Which one is the legal one? Is it the one that you restore from backup because you no longer have a document that you made the changes to? You may have had paper copies of it. And those are all questions, Mr. Speaker, that need to be dealt with in this legislation, just small little things that may become

important. We don't want anybody to have an issue on a court challenge because of something as simple as a faulty backup or a time delay on a backup. And those are all issues that we need to make sure are dealt with.

So, as we move ahead, Mr. Speaker, there's also things that you need to make sure—it's an odd little thing, but when you have an electronic document, you have something that's called metadata with it. And what that data is, is it's attached to the document and it actually talks about the computer, the device that that document was created on, and the individual, most often. If the piece of software that was used is registered to an individual, that's all in that data. Some of that information may be personal and some of it may be private. And access to that information is something that we may want—do limit—want to limit. Because you don't necessarily—in this regard, is it something that you want to see on an online document, who has made changes to that document? Or, perhaps, it is—perhaps, you do, indeed, want to know who has made changes to that document, and when, so that you can track those changes and make sure that they were, indeed, made legally.

So there's a question of how you would use that metadata, and who would have access to it, how you would be able to view it, do you even know it's there. In most cases, Mr. Speaker, a number of people aren't aware when they send an electronic document online, that they have some of that information attached to it, that people who know how can actually read it fairly easily, and find out a great deal about you.

So that type of information, Mr. Speaker, are all things that may need to be dealt with in this regard. Should there be access to it, or should it be limited, or should it be deleted, should it—should you have a different creation system all together, that does not make that metadata available or have it there? And, indeed, are the individuals that are drafting this particular legislation even aware that something of that exists?

So those are the types of questions, Mr. Speaker, that this type of legislation, I believe, needs to deal with. I think it is, generally, a pretty good step forward.

We do have a number of issues, and as we move and transition from one form to another, there are often going to be hiccups. And it's something I've found, as I've introduced new technology to a

company or to an office, often people want to just bring it in—bring everything in, and install it, and away we go. The difficulty with that, Mr. Speaker, is when you have a problem, you don't know where to go to diagnose the problem. So I would often introduce a technology a piece at a time. Sometime it took a little longer than people wanted it to happen. But, if you changed one thing and you had a problem, then you knew it was probably in that device or in that piece of software, as opposed to trying to figure out which one it was and, in fact, maybe having more than one device or piece of software causing the problems.

So, as much as we do complain sometimes about government moving slow, in this regard, I think because of the legality of some of these documents, we need to make sure that they are correct. We need to make sure that the hardware, software, backup systems, accessibility, are all things that work well, and that the public will have access to.

So those are all questions, Mr. Speaker, that I'm sure may come to the fore, perhaps, in committee. It's an interesting act that is going to attract, or not attract, perhaps, too many people, but a lot of legality attached to this act. And in definitions, especially dealing with things like the Queen's Printer, and the other bills that are amended, to make sure that, even in that regard, they're amended not only correctly in the English side, but also in the French version, and they say the same thing in the same way. And those are areas that I don't necessarily have expertise in, but there certainly are people that I know we have available to us, Mr. Speaker, and we want to make sure that all of this works and works well so that the public can access our documents in a reasonable fashion and that they can see what's been done and how the—will impact their life.

*(16:00)

So, Mr. Speaker, with that, I think I'll close my comments on this particular bill. I'm sure there are others that wish to speak to it. So I'll leave off there and thank you for your time.

Hon. Jon Gerrard (River Heights): Mr. Speaker, I want to talk for a few minutes on this Bill 25, The Statutory Publications Modernization Act.

And let me start, first of all, by talking about the general direction here. I have long been, as I think most MLAs know, a strong supporter of

putting documents online, of making sure that they are as broadly available as possible and easy for people to find when they want them at their own convenience rather than having to go and to look them up in paper copies which are stored elsewhere.

I—going back to, you know, the early '90s when I was a Member of Parliament and the use of the Internet and the Web was just beginning, I was fortunate enough to be in a position to get things going in terms of an information highway advisory council and in terms of stimulating in a number of ways access for people online through programs like the Community Access Program, Schoolnet, changing things around so that, at that point whereas when I had to pay per minute—if you were outside of Winnipeg, as the MLA for Lakeside may well remember—so that it was pretty costly.

And we've managed to make the shift, go world in which access is much fairer and more equitable. Although, sadly, under this government the advancement of broadband access all over the province is still in many areas not what it should be. And so that for fast access to material which is—uses a lot of bytes, most of these it probably won't be a major issue, but some of these it could be a major issue if we're dealing with large amounts of material online. And, certainly, there are still places in Manitoba where there isn't adequate Internet access, even particularly in some areas of northern Manitoba. And so we still have to be cognizant of people who don't use the Internet and make sure that we are looking after, as a government, their interests as well as the interests of the many, many who now use regularly online access and online searches and are involved in using the Internet.

I think it's been surprising to me the number of people who, for a variety of reasons, even in Winnipeg, are not using the Internet, generally speaking. And I think that making sure that people have an alternative to the Internet becomes important.

So, as I was talking about in terms of, you know, the move which I think is an important one to have more and more information and more and more material readily accessible online, that this is a good step forward.

On the other hand, in doing this, based on my experience over many years, that there are some particular issues that we need to be cognizant of and, as we move forward, manage them well so that, in fact, we don't end up with a situation where

some people can't access them or, in fact, where they could be changed more easily by somebody who hacks into a system or where there are uncertainties about what the regulations are or are not, because there are slightly different versions in different places. Or, in fact, that we've got a situation where there are some—as a member talked about—some privacy or security concerns.

One of the issues, which, I think, is a reasonable question to ask, is whether under this legislation, the Manitoba Gazette will basically disappear. Are there some residual materials that will be in the Gazette? Will there be a form of the Gazette which continues, or is it completely gone and abandoned? I note that there is some provision for copies of the acts and regulations to be printed by or under the authority of the Queen's Printer and available for purchase, and that this will continue to have official status, so it raises the question about whether the online version is going to be the official version or whether, in fact, the printed version is going to be the official version. And, if there is a difference between the two, how does one, in fact, decide what, in fact, is going to be the official version?

This, I believe, should certainly have been clarified and made very clear here and it should've been clearly laid out whether or not the Manitoba Gazette is going to continue and whether some people, as this suggests, will have to pay for access to this information, whereas others will not—being able to get it online. And those are questions which, I think, are, you know, important issues which we should be able to have access to answers to, and perhaps there will be some more answers coming at committee stage. We don't have those as clear now as we probably should have.

One of the questions, which, I think, arises with—a lot of variety of information that has been dealt with here—there are many different clauses and different types of information and certainly one of the issues here is how will a person easily find this. Now, certainly, there are good search engines and those search engines work well if you've got the right keywords to punch in. But, when there's been a Manitoba Gazette in the past, you know, all these have been in one place and somewhere where people can go to and find, whereas, as I understand it in this legislation, what will happen is that some of this material may be on a whole variety of different websites and so it will be a little less easy to find. And certainly, you know, that's something

that we should be cognizant of and making sure that in whatever fashion they're—they are there that we, in fact, have got easy access to this material, because it's stored in a way that will be very easy to find—the specific information that you're looking for—and also that it's very easy to find what is the official version of an act.

I mean, we are all very aware of false sites, dummy sites, all sorts of things which people have put up on the Internet, and we don't want to have a situation where somebody goes to a dummy site and sees regulations there which are not the right regulations and gets completely misled.

*(16:10)

I think that, you know, the Premier (Mr. Selinger) may be aware of this, because, you know, I know that there have been in the past—and I think there may be still—for example, a Twitter account which pretends to be a dummy—a Twitter account of the Premier's. And sure, you know, it's easy to say, well, you know, this will have the Manitoba stamp on it in some fashion, so we know it's official. But, you know, sometimes in the past people have been very effective in getting dummy sites up which are not official sites which have the wrong information and which look very much like they are the official site.

So we need to be careful in terms of proceeding. It's a good direction to be going, but we want to make sure that people can recognize very easily and find very easily what is the official version as opposed to what could be a dummy or a pretend version or the wrong version or a version that some hacker has got into the site and made changes so that—you know, there was an article recently about a hacker who became, you know, a top force in the security of the Internet because he figured out how to get into things. But there are a lot of hackers out there and there have been sites which have been hacked into and changed, and we want to be very careful in making sure that we have this aspect covered and that we're not going to get changes made to the site by hackers under certain circumstances and that we're going to have the wrong information out there for the general public who are going online and believing they have the right information, but, in fact, not having the right information.

One of the issues that has come up, of course, from time to time—and we all know and presumably the government will make sure that there is a

backup copy of all these materials online—that that storage site is, you know, some distance away so the likelihood of problems at that storage site and the likelihood of problems at the site where the computer is—in Manitoba, hopefully—that has the primary site. Certainly, this issue of having backup storage is going to be increasingly important.

Now, I think that one of the concerns which not enough has been raised about is the possibility that with large amounts of solar activity or other things happening, that you may get electromagnetic rays which could interfere with computer and telecommunications equipment. We've certainly had satellites which have been interfered with. I think we seem to be getting a little better in putting things up so that they're less likely to have these sorts of problems. And I suspect that the storage sites now, for the most part, being used, have some level of protection against such electromagnetic fields generated by solar activity or in other ways. And certainly it seems to me that where we have crucial and critical information, that there should be at least a paper copy somewhere of this information, in fact, more than once place so that we can go and know that there is there an official version that people can find easily.

And, of course, speaking of this, you know, we have a Legislative Library, and it's important that people are going to be able to have access in the Legislative Library to materials, both in a print form, a hard copy form in some fashion, as well as online. And so the—I think that the intent here, which is to get things online as much as possible, that this is an excellent step forward. But at the same time we need to make sure that we have covered the concerns for the issues that could 'arise'—arise if there are problems.

I think that the concept of putting things online, which is good, and the ability to have a lot more material online, also raises some interesting questions about not just access or one-way access to information but there being an easy, interactive situation where if somebody is searching for something but can't find it, if somebody has got a question about something that they find online that they can in fact, you know, submit that question to an authoritative source inside the government and get an answer.

I think in the long run having one location where there is this resource for Manitobans—and, of course, if it's online it would be for others

potentially, too—but a resource for Manitobans so that if they have an issue or a question with something that they're finding in terms of material which is put online under this act, that they can go and here's a one-stop online place where they can submit a question and get an answer within a reasonable period of time. This is something that would be quite helpful for many people who are using the Internet but, perhaps, particularly for those who are not as easy or as used to using the Internet. But I believe just as, you know, we have moved to have greater access to 311, 911 services, getting information from municipal or provincial government, that, in fact, there needs to be a site where there can be online questions and answers received in a way that people will know that those online answers are authoritative answers and if that was put in one place in government as a central information site, that it could be extraordinarily useful.

I give, Mr. Speaker, a good example of this sort of issue was actually in the flood of 2011 where there was all sorts of documents available, decisions made, many people felt that things weren't communicated as easily as they should have been, some people had trouble finding things, there were complicating factors in terms of filling out forms, et cetera, et cetera. And it would have been—in fact, we recommended in our report on the flood of 2011 that there be a single site where people could ask questions very easily and get help with submitting their claims for compensation or appeals or what have you. And what happened was that the government had a very fractured communications system and that surely if you had as, you know, we now have in Health and it's important to remember that when it comes to, you know, health line that a lot of people are working online by telephone when they're coming in with questions just because, frankly, a lot of people still feel a lot easier in asking questions by phone rather than online. And I think that the combination of a phone and online access for aspects of government information could in fact be an important, you know, step forward which would be helpful in allowing more friendly access for citizens and for citizens all over Manitoba.

* (16:20)

I believe that doing this would also save quite a bit of time from, you know, civil servants who are trying to deal with, you know, their own specific areas. If there was a general pool of online and

phone information accessible and that people could go to readily. So I think that there's an opportunity to take what's being done here and perhaps even to go the next step and create, you know, readily accessible online interface by phone and by computer through the Internet to make sure that, you know, we're able to get information. There are always, when you make a large switch like this which, you know, we need to do, we want to make sure that the bases are covered in terms of security and backup on all these things, but there're inevitably issues and there is an assumption sometimes either that people will have access because it's online or because you may have sent an email and that somebody has actually received it.

I had an example today of an email which had been sent which I didn't receive, and we're still actually trying to track this email down in cyberspace and get the information that I need. When things don't go precisely smoothly as you would expect and people are making a lot of assumptions that information has been received when it hasn't been, then it becomes very important to have some mechanisms tied in with putting this kind of information online that will be the safeguards to make sure that the quality of the information is good, that there's the ability to easily ask questions and get answers and the ability to have assurance, you know, as to what is the real official regulation as to what, you know, might be some dummy or a hacked in and altered regulation.

So I think that in moving forward and, hopefully, at the committee stage we will have some further analysis of this. I note that, you know, I've had some help in looking at some of these issues from a number of my staff, and they have listed here item after item, you know, that needs to be looked at and have made sure that, you know, we need to have covered all the issues that could arise. And so that's part of the reason for speaking at some length on this bill and making sure that the information is more readily available rather than less readily available. We have seen from time to time that this government has had registries which have in some cases actually been terminated.

I have a question here: Are all Crown-like leases going to be online as well and, if not, where will they be? The current Manitoba law's website lacks some data bases and archives. You know, what happens to an archive of previous legislation so, in fact, you can compare and understand what the changes are? You know, it's pretty important

that we have the current legislation, but it's also important that somehow, very clearly and so it's not confused with current legislation, you know, that previous legislation is already available for searching.

The issues, as well, it is—I suggest when we're getting into, you know, for example, The Certified Applied Science Technologists Act, which is described in section 10 or section 10 of that act—it says The Regulations Act doesn't apply to the association or any bylaw rule or resolution 'made'—made by the association of the board of directors continues with the proposed replacement and, in fact, the proposed replacement could make the certified applied science and technologies act subject to this act. Is there a reason that it wasn't previously and should be now? So, some clarification under situations like that.

The—another example: the amendment 37(2) simplifies section 6 of The Coat of Arms, Emblems and the Manitoba Tartan Act, clarifying it as a regulation instead of an order to be interpreted as regulation. So that simplifies, and that's actually a good thing.

The—there are some instances where it would probably be smart to have some redundancy in which acts are placed in more than one place, but you need to make sure that if an act is changed in one place, that it's changed in all places. And so this is an important issue and particularly in relationship to electronic security of web-source documents.

The Conservation Districts Act states that an order-in-council establishing a district is not a regulation under the current regulations act. Repealing it means that a district established in order-in-council would fall under this act. You know, does this give teeth to the districts established by order-in-council? I think that there are some issues on an ongoing basis that need to be looked at as you go through carefully, section by section.

And the—where are we here?—just as I wind up, I think that the—I pointed out a substantial number of areas where there can certainly be some improvements, and, certainly, it will need some very careful attention to detail as we go through this in committee stage to make sure that there haven't been some issues which have been missed or haven't been made adequately clear enough.

And I think I've covered the main number of points that I wanted to talk about. And, certainly, as a bill which is as large and as comprehensive as this and covers so many items, that the detail certainly needs to be looked at pretty carefully, and we need to make sure that we're not missing items that should have been caught which could then cause us problems later on.

Mr. Speaker, with that summary, this covers my comments on this act, and I look forward to hearing more comments from others in this Chamber at this point.

Mr. Kelvin Goertzen (Steinbach): It's a pleasure to put a few words on the record regarding this particular bill on electronic measures within the justice system. And I am glad to see that the government, the NDP, is trying to come into the new era. They finally learned about electronic record keeping. I remember asking the former, former attorney general, the member for St. Johns (Mr. Mackintosh), about electronic monitoring at one point—it wasn't that long ago; I think it was about six years ago—and he said that, even though electronic monitoring was common across the country, even though electronic monitoring was being used across North America, even though electronic monitoring was being used internationally, we couldn't use it in Manitoba because they couldn't get the batteries to work. The batteries didn't work on the ankle bracelets.

And I kind of, you know, shook my head about that one, about how it was that you could use this technology in virtually every other jurisdiction in North America, you could use this jurisdiction almost anywhere, Mr. Speaker, but we couldn't get it to work under the NDP government in Manitoba because the batteries didn't seem to work. And that's what the member for St. Johns, the former, former, former attorney general, had to say at that particular time when we were talking about trying to modernize the justice system and trying to use the technology that was available of the day.

*(16:30)

So now maybe we have a change of heart from the government. Now maybe they recognize that there are things that actually can be done, and we would certainly support the use of electronic record keeping. I think that was a question that was already raised by my colleague as well in regarding Family Services about trying to have those kind of records kept in Family Services. And we know we

are still missing documents. When it comes to the tragic case of Phoenix Sinclair, the documents went missing out of the Department of Family Services. Somebody apparently left the shredder on, and those documents fell into the shredder and they've never been found since. And so we know that there has to be a better way to keep records.

Now, you know, I—that's a little bit more suspicious when there are documents that are pertaining to a highly sensitive case where there are individuals within the government know that that case is going to be the subject of a public inquiry, and those particular documents go missing. That certainly raises a lot of eyebrows because it's not clear whether other documents went missing or whether it was just the documents regarding the case of Phoenix Sinclair.

But certainly we know those documents are gone, and they would've been important, I think. The notes that were contained within them would've been important trying to improve the child-welfare system as a result of that tragic case. And, if there's anything that we could do to help the legacy of young Phoenix, it would've been that. It would've been to ensure that we had full information, that we could've had the best result possible to try to stop this kind of a tragedy from ever happening again in the province of Manitoba.

But those documents have gone missing. They've fallen into a shredder or they've somehow been destroyed or they've been removed somehow, and the government either has been unable to ascertain where they went—they weren't quick enough to look—or perhaps, some suggest, that they weren't highly motivated to try to find out where those documents actually went.

So it's certainly relevant when we talk about electronic record keeping and how do you keep records. And I've had this discussion with the Attorney General, the member for Minto (Mr. Swan), in the past in relation to other issues. I remember a couple of years ago asking the department officials within the department and the Attorney General through the Estimates process about accidental releases because we were finding out that prisoners in Manitoba were actually being released accidentally, that they would just simply be—they'd be walking away. They were supposed to still have their sentence going on, but the door would swing open and out would walk the prisoners. And I suppose they were as surprised as

anybody that they were being released. Surely, they knew where their—or how long their sentences were, but the door would swing open and the Attorney General would just let these prisoners go, and they were accidentally released.

So I said to the Attorney General at the time, well, how does that happen? Because it wasn't one or two, it was dozens, dozens of prisoners in Manitoba who were sentenced to a particular sentence because of a crime who were still supposed to be behind bars, who were supposed to be incarcerated, and yet under this NDP government, the justice—or the prison door swung open and they were released accidentally.

It kind of reminds me of when the Attorney General was just deleting warrants off of the—off the computer system. So maybe that speaks against electronic record keeping because we know that the Attorney General had no problem sitting down with his computer and just deleting all of these warrants, outstanding warrants.

And we were glad that the Winnipeg Police Service came forward and said, you know, you shouldn't do that; you shouldn't be deleting outstanding warrants. You should, of course, leave them on the record so that we can actually go after these individuals because for each outstanding warrant there is somebody who's committed a crime and that there should be somebody who's actually responsible to try to go after that individual. But, of course, the police are frustrated because they weren't able to act on that outstanding warrant because the Attorney General was deleting them. He was taking them off of the system.

And so that was essentially a get-out-of-jail card—free. So we had the get-out-of-jail card—free, when it comes to the deleting of the warrants, and then we had the get-out-of-jail card—free, when it comes from—to the accidental releases because the Attorney General was just letting people go, even though their sentence wasn't done.

And when I asked the question about, well, how can that happen, how is it that the people who are sentenced to a particular jail sentence, the door just swings open and they're told, have a good day, you're free to go, even though they certainly knew, I suspect, that they—their sentence wasn't done, it wasn't complete, and the Attorney General responded finally by saying, well, it's a record-keeping issue. It's a shuffling of paper issue

that sometimes gets lost in the paperwork, and that's the kind of justice system that he was running.

And so there are consequences sometimes, Mr. Speaker, when you don't have a system that is designed the way it's supposed to be, it's not—there's consequences when you don't have a record-keeping system that's efficient and there are different parts of that system can speak to each other and the people who need to access those records can access them. When you're relying, I guess, on the paper version, it's much more difficult to ensure that people have that access.

So that was one of the reasons I'm told that prisoners in Manitoba were being accidentally released. Now, you know, well, we'll see whether or not that this particular change corrects the issue or whether it continues on, Mr. Speaker. I hope that there's a correction as result of it, but I'm not entirely confident that there will be because we've heard often from the government when it comes to issues of justice before that they were going to correct things and yet they don't get corrected.

We are still one of the highest violent crime places in Canada, and that's unfortunate because we know that Manitobans—a vast, vast majority of Manitobans—are law-abiding citizens who want a safe place to raise their family and to be able to call their home a safe place. And yet we don't have a government that is dedicated and committed to getting the most violent individuals off of the street and out of the communities that they're in, Mr. Speaker. They are not willing to take those additional steps. Even though they have news conferences and new releases and they make promises and they put out strategies, we don't see the results of that.

So here's another initiative that we hope will help within the justice system, that we hope will help those hard-working men and women who are working within our justice system to do their jobs better, to do their jobs more efficiently. I think that they would want that; they want additional tools to do their jobs more efficiently. But we actually have to see whether or not it works.

And we want to ensure that it works in a way that is beneficial to the system overall. I know that, when there was a new computer system called the PRISM system—PRISM—put into the Attorney General's Department of Justice for Crown prosecutors, it was supposed to track the workload of Crown prosecutors.

In fact, it did track the workload of Crown prosecutors, and we were able to obtain those statistics for a number of years. And we would find out, much to the embarrassment of the government, that there was 320 or 350 or 400 different caseloads per each individual prosecutor, Mr. Speaker. And that's a 'termendous' workload. And, you know, difficult for each Crown attorney to deal with so many cases.

But we were able to find that out because the PRISM system, the computer system, tracked that.

Now more recently those numbers were asked for and we were told they weren't available. Now that was confusing, of course, because they were available before under the PRISM system, but now we are told that they were no longer available. So it didn't make sense.

But what's happened is they just simply don't track it anymore; they don't press the few buttons needed compile the information, so they don't have to release it to the public.

Oh, that's not why the system is there, Mr. Speaker; it shouldn't be there to deny information to the public that's easily accessible, that could be with a couple of strokes of a few buttons, could be obtained. You know, you shouldn't be using the technology in a way that it doesn't produce the information that it can produce simply because you don't want it to be accessible through Freedom of Information.

So we have—are, of course, naturally suspicious of this government when it comes to issues where they say something is going to improve things, because ultimately they're just trying to ensure that there's not embarrassing information about the government, they're trying to ensure that there aren't things that are going to be difficult for the government to defend in the media.

But that is not what a government is necessarily supposed to do. They're supposed to put in place policies and principles to benefit the government—or to benefit the people of Manitoba, Mr. Speaker, not to protect the government.

So we have some trepidation about how the government would ultimately use this particular technology and how they're going to use it to better things, Mr. Speaker.

But, you know, we look forward to it going to committee. We'll hear from Manitobans, I'm sure,

who have ideas, those who are interested in having to speak about this particular bill, and I'm sure the Government House Leader (Ms. Howard) will organize that committee in due haste and will be able to hear those ideas.

And I certainly hope that the Attorney General, the member for Minto (Mr. Swan), goes to the committee with an open mind to hear from Manitobans. He hasn't said that he won't, so I'll trust him.

And I'm glad that the member for Gimli (Mr. Bjornson) brought up Bill 18 because it's exactly the contrast where the Minister of Education (Ms. Allan) has said: I don't care what people think; I'm not going to listen to them. And that's certainly one of the reasons why that bill isn't proceeding because the Minister of Education has closed her ears and closed her mind, Mr. Speaker, and says she is not going to listen to anybody.

* (16:40)

But the Attorney General hasn't actually said that on this particular bill, Mr. Speaker. The Attorney General hasn't said, I'm not going to listen to Manitobans at all. I'm not going to listen to anybody. He hasn't said that, so we're going to take him at his word that, in fact, he is going to listen to people at committee where there are suggestions. And I hope that he would go to his colleagues, the Minister of Education and say, that's actually how you respect Manitobans. You don't tell them, I don't care what you think. You don't tell them, I'm not going to listen to you.

And so we're happy to see this bill go to committee, because we know that people who are coming to committee might actually be listened to. *[interjection]* Now, I don't know. I can—I think that the Minister of Education has gone off the rails, Mr. Speaker. I don't know if she can—I can't actually hear what she is saying other than I think she's gone off the rails. But, if she's able to compose herself, I'd be happy to actually hear any comments that she has to say.

But more importantly, I think what is really important is that she would listen to Manitobans, that she would say to those Manitobans, I'm going to listen to the ideas that you have. I'm going to listen to the things that you might think are important. That would be the respectful thing to do, instead of, you know, of saying that I don't really

care what you think, which isn't very respectful for any minister of the Crown.

So I'm glad that the Attorney General, the member for Minto, hasn't said that. He hasn't put that on the record, and as a result of that, we're willing to let this bill go to committee, because he hasn't been as closed-minded as his colleague, the Minister of Education.

Thank you very much, Mr. Speaker.

Mr. Speaker: Any further debate on this bill?

The House ready for the question?

Some Honourable Members: Question.

Mr. Speaker: Question before the House is second reading of Bill 25, The Statutory Publications Modernization Act.

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

We'll now move on with the next bill for second reading debate, and that's Bill 34, The Property Registry Statutes Amendment Act, standing in the name of the honourable member for Charleswood (Mrs. Driedger).

Is it the will of the House to leave it—name—to remain standing in the name of the honourable member for Charleswood?

An Honourable Member: No.

Mr. Speaker: I hear a no. Leave has been denied.

Is there any further debate on this bill? The honourable member for Brandon West has the floor.

Mr. Helwer: No, I had 36 as the bill, Mr. Speaker, that I heard the Government House Leader (Ms. Howard) talk about. Was there a correction there?

Mr. Speaker: Perhaps I am in error. Yes. I have the wrong one identified in my notes here. My apology to the House. Erase what I just said a few moments ago. Strike that out and I'll correct the record here. Thank you for that correction; I appreciate that.

We'll now call Bill 36, The Public Guardian and Trustee Act, standing in the name of the honourable member for Brandon West (Mr. Helwer). I hope that's right.

The honourable member for Brandon West, thank you for the correction.

Bill 36—The Public Guardian and Trustee Act

Mr. Reg Helwer (Brandon West): Mr. Speaker, I'm pleased to stand to speak to Bill 36, The Public Guardian and Trustee Act.

And, yes, there was some wondering here among the members if we could ask to do that—to delete things that we've said but, anyway, we'll move ahead with this one.

In—as many of these bills brought forward by Minister Swan, Mr. Speaker, this is an interesting bill to look at and quite a different one. Obviously, it makes a lot of changes that we see coming forward here.

And the Public Trustee's office does, indeed, provide a vital service for Manitoba. When an individual or a person is not able to make decisions for themselves and no one else is perhaps willing or able to act, the Public Trustee must then step in and help make important decisions on behalf of the individual.

And oftentimes, Mr. Speaker, these are challenging times for families. It may come up—come along or arise as a death in the family. It may arise from several circumstances—perhaps legal proceedings, perhaps mental health issues. So, indeed, it is often a very difficult and trying time for the family, and you want to make sure that the family is protected, obviously, the estate protected, and the Public Trustee is sometimes necessary to do that, to act on behalf of members of the family. They may not be able to act for themselves for whatever reason that may be.

And I'm sure, Mr. Speaker, you have had times when you had to go through very trying times. And, when you have a death in the family, there is a lot of circumstances that take your focus and take your concentration. And, indeed, emotions colour a lot of things, and we want to make sure that people are taken care of.

When you have a tragic occurrence, perhaps logic and reason and ratiocination are not things that come to the forefront, and there are often legal requirements that come forward in an estate that families have to deal with. And that may be the last thing, indeed, that they may have the capacity to deal with at that time because when you have a death of a close family member, that is the issue that you're dealing with, Mr. Speaker. And then you have people asking, perhaps asking you questions on how do you want to deal with this, how do you

want to deal with that. If you have not had a role in those types of events and has not been part of your expertise, that certainly is a very difficult time, and it is difficult to make decisions that are reasonable at that time.

And we do see certain times when we have a death of an individual in a family that that is a time where families sometimes are drawn together, but often they're driven apart, and an estate can often create conflicts within a family. And then you do have the extended family, as well, that comes into the equation, as well, with advice that may be good or may not be good. And sometimes the Public Trustee, I'm sure, needs to step in and make sure, on behalf of everything—everyone, that everyone is appropriately taken care of.

You know, we have many stories in Manitoba of elder abuse, unfortunately. It is a component of our society. And the 'explant'—exploitation of vulnerable members of society is, indeed, something that we need to work on and make sure that they are protected, and that people are in place that can step in, on their behalf, and make sure that the appropriate safeguards are put in place, that the appropriate legal issues are dealt with, and that, indeed, these vulnerable members of our society are protected for their own good, Mr. Speaker. And some of these solutions are, indeed, found in the office of the Public Trustee, if we were looking for solutions of that nature. And, indeed, members of that office do important work to help vulnerable Manitobans.

Now when I do look through the act, Mr. Speaker, it does deal with a variety, of course, of different things. And when I do some of the—when I read some of the sections in here, it does, in fact, seem to give a great deal more protection to the trustee and the public guardian's department, from the family, I guess. And I'm sure those are—there are circumstances that are necessary. Sometimes the trustee needs to act on the family's behalf, and there may be disagreement in the family in—on how those things move forward.

So there do need to be safeguards for the trustee and the public guardian, but there also do need to be safeguards for the family. And there needs to be a process to make sure that that family is protected and their rights are protected. Not to say that the Public Trustee or the Guardian would do anything that wouldn't be in their best interest, but as you have emotions colour judgment on the

family side, accusations can be made, and there needs to be a common-sense approach to deal with things. But that is very difficult at that time, Mr. Speaker, when we are talking about tragic circumstances, where this trustee or guardian may have to step in, in dealing with estates or other areas that are necessary.

So a very troubling area, Mr. Speaker. It is something that is certainly not an easy task and nor is it easy on the family sides. And there obviously needs to be a balance there.

* (16:50)

We often talk about having a balance in your life, and it's something that has been, perhaps, a little bit more difficult as we moved along in the Legislature here, especially for those of us that are not from Winnipeg but are spending more time here, the lovely city that it is. I do—must say that other cities are lovely as well, Mr. Speaker, and we all have families, I believe, that depend on us and we depend on them, and I can well understand in some of these regards how there are very emotional times that people deal with.

So, when we look at some of the changes here, one of the obviously most prevalent changes, the easiest one to see, is changing the name of the office from Public Trustee to Public Guardian and Trustee, and a little bit more cumbersome perhaps, but it does bring Manitoba in line with other provinces and perhaps it is a better description of what this province—or what this office is involved in.

So this does give the act—Bill 36 does give the Guardian and Trustee a little more latitude with particular funds under certain circumstances, and although we know that this will likely increase efficiency, it does also make sure that the process is less expensive for those involved, because one of the roles of the Public Trustee—the Public Guardian and Trustee—is to make sure that the estate is maintained in an appropriate manner and that there are not fees that are inappropriate or charges that are inappropriate against that estate. And those are things that will enable the trustee to move ahead in this regard. And I also see that the bill clarifies a little bit better when there's conflict between the Public Guardian and Trustee and another person who wishes to act on the family's behalf.

So all those roles need to be clarified, Mr. Speaker, and when you're dealing with a family in

emotional distress, it may not be something that is easy to explain to them, but it is something that, nonetheless, the act does deal with. So we want to make it easy for the families, and any process needs to be made a little bit smoother and easier so that if the family does attain a level that they are able and willing to act on their behalf, that the Public Guardian and Trustee can then move and transition the legal entity or the legal action back to that individual so that we can make sure that, when the family is able to act on their behalf, then that can, indeed, happen.

So that's part of something that can certainly happen under this regard. It is obviously something that's a judgment call on behalf of the office when that is able to happen, when the family is emotionally stable enough to deal with these issues, and that's something that I don't think you can really write into legislation. That's something that the individual is going to look at and make a judgment call and hope that they're doing the best thing on behalf of the family so that the process can move ahead and the family may be protected, the individual, if there is an individual at risk here, may be protected, and we want to make sure that all those things move forward, Mr. Speaker.

So, you know, a lot of things are covered in here, and we want to make sure that, when we do go to committee on this particular bill, that people that may see themselves using the trustee, using this office down the road, that it is clear to them how it would be applied. I'm sure there are lawyers that will want to take a look at this particular act to make sure that it would serve themselves and their particular clientele so that there are no, indeed, abuses that are possible.

And it does need to work on the public's behalf, because it's a very dangerous area here, Mr. Speaker. Giving up control of an estate to a guardian and trustee is not something that is done lightly, I'm sure, and it is a very difficult decision to make, and sometimes people may not be capable of that decision. So there is, you know, an opportunity in here to make sure that the individuals and the estates are indeed protected. That's something that—it's difficult to take that rational judgment away from people, but in an emotional time it is very difficult, sometimes, to be rational. We know when people are ill or for whatever reason, whether it be physically or perhaps mentally, that those types of difficult decisions have to be made and emotions can run high. And you have other family members

that may not be familiar with the situation that are coming in to make their decisions known, and sometimes that judgment is based on emotion not rationale—not rational thought and that's certainly understandable, Mr. Speaker. I've seen it. I've experienced it. You try to deal with it on many different levels. You try to be accommodating as well as—as much as you can, but it's just one of those very, very difficult times in life where you need to make some of these decisions. So there—you know, it's I think an office that is a very important part of our province, and, as we see people dealing with issues, especially mental-health issues, it's an office that is necessary.

There was a time certainly in our past history where mental-health issues were swept under the carpet; people were certainly embarrassed, and that is something that we need to deal with today, Mr. Speaker. In order for people to get help, they need to not be embarrassed of what they or their family members may be going through. And the more I find in circumstances of this nature—when you have issues of this nature or others, the more you speak about that particular issue to friends and family and acquaintances, the more you find others that have gone through a similar circumstance. And while they may or may not give you particular advice, they can tell you about their experience, and indeed their experience can be very helpful in helping you make decisions, in helping you guide your emotions; and reflecting on others' experience is a very useful thing I find, Mr. Speaker.

Often there are obviously people out there that are more than willing and able to give you advice, and sometimes that advice is maybe well intentioned but may not be what you need at that particular time. So sometimes you need to step back and reflect on people's experience and see where they are going with that experience; draw on that experience and use it for your own decisions and your own abilities, Mr. Speaker. So those are all areas that, as I said, are very difficult, and, while we do see that people are well intentioned, sometimes their guidance is misconstrued or even in the wrong direction. So I can certainly see that there is a need

for an office of this nature, and it has some limitations there on the size of the estate obviously that is more perhaps explicit in this particular bill than we've seen in the past. And those are all things that, as we move along, I'm sure will be important for people to pay attention to.

Now we have, of course—when we talk to—talk about children it's a whole—little bit different more sensitive area, Mr. Speaker. And, as an official guardian for children in Manitoba, the Public Trustee would administer those children's trust—trusts when they're required by a law or a court order and, indeed, there is a number of areas and scenarios where they—that might come to the fore, that that might indeed happen. And, again, often I'm sure a very emotional time for that to occur, but it is something that perhaps someone that is a step away from the family may be better able to make decisions for that child or children at that time than the individuals that are particularly involved.

So, Mr. Speaker, I think that as we look to many of the changes in the act—in the bill that this makes to what we have currently, it is generally an interesting approach to how we're going to do these things. I think that it'll often—it'll come out really in—more in practice than in terms of what we're reading here, and as much legislation—sometimes we have to look at it for a second time after it's been in use and see if we need to make changes to it again—

Mr. Speaker: Order. Order, please.

When this matter is again before the House, the honourable member for Brandon West (Mr. Helwer) will have 13 minutes remaining.

And just to ensure that the record is accurate because of my error in calling Bill 34, I want to remind the House that this matter will remain standing in the honourable member for Charleswood (Mrs. Driedger) to debate Bill 34.

And that the hour now being 5 p.m., this House is adjourned and stands adjourned until 10 a.m. tomorrow morning.

LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, July 31, 2013

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