

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

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

Vol. LXXI No. 72 - 1:30 p.m., Wednesday, October 3, 2018

ISSN 0542-5492

MANITOBA LEGISLATIVE ASSEMBLY
Forty-First Legislature

Member	Constituency	Political Affiliation
ALLUM, James	Fort Garry-Riverview	NDP
ALTEMEYER, Rob	Wolseley	NDP
BINDLE, Kelly	Thompson	PC
CLARKE, Eileen, Hon.	Agassiz	PC
COX, Cathy, Hon.	River East	PC
CULLEN, Cliff, Hon.	Spruce Woods	PC
CURRY, Nic	Kildonan	PC
DRIEDGER, Myrna, Hon.	Charleswood	PC
EICHLER, Ralph, Hon.	Lakeside	PC
EWASKO, Wayne	Lac du Bonnet	PC
FIELDING, Scott, Hon.	Kirkfield Park	PC
FLETCHER, Steven, Hon.	Assiniboia	Man.
FONTAINE, Nahanni	St. Johns	NDP
FRIESEN, Cameron, Hon.	Morden-Winkler	PC
GERRARD, Jon, Hon.	River Heights	Lib.
GOERTZEN, Kelvin, Hon.	Steinbach	PC
GRAYDON, Clifford	Emerson	PC
GUILLEMARD, Sarah	Fort Richmond	PC
HELWER, Reg	Brandon West	PC
ISLEIFSON, Len	Brandon East	PC
JOHNSON, Derek	Interlake	PC
JOHNSTON, Scott	St. James	PC
KINEW, Wab	Fort Rouge	NDP
KLASSEN, Judy	Kewatinook	Lib.
LAGASSÉ, Bob	Dawson Trail	PC
LAGIMODIERE, Alan	Selkirk	PC
LAMONT, Dougald	St. Boniface	Lib.
LAMOUREUX, Cindy	Burrows	Lib.
LATHLIN, Amanda	The Pas	NDP
LINDSEY, Tom	Flin Flon	NDP
MALOWAY, Jim	Elmwood	NDP
MARCELINO, Flor	Logan	NDP
MARCELINO, Ted	Tyndall Park	NDP
MARTIN, Shannon	Morris	PC
MAYER, Colleen, Hon.	St. Vital	PC
MICHALESKI, Brad	Dauphin	PC
MICKLEFIELD, Andrew	Rossmere	PC
MORLEY-LECOMTE, Janice	Seine River	PC
NESBITT, Greg	Riding Mountain	PC
PALLISTER, Brian, Hon.	Fort Whyte	PC
PEDERSEN, Blaine, Hon.	Midland	PC
PIWNIUK, Doyle	Arthur-Virden	PC
REYES, Jon	St. Norbert	PC
SARAN, Mohinder	The Maples	Ind.
SCHULER, Ron, Hon.	St. Paul	PC
SMITH, Andrew	Southdale	PC
SMITH, Bernadette	Point Douglas	NDP
SMOOK, Dennis	La Verendrye	PC
SQUIRES, Rochelle, Hon.	Riel	PC
STEFANSON, Heather, Hon.	Tuxedo	PC
SWAN, Andrew	Minto	NDP
TEITSMA, James	Radisson	PC
WHARTON, Jeff, Hon.	Gimli	PC
WIEBE, Matt	Concordia	NDP
WISHART, Ian	Portage la Prairie	PC
WOWCHUK, Rick	Swan River	PC
YAKIMOSKI, Blair	Transcona	PC

LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, October 3, 2018

The House met at 1:30 p.m.

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

Please be seated.

Introduction of New Member

Madam Speaker: I am pleased to inform the Assembly that the Clerk of the Legislative Assembly has received from the Chief Electoral Officer a letter indicating the election of Dougald Lamont as member for the constituency of St. Boniface. I hereby table the notice of the return of the member elected.

Hon. Jon Gerrard (River Heights): Madam Speaker, I present to you Dougald Lamont, the member for the constituency of St. Boniface. He has taken the oath, sign the roll and now claims the right to take his seat.

Madam Speaker: On behalf of all honourable members, I wish to welcome you to the Legislative Assembly of Manitoba and to wish you well in your parliamentary career.

ROUTINE PROCEEDINGS

Madam Speaker: The honourable member for Kewatinook?

Ms. Judy Klassen (Kewatinook): Madam Speaker, on a point of order.

Point of Order

Madam Speaker: The honourable member for Kewatinook, on a point of order.

Ms. Klassen: I'd like to request a moment of silence for Mary Madeline Yellowback.

Madam Speaker: Is there leave of the House to have a moment of silence as requested by the member for Kewatinook? *[Agreed]*

Please stand.

A moment of silence was observed.

Madam Speaker: For the record, I would indicate that that was not a point of order, but certainly one that we respectfully agreed to agree to.

INTRODUCTION OF BILLS

**Bill 224—The Public Schools Amendment Act
(No Disclosure Without Consent)**

Mr. Matt Wiebe (Concordia): I move, seconded by the member for Point Douglas (Mrs. Smith), that Bill 224, The Public Schools Amendment Act (No Disclosure Without Consent), be now read a first time.

Motion presented.

Mr. Wiebe: Madam Speaker, I am pleased to rise in the House today to introduce for first reading Bill 224, The Public Schools Amendment Act (No Disclosure Without Consent). The goal of this bill is simple: is to ensure that every child feels safe and secure in school. It is important that we, as a House, work to protect vulnerable LGBTTTQ* youth and ensure that children and youth feel welcome in school.

This bill would require the consent of a child or youth prior to disclosing a student's participation in a gay-straight alliance.

I am pleased to present this bill to the House for its consideration.

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

COMMITTEE REPORTS

Special Committee of Seven Persons

Second Report

Mr. Kelvin Goertzen (Chairperson): Good afternoon, Madam Speaker. I wish to present the Second Report of the Special Committee of Seven Persons.

Clerk (Ms. Patricia Chaychuk): Your Special Committee of Seven Persons presents the following as its Second Report—

Some Honourable Members: Dispense.

Madam Speaker: Dispense.

Your Special Committee of Seven Persons presents the following as its Second Report.

Your Committee prepared the following list of the proportional representation of Members by party to compose the Standing Committees ordered by the House:

AGRICULTURE AND FOOD (11)

*Government Members: 7
Official Opposition Members: 3
Second Opposition Member: 1*

CROWN CORPORATIONS (11)

*Government Members: 7
Official Opposition Members: 3
Second Opposition Member: 1*

HUMAN RESOURCES (11)

*Government Members: 7
Official Opposition Members: 3
Second Opposition Member: 1*

INTERGOVERNMENTAL AFFAIRS (11)

*Government Members: 7
Official Opposition Members: 3
Second Opposition Member: 1*

JUSTICE (11)

*Government Members: 7
Official Opposition Members: 3
Second Opposition Member: 1*

LEGISLATIVE AFFAIRS (11)

*Government Members: 7
Official Opposition Members: 3
Second Opposition Member: 1*

PRIVATE BILLS (11)

*Government Members: 7
Official Opposition Members: 3
Second Opposition Member: 1*

PUBLIC ACCOUNTS (11)

*Government Members: 7
Official Opposition Members: 3
Second Opposition Member: 1*

RULES OF THE HOUSE (11)

*Government Members: 7
Official Opposition Members: 3
Second Opposition Member: 1*

SOCIAL AND ECONOMIC DEVELOPMENT (11)

*Government Members: 7
Official Opposition Members: 3
Second Opposition Member: 1*

STATUTORY REGULATIONS & ORDERS (11)

*Government Members: 7
Official Opposition Members: 3
Second Opposition Member: 1*

Mr. Goertzen: I move, seconded by the honourable member for St. Johns (Ms. Fontaine), that the report of the committee be received.

Motion agreed to.

Standing Committee on Crown Corporations First Report

Mr. Len Isleifson (Chairperson): I wish to present the First Report of the Standing Committee on Crown Corporations.

Clerk: Your Standing Committee on Crown Corporations presents the following—

Some Honourable Members: Dispense.

Madam Speaker: Dispense.

Your Standing Committee on CROWN CORPORATIONS presents the following as its First Report.

Meetings

Your Committee met on the following occasions in the Legislative Building:

- *September 15, 2015 (4th Session – 40th Legislature)*
- *October 28, 2016 (1st Session – 41st Legislature)*
- *June 25, 2018 (3rd Session – 41st Legislature)*

Matters under Consideration

- *Annual Report of the Manitoba Hydro-Electric Board for the fiscal year ending March 31, 2014*
- *Annual Report of the Manitoba Hydro-Electric Board for the fiscal year ending March 31, 2015*

- *Annual Report of the Manitoba Hydro-Electric Board for the fiscal year ending March 31, 2016*
- *Annual Report of the Manitoba Hydro-Electric Board for the fiscal year ending March 31, 2017*

Committee Membership

Committee membership for September 15, 2015 meeting:

- *Mr. ALTEMEYER (Vice-Chairperson)*
- *Mr. BRIESE*
- *Mr. EICHLER*
- *Mr. JHA (Chairperson)*
- *Mr. MALOWAY (Vice-Chairperson)*
- *Hon. Ms. MARCELINO*
- *Mr. MARTIN*
- *Hon. Mr. ROBINSON*
- *Mr. PEDERSEN*
- *Hon. Mr. SARAN*
- *Hon. Ms. WIGHT*

Substitutions received during committee proceedings on September 15, 2015:

- *Mr. SCHULER for Mr. MARTIN*
- *Hon. Mr. CHOMIAK for Mr. ALTEMEYER*
- *Mr. CULLEN for Mr. PEDERSEN*

Committee membership for October 28, 2016 meeting:

- *Mr. ALLUM*
- *Mr. LAGASSÉ*
- *Mr. MARCELINO*
- *Mr. MARTIN (Vice-Chairperson)*
- *Mr. JOHNSON (Interlake)*
- *Mr. JOHNSTON (St. James)*
- *Ms. KLASSEN*
- *Hon. Mr. PEDERSEN*
- *Hon. Mr. SCHULER*
- *Mr. SMOOK (Chairperson)*
- *Mr. SWAN*

Committee membership for June 25, 2018 meeting:

- *Mr. ALLUM*
- *Hon. Mr. CULLEN*
- *Hon. Mr. GERRARD*
- *Mr. ISLEIFSON (Chairperson)*
- *Mr. LINDSEY*
- *Ms. MARCELINO (Logan)*
- *Mrs. MAYER*
- *Ms. MORLEY-LECOMTE (Vice-Chairperson)*
- *Hon. Mr. PEDERSEN*

- *Mr. TEITSMA*
- *Mr. YAKIMOSKI*

Officials from Manitoba Hydro speaking on the record at the September 15, 2015 meeting:

- *Mr. Darren Rainkie, Interim President and Chief Executive Officer*
- *Mr. Bill Fraser, Chair of the Board*

Officials from Manitoba Hydro speaking on the record at the October 28, 2016 meeting:

- *Mr. Kelvin Shepherd, President and Chief Executive Officer*
- *Mr. H. Sanford Riley, Chair of the Board*

Officials from Manitoba Hydro speaking on the record at the June 25, 2018 meeting:

- *Mr. Kelvin Shepherd, President and Chief Executive Officer*
- *Ms. Marina James, Chair of the Board*

Reports Considered and Passed

Your Committee considered and passed the following reports as presented:

- *Annual Report of the Manitoba Hydro-Electric Board for the fiscal year ending March 31, 2014*
- *Annual Report of the Manitoba Hydro-Electric Board for the fiscal year ending March 31, 2015*
- *Annual Report of the Manitoba Hydro-Electric Board for the fiscal year ending March 31, 2016*

Reports Considered but not Passed

Your Committee considered the following report but did not pass it:

- *Annual Report of the Manitoba Hydro-Electric Board for the fiscal year ending March 31, 2017*

Mr. Isleifson: Madam Speaker, I move, seconded by the honourable member of Seine River, that the report of the committee be received.

Motion agreed to.

Madam Speaker: Tabling of reports?

MINISTERIAL STATEMENTS

Madam Speaker: And I would indicate that the required 90 minutes notice prior to routine proceedings was provided in accordance with our rule 26(2).

Would the honourable Premier please proceed with his statement.

Federal Response to Manitoba's Climate Plan

Hon. Brian Pallister (Premier): Madam Speaker, I rise on a matter of great importance to all Manitobans.

The danger posed by climate change is real. It is serious. We see the evidence all around us: in warmer temperatures, both in the air and in the oceans; in the form of dangerous storms, which happen more frequently; and forest fires of unprecedented intensity and in severe flooding that happens far more often. Climate change threatens our safety and it threatens our economy as well. It threatens our future, especially the future of generations that will follow us.

In response to this danger, the world's nations must each do their part to reduce greenhouse gas emissions and protect our fragile environment. We must reduce our reliance on hydrocarbons by moving to less harmful forms of energy use and production, and as the world works to achieve that important objective, Manitoba will lead the way.

*(13:40)

We are leading the way by eliminating coal-fired electricity production. We are leading the way by investing billions of dollars in the production of hydroelectricity. We are leading the way with a Made-in-Manitoba Climate and Green Plan that is widely acknowledged as the best in Canada.

Our plan focuses on four pillars: cleaner water, conservation of natural areas, effective steps to address climate change while strengthening the economy. It is a plan that will continue our investments in renewable energy while encouraging Manitobans to reduce their energy consumption. It is a plan that will assist local communities in their efforts to protect our watersheds. It is a plan that will clean up contaminated sites, increase recycling, build new schools to the highest standards of energy efficiency and environmental design. It is a plan that will establish a \$100-million conservation trust to preserve and to protect our wetlands, forests, waterways, grasslands and wildlife habitat. And it is a plan—Manitoba plan—that will be implemented without any significant assistance from the federal government.

Last year we received legal advice that the federal government has the constitutional power to

impose a carbon tax, but only on provinces that do not implement plans of their own. The result is our Climate and Green Plan, which is better for our economy and better for our environment. Our made-in-Manitoba plan proposed a flat and low tax just like the prairie horizon, Madam Speaker. That flat rate would provide stability to consumers, stability to businesses, stability to industry and stability to agriculture, and it would save Manitoba families and businesses more than \$260 million over five years compared to the Ottawa plan. Most importantly, all monies collected under our made-in-Manitoba plan would be returned to Manitobans in the form of reduced taxes.

Immediately after unveiling our Climate and Green Plan and on numerous occasions thereafter we sought the federal government's assurance that they would not impose their tax plan on Manitobans. Almost a year after our Manitoba Climate and Green Plan was released it is clear that the federal government will not respect Manitoba's plan. Ottawa has acknowledged that our plan is the best in Canada, but they've also stated that they will impose their higher—and rising—carbon taxes year after year after year.

The federal government would double the tax. This would mean twice the tax for poorer results: double for nothing. This threatens jobs. It threatens economic growth throughout our province, and at a time when Manitoba is making progress in fixing our finances and rebuilding our economy, the last thing struggling families, seniors on fixed incomes, small businesses need is higher taxes. Our government will always defend the interests of Manitobans today, tomorrow and for as long as we are privileged to serve this province and its people.

Manitoba's green plan deserves Ottawa's respect. We are arguably already Canada's cleanest and greenest province. Manitobans are investing billions of dollars in renewable energy without chance for profit for decades to come and without a single dollar from Ottawa, yet we are given absolutely no credit for this. Rather than respect, Ottawa threatens to impose an escalating carbon tax which will take billions of dollars off the kitchen tables of Manitoba families.

Therefore, our course of action is clear: the federal government says Manitobans are not doing enough to protect the environment; we say no. They say a carbon tax is the only solution to fighting climate change; we say no. They claim they have the

absolute right to impose a carbon tax on Manitobans; we say no.

Madam Speaker, we say yes to a cleaner and greener future for our province, country and planet. We say yes to a made-in-Manitoba green plan without a carbon tax.

Mr. Wab Kinew (Leader of the Official Opposition): I'll respond to the Premier's (Mr. Pallister) summertime essay in just a moment, but I did want to put some words on the record to acknowledge—*[interjection]*

Madam Speaker: Order.

Mr. Kinew: —the family of Mary Madeline Yellowback. I think her story was very much received with a heavy heart by people in our city and across our province yesterday. Of course, the news of the discovery of her body, initially, was a terrible tragedy, but to see her family mourning with such stoicism and strength, yet at the same time, an undeniable pain—as a dad, as a community member, it moved me very much. And so I want to thank our sister from Kewatinook for asking for the moment of silence and, also, just to put on the record that our NDP team, as well as, I'm sure, all the members of this House, send our condolences to the family.

And with the inquiry from missing and murdered indigenous women here in town this week, and October 4th, the day in honour of missing and murdered women tomorrow, I think it's all the more important that we commit to supporting families like this, but also ensuring that deaths like this and tragedies like this don't happen anymore.

When it comes to climate change, this is one of the great issues of our time. I think that people will look at the environmental issue 50 years from now the same way we look at the civil rights era. And the way that we stand and position ourselves with respect to these big challenges right now are some of the ways that we will be judged as public servants in the future.

I'm reminded every day of the fact, you know, at home, that this is a very important issue, because I have a four-and-a-half-month-old son at home, and he will be alive, very likely, in the year 2100 when climate scientists paint a very, very vivid picture of global pandemics, migration, rising seawater and inundation of coastal cities all around the world.

And so I have a responsibility, not just as a public servant—same sort of responsibility shared

with the Premier, the other leaders in the Chamber here—but also a responsibility as a parent and a dad to do the right thing.

Now, I've been very clear that I oppose the Premier's carbon tax plan. It will not do enough to help the environment, and it will make life more difficult for families here in Manitoba. We know that there's a paradox at the heart of this plan, which is that it keeps the price of carbon-intensive energy flat while this government continues to cheerlead higher and higher prices for Manitoba hydroelectricity. So they want to make the cleanest energy in this province less affordable, and that just doesn't make any sense, Madam Speaker.

Beyond that, we know that this is a cash grab, plain and simple. Analyses have shown that the government, at the end of the day, will hang onto some \$100 million, almost, in newfound revenue—*[interjection]*

Madam Speaker: Order.

Mr. Kinew: —as a result of the carbon tax that they're bringing in.

Yet, at the same time, show me one new program that this government is bringing in that will help the average family reduce their emissions. They can't do it, because they're not doing anything to help the average family.

We've been very clear: any dollar that comes in the door in the form of a carbon tax should go back out to help families deal with the affordability challenge or to help families—*[interjection]*

Madam Speaker: Order.

Mr. Kinew: —reduce their environmental footprint.

Their plan boils down to this: they want you to pay \$5 more at the pump so you can save 2 cents on a cup of coffee three years from now, Madam Speaker. That doesn't do anything to help the average family in our province, and it certainly doesn't do anything to help the environment.

What we would like to see are programs that would offer no-interest loans to help people buy their first electric vehicle. We would like to see the electrification of the transit fleets across the province. But this government could maybe even just start by not charging the carbon tax on Winnipeg Transit. It's a completely misguided approach to what we should be doing with this tax to—it's

completely misguided approach to what should be happening under—*[interjection]*

Madam Speaker: Order.

Mr. Kinew: —a carbon-pricing regime.

Now, we know that the Premier (Mr. Pallister) and, you know, Justin Trudeau, were standing shoulder to shoulder, and we know that they love this new approach that they're embarking on together—*[interjection]*

Madam Speaker: Order.

* (13:50)

Mr. Kinew: We find an issue where Trudeau and the Tories agree, but as we've been saying on this side of the House for years, Madam Speaker, Liberal, Tory, same old story.

And we know that we're proud to have saved Manitoba families some \$60 million a year because we have delayed the bill that would implement this carbon pricing plan.

And so, again, you know, some of the rural papers were writing, you know, pigs may be flying because NDP leader is saving us tax dollars this year. But I'll take the truth at the heart of that message with the—which is that there is widespread opposition across this province against this Premier's carbon pricing plan. The carbon tax plan is not going to work—*[interjection]*

Madam Speaker: Order.

Mr. Kinew: —and families right across the province understand that it's not going to do anything to reduce emissions in our province.

Now, again, we would like to see investments made to help the average family be able to reduce their environmental footprint. That could be done through the transportation side, through helping people with geothermal retrofits. It could be investments into businesses so that they would be able to green their fleets as well.

But at the end of the day, of course, this all does boil down to that four-and-a-half-month-old, to that 10-month-old—or to that 10-year-old and to the 13-year-old at home. And, again, for the kids in all of our households we have a moral responsibility and an ethical responsibility to do the right thing, and in Manitoba right now that means standing up against this failure of a plan brought forward by the Premier. It's not right. We will—

Madam Speaker: The member's time has expired.

Mr. Dougald Lamont (Leader of the Second Opposition): Thank you to the leader of the opposition. Thank you to the First Minister.

Of course, climate change is one of the most important issues facing all of us, and some would argue that it's an existential issue, especially for our children. It's clear that the climate is changing. We know that the permafrost has moved north in Manitoba by about 70 miles. So there's absolutely no doubt that it's real. We've been saying it's real. The question is what we're going to do about it.

I do want to draw attention to the fact—I believe the government is trying to have it both ways on hydro, in that they want to say—talk about how much they're investing in hydro, but they're getting no credit for it.

And I also want to talk about the carbon tax. The issue with the carbon tax and the way it's been structured in Manitoba, the question has always been who actually pays and how is it going to be spent? And the way that the income taxes are going to be—or income tax cuts are going to be delivered, they're overwhelmingly being delivered to higher income people. So as a result Manitoba's carbon tax is actually going to increase costs for low-income and middle-income Manitobans while failing to do anything to compensate them for those losses.

But I also wanted to talk about hydro, because one of the claims is we're investing in all this money in hydro and that we're not getting any credit for it. Earlier this year where I was very kindly invited by the Minister of Finance to—and along with the Liberal caucus—to present our recommendations on the budget, and our first recommendation on the budget was the issue of Manitoba Hydro's finances because Manitoba's hydro—Manitoba's finances are looking at being a debt of \$22 billion; it's approaching the debt of the entire province. And this is a huge threat, Madam Speaker, not just to Manitoba Hydro but to the province as a whole, and the reason for this debt is not just malinvestment on the part of the NDP. It's that both the NDP and the PCs for years have been taking tens or hundreds of millions of dollars from Hydro in order to make their books look better. And this is one of the fundamental problems in Manitoba because we've, essentially, for years under governments of both stripes, been tacking debt onto Hydro that rightly belongs on the books of government, and it is—frankly, it is putting not just Hydro but our entire province at risk.

Thank you very much, Madam Speaker.

Hon. Steven Fletcher (Assiniboia): Madam Speaker, I ask for leave to respond to the statement.

Madam Speaker: Does the member have leave to respond to the ministerial statement?

An Honourable Member: No.

Madam Speaker: Leave has been denied.

MEMBERS' STATEMENTS

CFS Legislative Review Committee

Mr. Andrew Micklefield (Rossmere): I rise to thank the members of the Child and Family Services Legislative Review Committee I chaired, which recently presented over 60 recommendations to the minister to improve Manitoba's Child and Family Services. We met dozens of stakeholders in person and received over 1,500 online submissions. Much of what we heard was heartbreaking.

For many years, Manitoba has taken more children from their families than anywhere else in Canada. And while there are occasions where this is the only option, the sad reality is that Manitoba outpaces other provinces by separating too many children from their families too quickly, too often and for too long. It is regrettable that ours was the first committee to review this legislation in 15 years.

Despite a recent drop in the number of children in care, there are still over 10,000 Manitoba children who do not live with their parents, do not see their siblings and do not have a place to call home. Some of these 10,000-plus children are abused by their supposed caregivers, bounced from place to place and do not know where they will spend their next birthday or if they will see their family again. Sadly, some never do, and find themselves alone on their 18th birthday with a garbage bag of belongings and no permanent relationships.

I would like to thank all who participated in the report process, as well as the former and present ministers, for taking these issues seriously and showing personal concern.

We all want fewer children in care, for fewer days in care, so they can grow up surrounded by lifelong relationships with people who will care for them beyond their 18th birthday. Such arrangements can include immediate, extended and foster families and friends and are essential to create the belonging and stability that children need. A government

system is not a family and no law will ever legislate love.

It is obvious the sins of former generations have been passed down to their children after them, but I hope the good we can do will bless generations after us, so they can take their place to build the strong and—

Madam Speaker: The member's time has expired.

Elmwood High School Legacy Fund

Mr. Matt Wiebe (Concordia): Madam Speaker, Elmwood High School reunions have a history of cultivating positive outcomes.

This month the school will be celebrating its 60th anniversary, but it was 10 years ago, amidst the planning of the school's 50th anniversary that the high—the Elmwood high's legacy fund was born. The legacy fund is a grassroots project initiated by alumni of Elmwood High School who realized that they had the opportunity to give back to the community that raised them. The fund awards annual bursaries and scholarships to graduating Elmwood High School students in order to help them pursue post-secondary educations.

In its infancy, the fund disbursed \$2,100 worth of scholarships made of donations solicited from alumni. Today, with the continued work of the legacy committee as well as alumni and community members, the EHS Legacy Fund is the largest high school bursary or scholarship fund at the Winnipeg Foundation, valued at over \$300,000 and disbursing \$10,800 worth of endowments to Elmwood students this past year.

This incredible achievement is particularly amazing for a community like Elmwood. Historically, Elmwood is a community made up of working-class families and immigrants, people for whom the cost of higher education can be most burdensome. With tuition fees on the rise for students, it is heartening to see that Elmwood is stepping up to ensure the future success of their youth.

The commitment of former Elmwood High School students and staff to supporting the academic advancement of current students is inspirational. To celebrate the 60th anniversary, the staff, the students and the alumni will be celebrating with the wider community at number of events. On Thursday, October 18th, the legacy and 60th anniversary committee will be hosting a homecoming game for

the Elmwood Giants, complete with fireworks at the start of the weekend. On Friday they will host a social at the school, followed by a brunch the next day.

I ask that all members of this House join me in celebrating 60 years of Elmwood High School and the legacy that it has cultivated so far, and contemplating what the next 60 years will bring.

Thank you, Madam Speaker.

Some Honourable Members: Oh, oh.

Mr. Wiebe: Madam Speaker, I would ask leave that the names of the members of the Elmwood High School legacy and the 60th anniversary committed be—committee be entered in Hansard.

Madam Speaker: Is there leave to have those names entered in Hansard? *[Agreed]*

Elmwood High School Legacy Fund Committee: Linda Boughton, chair; Colleen Armstrong; Adam Comeault; Dave Hammerback; Maureen Robertson; Dorothy Webster; Linda Boughton and Dave Hammerback, founding members.

Elmwood High School 60th Anniversary Homecoming Committee: Linda Boughton and Gayle Robertson, co-chairs; Colleen Armstrong; Mike Babb; Joy Brisson; Adam Comeault; Doug Danell; Delma Friesen; Archie Gagnon; Dave Hammerback; Garry Hammerback; Susan Harder; Sandy James; Mickey Kuprowski; Garry McLaughlin; Helen Mitchell; Gail Paul; Maureen Robertson; Jeannette Tourangeau; Bruce Walker; Dorothy Webster.

TELUS Kits for Kids Initiative

Hon. Heather Stefanson (Minister of Families): I am pleased to rise on this first day of session to acknowledge the annual TELUS Foundation Kits For Kids endeavour.

For the past three years, TELUS has mobilized more than 20,000 volunteers to participate during the TELUS Days of Giving. Part of the Days of Giving is the Kits for Kids initiative. Working with parliamentarians and at legislatures across the country, TELUS has provided over 2,500 students with backpacks to start their school year.

* (14:00)

On May 30th I was very happy to join my fellow MLAs in the Kits for Kids event at the Legislature. The task was simple: pack a backpack with school supplies, all donated by TELUS, and in turn receive

10 backpacks to be distributed to a school of the MLAs choice within their constituency.

This year it was my pleasure to deliver the 10 backpacks I was allotted to Carpathia School. New principal Susan Christiuk was thrilled to receive these backpacks and was—and has informed me that they have all been distributed to students that—in need at Carpathia.

Madam Speaker, our children are our future and initiatives such as this puts the necessary tools in the hands of marginalized students, making their back to school and the school year itself a little bit easier.

I'd like to take this opportunity to thank the TELUS Foundation for all of their philanthropic efforts in the Kits for Kids project as well as all of the other community-based activities they so generously organize and to also wish all Manitoba students great success in the 2018-19 school year.

Thank you, Madam Speaker.

FemFest

Ms. Nahanni Fontaine (St. Johns): I take this opportunity to recognize the phenomenally creative and representative work being done by 'Saravasti' Productions, a Winnipeg-based theatre company established in 2000—'Saravasti's' FemFest, concluded only a couple of weeks ago, which I had the great pleasure of attending.

Since 2003, FemFest focuses on showcasing women's theatre artists, intrinsically and tangibly asserting their space while directly countering the inequitable realities of women in theatre. FemFest explores issues central to women's lived experiences and narratives ranging from musicals, spoken word, plays and comedy.

This year's lineup included White Man's Indian, the story of a Cree woman navigating high school, and a Walking Art Tour, exploring historic parts of downtown Winnipeg, to name just a few, Madam Speaker. 'Saravasti' hosts programming throughout the year, including an annual Cabaret of Monologues in celebration of International Women's Week, which I encourage all Manitobans to attend.

This coming November 14th, 'Saravasti' is hosting a Women's Comedy Night Fundraiser at Club 200 to continue their important work, with additional information to be found on their website.

I sincerely take this moment, Madam Speaker, to say miigwech to 'Saravasti's' executive director,

Hope McIntyre, 'Saravasti's' staff, alongside all of the board of directors, including president Judy Wasylycia-Leis, for creating and establishing space for women's voices in the artistic community. And I ask my colleagues in the House to help congratulate our members that are in the House in the gallery today.

Carillon Sultans Baseball Champions

Mr. Dennis Smook (La Verendrye): I rise today to congratulate the Carillon Sultans AA baseball team for winning the Western Canada Baseball Association 15U championship that was held in La Broquerie, Manitoba, earlier this summer.

Cheered on by hundreds of their home supporters, the Carillon Sultans defeated the Tri-City Thunder from Port Coquitlam, BC, by a 14-12 margin in a thrilling championship final. The Sultans finished the round robin with three wins and one loss to advance to the final game.

Winning a western Canada title is a very special honour. It is something that the players and coaches can look back on with pride, knowing they did a great job representing Carillon Minor Baseball.

The community of La Broquerie, along with the La Broquerie Minor Baseball Association and the Carillon Minor Baseball Association, did an outstanding job hosting the 15 teams from across western Canada as they competed for the 13U, 15U and 18U Western Canada Baseball Championship titles.

It takes a lot of preparation and volunteers to run an event like this one. Having attended, I can say that this was an organized and well-run tournament. My congratulations go out to all the volunteers that participated.

Once again, I congratulate the Carillon Sultans U15 baseball team on capturing the Western Canada Baseball U15 Championship and wish them all the best in 2019.

Madam Speaker, I ask leave to have the names of the players and coaches added to Hansard.

Madam Speaker: Is there leave to include those names in Hansard? [*Agreed*]

Carillon Sultans: Luca Fais, Cody Gunderson, Mason Hartung, Cole Hildebrand, Cedric Lagasse, Jaxon Macey-Nolan, Brady Papineau, Rylan Penner, Owen Pickering, Tyler Plett, Caelan Poetker, Ryan Powers, Kaden Stewart, Christian Tetrault, Kayven

Theriault, Samuel Toews. Dawson Plett, head coach; Curt Brandt and Jayden Plett, assistant coaches.

Introduction of Guests

Madam Speaker: Prior to oral questions, we have some guests that I would like to introduce to you today.

I would like to draw the attention of members to the Speaker's Gallery where the six individuals who are serving on the Manitoba Legislative Internship Program for the 2018-2019 year are seated.

In accordance with established practice, three interns were assigned to the government caucus and two to the official opposition caucus and one to the second official opposition caucus. Their term of employment is 10 months. They will be performing a variety of research and other tasks for private members. These interns commence their assignments September 10th, 2018, and will complete them in June.

They are, working with the government caucus: Mr. Jonathan Daman of the Canadian Mennonite University, Ms. Ashley Haller of the University of Winnipeg and Ms. Krystan McCaig of Brandon University and the University of Manitoba; working with the caucus of the official opposition: Ms. Alexandria Bonney of the University of Winnipeg and Ms. Emma Cash of the University of Winnipeg; working with the caucus of the second opposition: Ms. Claire Johnston of Seattle University and the Free University of Berlin.

Professor Kelly Saunders of Brandon University is the academic director for the program. The administration of the program on a day-to-day basis is carried out by our Clerk, Patricia Chaychuk. The caucus representatives on the Internship Administrative Committee are the member for Riding Mountain (Mr. Nesbitt), the member for Concordia (Mr. Wiebe) and the member for St. Boniface (Mr. Lamont).

I would like to take this opportunity, on behalf of all members, to congratulate the interns on their appointment to the program and hope that they will have a very interesting and successful year with the Manitoba Legislature.

I am pleased to introduce to the House the 10 students who have been selected to serve as pages for this session. I would ask members to hold their applause until I have completed the introductions. Beginning at my extreme right, this year's pages are:

Ms. Marianne Bahalla; Ms. Hannah Belec; Ms. Ravneet Brar; Mr. Kolton Brazeau; Mr. Christopher Chin; Ms. Bianca Dubois; Ms. Kes Gameiro; Ms. Avery Groeneveld; Mr. Richard Jung Hyun Han; and Ms. Hannah Wiens.

And on behalf of all of us, we welcome you here to the Manitoba Legislature.

Thank you all.

And I would like to draw the attention of all honourable members to the gallery where we have with us today Ms. Judy Lamont, who is the mother of the honourable Leader of the Second Opposition (Mr. Lamont), and also Mr. Davinder Singh Bhatia from Chandigarh Punjab Province, India, who is the guest of the honourable member for Southdale (Mr. Smith).

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

ORAL QUESTIONS

Changes to Health Services Impact on Patients and Staff

Mr. Wab Kinew (Leader of the Official Opposition): I'll take the opportunity to welcome the newest member to the House. I think we both share a desire to improve our province and, of course, in the opposition, we hold the government to account, not to criticize, but to improve—and also to criticize, so.

* (14:10)

I guess we're going to declare victory on the carbon tax thing here. We said don't bring in a carbon tax unless you have a plan to reduce greenhouse gas emissions. I think the admission today is that the Premier has no plan to reduce greenhouse gas emissions. So we got him to back off the carbon tax; let's see if we can get him to back off of his cuts to the health-care system too.

Madam Speaker, we know there's a better path than the one this Premier has chosen. He's cut \$200 million in year to the Health Department, and the best example of how these cuts are playing out is the reduction of services like out-patient physiotherapy and the nurses who are being forced to work mandatory overtime.

The Premier's plan for cuts to health care is hurting patients; it's hurting the front-line workers who care for them.

Will he back off his plan for cuts?

Hon. Brian Pallister (Premier): We'll maintain our plan to move to sustainability in the health-care system, Madam Speaker, because we value the health-care system, not only today for Manitobans, but for the future as well, something placed at jeopardy by the flagrant abuse and overspending and wasteful spending of the previous administration that has led to a sad state of affairs where, for the first time in Manitoba history this year we will see debt-service costs take \$1 billion away from health care because of the NDP radical overspending practices.

While the member says cuts, we say invest in health care, and we invest more in health care than virtually every jurisdiction. We've maintained that investment, so much so, Madam Speaker, that this year's budget calls for \$700 million more to be invested in health care than was ever invested by the previous NDP government.

I rest my case, Madam Speaker.

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

Mr. Kinew: Madam Speaker, that's very difficult to believe when this government dumped a ton of documents within the past week that show that the cuts to the health-care system are very clear and they're being directed by this Premier at his Cabinet table. We know that they underspent the Health budget by \$200 million. That represents a \$50-million cut from health-care spending last year.

Even—and we look at the Winnipeg health region, Madam Speaker. We know that the WRHA has cut \$72 million from their budget compared to last year. That means in the part of the province where the majority of people receive their care, they're cutting a disproportionate amount of the health-care budget. We now see what the impact is: wait times are growing; there are fewer emergency rooms open; nurses are stressed and strained to the edge.

I'll table the letter that was sent to the Minister of Health by the nurses who work at the St. Boniface Neonatal Intensive Care Unit. It puts a very human face and a very dire dimension to this cut of program—program of—

Madam Speaker: The member's time has expired.

Mr. Pallister: Well, again, far be it for me, Madam Speaker, to coach the member opposite, but if he

wishes to be taken at his word he'd best use proper data, and his research is lacking.

This year's investments in health care exceed last year's by \$60 million; wait times are down for MRIs, not up; wait times are down at ERs, not up; nurse overtime is down, not up; wait times for personal care—personal-care-home placements are down, not up.

Madam Speaker, the member's bragging about spending more in the past and getting poorer results. We're spending more effectively and getting better results. That's what matters.

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

Mr. Kinew: No, simply not true, Madam Speaker. They cut \$50 million from the—[interjection]

Madam Speaker: Order.

Mr. Kinew:—Department of Health last year. They cut \$72 million from the WRHA last year, and ER wait times are up since they began closing urgent-care centres and emergency rooms in the city of Winnipeg. It's very clear, Madam Speaker, their plan to cut the health-care system is failing, and we will continue to push back against that and stand up for a strong universal health-care system for all Manitobans.

The Premier is changing too much too fast and he doesn't care about the consequences. We hear about it from the nurses, but we also hear about it from the families who those nurses care for. The care is now starting to deteriorate, and it's patients who are the ones being impacted.

Will the Premier finally admit that the consequences of his cuts are hurting patients and hurting front-line workers? Will he stop his plan for cuts to make our health-care system worse?

Mr. Pallister: Repeating false information does not give it an element of truth, Madam Speaker, and that's exactly what the member has done in his preambles.

He speaks about caring, but hasn't demonstrated the capacity for doing so in his life, and he needs to understand that the capacity to care does depend on good management and that good management is being demonstrated by this administration.

The system was broken. The system was broken, the system was not helping Manitobans get to health care in a more timely manner. It was failing, and

under the previous administration that was not addressed despite ample research to show it should have been addressed.

This government has the courage to address what the previous government broke. We are working on fixing it. I encourage the member to use honest information in his criticisms. He may get with the program and understand we are moving away from the wrong direction, now, in the right direction.

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

Education System Investment Commitment

Mr. Wab Kinew (Leader of the Official Opposition): All facts and figures being cited come from the annual reports released by his government, Madam Speaker. So if he's got a problem with that, maybe he can take it up with the Education Minister or the Health Minister.

It really only seems like it's—the NDP is the only party that cares about health care in Manitoba, Madam Speaker. This Premier cut \$200 million from hospitals in the past year and he ordered the Winnipeg Regional Health Authority to cut \$72 million from their budget last year. At the same time, the federal Liberals took a page out of Stephen Harper's playbook and they cut hundreds of millions of dollars for health-care transfers.

We know the Pallister government has cut health care. We also know that their focus is going to shift to education this year. He moved his Health Minister over to education and it's not because the minister believes in teaching evolution in public schools, Madam Speaker; it's because they have a plan to cut public education in Manitoba.

Will the Premier back off this approach and commit to investing in public education, can—commit to investing in post-secondary in Manitoba?

Madam Speaker: The member's time has expired.

Hon. Brian Pallister (Premier): Well, Madam Speaker, the member speaks from a crumbling pedestal when he asks credibility to be the issue, because the fact of the matter is the previous administration broke its promises year after year after year in respect of its promises to fix a health-care system that was broken. It ignored the problem even after commissioning research which demonstrated clearly there was a line of action that could be followed to help get better results. They

refused. They didn't have the courage to act on the recommendations given to their own government.

But we do, and we will because health care matters to Manitobans and it must be managed in a sustainable way because it matters to Manitobans in the future too, and so for that reason, Madam Speaker, I say to the member: Come up with an idea; don't just criticize what we're doing to make it better. Come up with a new idea.

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

Mr. Kinew: Idea No. 1: Give back your raise. Idea No. 2: Stop cutting health care in Manitoba.

Madam Speaker, we know why this Premier moved his tactician over from the Department of Health to the Department of Education. It's because they have called for a review of education. We put the word review into our Tory-spin translation machine, and it came out that they're planning to cut education in Manitoba.

We've already seen in the annual reports released by this government that they are charging families in this province \$100 million more in order to go to college and university, and now they've got the K-to-12 system in their crosshairs. Again, after the review of colleges that they did last year, the government raised tuition and cut spaces at Red River. We expect a similar outcome from this review of the K-to-12 system.

Will the government stop this ideological exercise? Will they back off their tuition hikes and commit to real investments in education in Manitoba?

Mr. Pallister: Well, what the member has in passion he lacks in accuracy yet again, Madam Speaker, and here's why.

I mean, the previous administration—and this member knows this, although—well, he may admit it because he's thrown his own party under the bus frequently lately. The NDP knew that they should reform the health-care system and refused to do so. They also knew that, in terms of national rankings on educational outcomes for Manitoba students, that we ranked 10th in reading and 10th in math—well, last, Madam Speaker, and yet they refused to look at doing a better job in the education system too.

This isn't what Manitobans want. They want their children to get a better quality education. They want that potential within their children to be

unlocked, not kept locked up. And Madam Speaker, that's why we're going to be doing a full K-to-12 review, to see if we can't make the system work better for our kids.

Again, if the member has an idea I'd sure appreciate hearing it, because he's been here close to a year and he hasn't put one on the record yet.

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

Small Class Sizes

Mr. Kinew: Idea No. 3: Don't cut education. These are all free.

*(14:20)

This is a secretive government, Madam Speaker. This is a secretive government that doesn't share the values—[*interjection*]

Madam Speaker: Order.

Mr. Kinew: —of Manitobans. The only plan that they have for education is to make families pay more and more tuition and to force parents in the K-to-12 system to pay more and more for extracurricular programs like Sylvan or Kumon.

Now, enrolment is going up; school funding is going down. They cut the small class size program. The Premier's plan is for larger class sizes in Manitoba, and yet the Premier still can't find one parent who likes the idea of their child getting less one-on-one attention from their teacher. That's why small class sizes are important: because it means more individual attention for the student in the classroom. And yet this Premier is putting that at risk.

Will the Premier commit to restoring a program to ensure that class sizes remain small in Manitoba?

Mr. Pallister: Chestnut, Madam Speaker: class sizes are the same as they were under the NDP, but that's not the issue. The issue is what do students learn when they're in those classes? That's the issue.

The member talks about secretive. What about a soil test result that was covered up for a decade by the NDP? What about claims of personal hurt and harm that were on the record for 30 years and nothing done about them by the NDP administration, Madam Speaker? And what about the commitment made by the NDP, knowing they were going to be raising the PST, that they wouldn't raise it?

I mean, if the member wants to make secrecy the issue, I'm happy to have him do it. I take back, though, the thing about no ideas. He did raise the idea of giving everybody a Tesla, and he did raise the idea of giving David Chartrand \$70 million even though he hadn't read the recommendations or the discussion document yet.

He has had two ideas, Madam Speaker, but just two.

Political Party Donations Corporate Sponsorships

Mr. Andrew Swan (Minto): Madam Speaker, for nearly 20 years now donations to Manitoba political parties from corporations have been illegal. Yet, when the minister responsible for Crown corporations, including Manitoba Public Insurance, held a political fundraiser last month, the Insurance Brokers Association of Manitoba was recognized as a sponsor.

The minister, who wouldn't face the media to answer questions yesterday, tried to blame IBAM.

Will the minister just commit today to return the money received by the St. Vital PC Association for IBAM sponsorship and confirm she won't have corporate sponsors for her future events?

Hon. Colleen Mayer (Minister of Crown Services): Well, as per usual, the member opposite has his facts wrong, just like the rest of his caucus. The donation in this instant was not a corporate donation.

Some Honourable Members: Oh, oh.

Madam Speaker: Order. Order.

The honourable member for Minto, on a supplementary question.

Mr. Swan: Well, facts do matter, and that's why I will table for the House the Twitter post from the Insurance Brokers Association of Manitoba, from December 19th—[interjection]

Madam Speaker: Order.

Mr. Swan: —which says: IBAM sponsored to hold the third annual—and I can't say the name of the minister for Crowns—golf classic today, and it was a great time.

I'll table that for the minister and I will also table for the minister the Twitter feed from Brio Insurance, September 22nd: The third annual—and I will not say the name of the minister for Crowns—golf classic was

a whole lot of fun on Wednesday. Thanks to everyone who stopped and chatted with us.

So either they're a bunch of rogue corporations putting up signs in the minister's event or she needs to come up with a much better answer, Madam Speaker.

Madam Speaker: Order.

Mrs. Mayer: The sponsorship in question was paid for by an individual with a personal credit card.

Some Honourable Members: Oh, oh.

Madam Speaker: Order. Order.

The honourable member for Minto, on a final supplementary.

Mr. Swan: Well, it wasn't just a sponsorship. We know that it was actually various sponsorships. If the minister for Crowns wants Manitobans to think that random people gave her money and, magically, corporate logos appeared on her event, she can try, but no one is going to believe that.

What's concerning is that this minister's now responsible for Manitoba Public Insurance and her partisan fundraiser featured sponsors that have a direct interest in her role as MPI minister.

Will the minister refund the money that she took and will she agree, quite simply, she will not have corporate sponsorship at her future events?

Mrs. Mayer: That's the pot calling the kettle black, because we know that the gentleman who had just asked the question was—took—when he was in charge of Crown Services took tickets—Jets tickets, I might add—from the—MPI.

But let me be very clear—[interjection]

Madam Speaker: Order, order.

Mrs. Mayer: Let me be very clear, as this is my first opportunity to speak in the House, the NDP can huff and puff all they want, but they will not blow my house down.

Madam Speaker: The honourable member for Point Douglas—[interjection]

Order. Order.

Mental Health and Addiction Need for Youth Services

Mrs. Bernadette Smith (Point Douglas): The Pallister government has refused to take action to address the addiction crisis in Manitoba.

The Premier (Mr. Pallister) offered cuts to Addictions Foundation of Manitoba and cut the staff at youth addiction centres in Portage la Prairie.

We found out the two Rapid Access centres are currently open for 10 day–10 hours a week combined and there's no Rapid Access centres for youth in Winnipeg.

Will this government immediately open the Rapid Access centres on a 24-hour basis and create a youth Rapid Access centre in Manitoba—or in Winnipeg?

Hon. Cameron Friesen (Minister of Health, Seniors and Active Living): Well, I thank the member for the question, but she should not be so gloomy. I think she should take the opinion of practitioners and clinicians in Manitoba, who have welcomed the Rapid Access to Addictions Medicine format. We've opened three such clinics. We're opening two more within a matter of weeks.

What are they designed to do? To take unacceptable wait times under the NDP for people seeking help and to reduce those wait times to less than a week to start the process of healing. We're proud of the investment. We're proud of the partnership. We're getting the job done that they never did.

Madam Speaker: The honourable member for Point Douglas, on a supplementary question.

Mrs. Smith: Madam Speaker, that's simply a poor answer. Ten hours combined? Wow—[interjection]

Madam Speaker: Order.

Mrs. Smith: So, the Children's Advocate says that this government is failing to provide treatment for youth with meth addictions. Months after the VIRGO report was published the Children's Advocate discovered this government still has no plan for implementing mental health and addiction services for Manitoba youth.

The new Minister of Health responded to the advocate's justified criticism by picking a political fight, publicly attacking her when she was only doing her job sticking up for youth, when she was protecting Manitoba children.

Will this minister apologize to the Manitoba Children's Advocate for his attack and produce his plan today to improve mental health and addiction services for our youth here in Manitoba?

Mr. Friesen: Well, the member's question reminds me of an old CBC radio show called Madly Off In All Directions. I'm not sure which question to answer.

But let me ask if the member would agree with Dr. Erin Knight from Health Sciences Centre Addictions who said this is the change we've been waiting for, this is the investment we've been waiting for, and we waited too long.

But let me also remind that member that Dr. Peachey's assessment of our system in the VIRGO report was that it was a poorly aligned system under the previous government for many years, decades behind when it comes to the addictions system.

We're making progress where they never did.

Madam Speaker: The honourable member for Point Douglas, on a final supplementary.

Mrs. Smith: Well, I wouldn't call 25,000 Manitobans struggling with meth addiction progress.

Along with never-before-seen rates of overtime, nurses in this province are dealing with never-before-seen rates of meth psychosis and violence against health-care professionals.

While this government brags about cutting 1,200 civil service servant jobs, front-line workers are dealing with more than a 1,200 per cent surge in meth-related visits since 2013. The Association of Registered Nurses called on this government to take immediate action.

* (14:30)

Will this government stop the delays and provide supports for our youth in Manitoba? They deserve it.

Mr. Friesen: Madam Speaker, everyone recognizes that there's an alarming increase in the incidence of methamphetamine addiction—[interjection]—of psychosis, but even the member who chirps across the aisle realizes that it is police officers, it is police chiefs, it is medical health practitioners, it is addiction specialists saying that we are all in this is together.

Every province with whom I discuss this, the federal minister says this has come out of nowhere. I want to remind that member that the solutions—[interjection]

Madam Speaker: Order.

Mr. Friesen:—that we will put forward will be based on thoughtfulness, engagement and working together as Manitobans.

Why don't they get along—*[interjection]*

Madam Speaker: Order.

Mr. Friesen:—and start to work on solving these very important issues instead of grandstanding?

Legislative Assembly Discourse in the Chamber

Mr. Dougald Lamont (Leader of the Second Opposition): D'abord, je remercie mes électeurs et je veux qu'ils sachent que c'est un grand honneur pour moi de prendre la parole et de m'adresser aux députés ici au palais législatif du Manitoba.

Translation

To begin, I would like to thank my electors and I want them to know that it is a great honour for me to speak here and to address the members of Manitoba's Legislative Assembly.

English

It's an incredible honour today to rise as the MLA for St. Boniface and the Leader of the Second Opposition. It's been more than two decades since this House has seen a second opposition, and I'm sure we can expect some surprises, not just when the First Minister switches one made-in-Ottawa carbon plan for another.

But we believe that having a new voice of opposition in these Chambers is an opportunity to raise the level of debate, to address the issues of the here and now. And our job is not just to make the government's job harder through obstruction, but to challenge them to be better so we can all deliver government that works for everyone and not just a few.

So my question for the Premier is whether he and his caucus will join us in rebuilding trust for Manitobans by giving straight answers to the questions put to them?

Hon. Brian Pallister (Premier): Yes, certainly Madam Speaker, we'll do that, and I would say, bienvenue à le nouvel député le chambre de législature—*[interjection]*

Translation

Welcome to the new member of this House.

Madam Speaker: Order.

Mr. Pallister:—and to wish him the best in his new roles and responsibilities. I congratulate him on his election, and I certainly accept his invitation to encourage all of us to do better, because that is certainly what we strive to do here.

On that note, I was pleased to hear the acknowledgement by the old opposition leader that the federal government was not doing its part in terms of health-care funding, and I would like to hear from the new opposition leader that he agrees. And if we could perhaps get unanimity around that, we might be able to more effectively get Ottawa to resume its rightful place as a genuine partner in offering health-care support to our people.

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

Mr. Lamont: I thank the Premier for his welcome.

Of course, the federal government has actually been increasing the amount that it's been funding.

There was a—*[interjection]*—there were actually—

Madam Speaker: Order.

Mr. Lamont: Just briefly, there were two changes to the formula, one of them that the Premier himself voted for in the 2007 or 2008 federal budget, which changed the funding formula for the provinces, and another in 2011, which was a Conservative government, of course.

But I am absolutely committed. I actually—in our presentation to the Finance Minister in March, we said we'd be happy to see the federal government increase its amounts. I don't know if the minister at the time had trouble getting a meeting with the Premier, but—*[interjection]*—I mean, one of the questions I would like to—as a follow-up—we all have higher and deeper obligations to our constituents because we have—we do live in an era where citizens have lost trust in politicians and the media.

Trust is easy to lose and hard to gain, so I again will ask the Premier whether he'll commit to raising the level of discourse in these Chambers by moving to action on what matters today and not just focusing on the mistakes of the past?

Mr. Pallister: Madam Speaker, I believe—and I believe you deserve, certainly, no small amount of credit for this—but I would compliment all members of this Chamber that the level of discourse has risen and I think any member who was here in the past

would understand that. Of course, if you ignored history, you wouldn't know that.

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

Mr. Lamont: Madam Speaker, many times in the last year I had the opportunity to witness these proceedings as a spectator, sometimes from the gallery above and, on many occasions, too many to account, Madam Speaker, you had to warn members about heckling, particularly when there were schoolchildren in the audience. We were supposed to set an example here.

So, Madam Speaker, there are two issues here. One is that when the heckling takes place it's often impossible for the public and even the people here in the gallery to hear either questions or answers, and, frankly, I think it diminishes all of us as a body. But I think it also runs counter to the fundamental commitment in this House to freedom of speech when this noise is used to silence the opposition.

Will the Premier commit to a value-for-money audit on the money that is burned through while the government members waste time heckling, or would he be willing to stand up and end the self-indulgent practice?

Mr. Pallister: Well, again, Madam Speaker, I believe it was Winston Churchill who said that those who do not understand history are condemned to repeat the errors of the past, or something along those lines. I have two words in response to the member's inquiries about conduct in the House: rat pack.

He needs to understand that the conduct of members here is important, but it is not possible to lump together restrictions on free speech with that conduct at the same time. The Speaker's job is to be Speaker. The member's job is to be a new opposition leader, and I wish him luck on that job, not being the Speaker yet.

Project Labour Agreements Request to Withdraw Bill 28

Mr. Tom Lindsey (Flin Flon): I want to welcome the newest member to the Chamber, a member who in the past has defended the Prime Minister's billion-dollar cuts to health care. He should get along well with this Premier and his cuts.

But I want to talk about standing outside today with Manitoba workers who are telling this Premier (Mr. Pallister) to forget Bill 28. Project labour

agreements work. They've worked for many years with both Conservative and NDP governments. They will continue to work. This government needs to back off.

Will the Premier abandon Bill 28 today?

Hon. Blaine Pedersen (Minister of Growth, Enterprise and Trade): This is about the freedom to choose, and the member opposite seems to like forced unionization. Most construction workers across Manitoba are non-unionized right now. There is no need for them to be paying union dues against their will. So—and all workers should have the choice as to whether or not they will pay union dues.

Madam Speaker: The honourable member for Flin Flon, on a supplementary question.

Mr. Lindsey: Madam Speaker, I stood outside today with workers, along with the Leader of the Official Opposition (Mr. Kinew) and members of our caucus, unlike members of the government, who didn't come and see what workers had to say.

Madam Speaker, this government has a duty to create good jobs, good jobs for Manitobans, opportunities for Manitobans to have safe work, to be well trained, and that's what project labour agreements have brought to this province for many years.

So will this Premier back off on Bill 28? Will he accept that project labour agreements work and forget his ideological attack on working people in this province? Drop Bill 28 today.

Mr. Pedersen: Madam Speaker, in case the member is not aware, we have record private investment all across Manitoba in construction field, in infrastructure, and these are workers that are doing great work each and every day.

The Manitoba Heavy Construction Association is adamant that project labour agreements drive up the costs, which affects each and every taxpayer in Manitoba. We're going to get value for money from our construction projects.

Madam Speaker: The honourable member for Flin Flon, on a final supplementary.

Mr. Lindsey: Kind of a shame, Madam Speaker, that the only thing that this minister thinks about is the cheapest product possible.

What about building the best product? What about building the safest product? What about doing things properly, not just cheaply?

Will this government abandon its plans—
[interjection]

Madam Speaker: Order.

Mr. Lindsey: —to get rid of project labour agreements?

Will they accept the fact that for 50-plus years project labour agreements have worked in this province to build projects properly, safely, on time and under budget?

Will they throw out Bill 28 today?

Some Honourable Members: Oh, oh.

Madam Speaker: Order.

Mr. Pedersen: So by the member opposite's own calculations, for 50 years Manitobans have been paying more for construction projects because of project labour agreements.

In the floodway project alone it cost an extra \$30 million to do that project because of forced unionization. This province will stand beside its workers that—give them, the workers, the ability to choose whether they belong to a union, and they will not have to pay union dues if they do not—if they choose not to belong to a union.

*(14:40)

Child Welfare Reform Children in Care Reduction

Ms. Janice Morley-Lecomte (Seine River): After a decade of NDP neglect our government is committed to reforming our province's child-welfare system. After 17 years we are cleaning up the mess left behind by the NDP.

Can the Minister of Families update this House on Manitoba's progress in reducing the number of children in care?

Hon. Heather Stefanson (Minister of Families): I want to thank the member for that question.

For the last two and a half years, our government has embarked on some changes within our child-welfare system that have started to yield some positive results for children and families in our province. For the first time in more than 15 years, we've seen a reduction in the number of kids in care in our province, Madam Speaker.

But, Madam Speaker, we need to acknowledge and thank the people who really made this happen. We need to thank the front-line workers, the

communities, the agencies, the authorities for their commitment, dedication and hard work in achieving these positive results. While these numbers represent a positive trend, we recognize that there is still much more work to be done, and I look forward to working with all stakeholders in our community to ensure better outcomes for children and families in Manitoba.

Provincial Finances Government Record

Mr. Dougald Lamont (Leader of the Second Opposition): The finances of government are often compared to that of a household and the First Minister himself was a successful financial consultant. I'm wondering whether the Premier would ever advise a household looking to tighten their belt that the best way to do so is to cut back on essentials like health care, housing for seniors and children—cut back on education for children while spending more on entertainment and luxury living.

In the last month alone, Madam Speaker, the government announced they cut \$200 million or so in funding for health care, \$16 million for education, while spending \$10 million on luxury housing downtown and \$200 million bailing out a stadium.

Is this the kind of advice the Premier would give a household, or are government finances in some way different?

Hon. Brian Pallister (Premier): Where to begin, Madam Speaker?

If a household budget involved hiding \$200 million of obligations, I would tell them that they should come clean and expose that lack of transparency and concealment and get honest with themselves about their debts, and that's exactly what we did with the stadium.

As far as downtown is concerned, Madam Speaker, it is the—where Manitoba's heart beats is Winnipeg and Winnipeg's downtown is where Winnipeg's heart beats. And investing in the redevelopment of downtown is an important thing to do and I think is already showing positive ripple effects in terms of other developments.

But at the same time, Madam Speaker, I would say to the member, if he wants to talk about household budgets, that's fine. I'd like to talk about the provincial budget, where this year we have to dedicate \$1 billion to debt-service costs that we shouldn't have had to because what—the NDP had

years of solid economic performance in this province when they could have paid down debt, not multiplied it.

Madam Speaker, we can't play fantasy games with the member. We have to deal with the real situation. The real situation is that as I described and we're getting away from the rocky shore. We turned it to a new direction and that's something to be proud of.

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

Investors Group Field Loan Restructure

Mr. Dougald Lamont (Leader of the Second Opposition): One of the reasons that Manitoba faced the fiscal challenges it did: because there was a Conservative government in Ottawa which cut \$500 million from Manitoba's budget.

I would add that when it comes to the—but I would ask, when it comes to the Investors Group's bailout, we have to ask, what process—*[interjection]*

Madam Speaker: Order.

Mr. Lamont:—was followed to reach this decision? The Premier has said this is about transparency, but the \$200 million was applied to last year's books but only announced last weeks. The Bombers never missed a payment, so one of the burning questions I've heard, Madam Speaker, from constituents, is how other Manitobans could apply for this level of debt relief.

Can the Premier make it crystal clear how and when the bailout deal for Investors Group stadium was reached and how students, seniors and families can apply for such generous debt relief now that the Premier has set a precedent?

Hon. Brian Pallister (Premier): Well, Madam Speaker, it would be wrong, I think, for the member to create the false impression that somehow we were doing anything but cleaning up the mess that we inherited. We're making transparent issues that were covered up for years.

Madam Speaker, there were mine remediation sites that were not repaired; they were not budgeted by the previous government to be repaired. We've taken on that responsibility. That goes into the books. It's now public.

There were issues around the stadium. It was set up to fail. The project was set up to fail because the

previous government actually hid the documentation and hid the descriptions around how it was to work so Manitobans wouldn't realize what was at risk. Well, now they do.

Now, this isn't great news, except if you go beyond the short term to the longer term, and the longer term is, Madam Speaker, we're cleaning up that mess so that Manitobans can have a more secure future. There's no sense hiding these things, and the fact is we're moving in a transparent way to clean up the mess that was covered up by the previous administration.

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

True North Square Housing Finance

Mr. Dougald Lamont (Leader of the Second Opposition): Madam Speaker, the Province of Manitoba approved a \$10-million-or-so tax-increment financing for luxury housing and a luxury hotel at True North Square. I'm a strong supporter of government investment and downtown revival, but I was not aware that Manitoba needed subsidized high-income housing.

This government is currently kicking people off fixed incomes, off Rent Assist and is following in the steps of the NDP by selling off public housing. This is Robin Hood in reverse, Madam Speaker.

Can the Premier explain why he believes in socialism when it comes to stadiums and luxury hotels, but the free market for health care, education and emergency services?

Hon. Brian Pallister (Premier): Madam Speaker, I'm pragmatic and a practical person. The member wants to impose ideologies, but it doesn't really work very well.

The one ideology that the member for Fort Rouge (Mr. Kinew) and the member—new member for St. Boniface subscribe to is to spend more—to spend more. But they don't focus on getting more for it and, Madam Speaker, they'll have a competition, I predict, over the next few months, seeing who can out-promise the other and who can outspend the other. I just read an article recently written by the new member for St. Boniface in which he said the major problem the NDP had in their time in government wasn't overspending; they didn't spend enough.

Madam Speaker, there's going to be a competition here and I just can't wait to see how it comes out.

Some Honourable Members: Oh, oh.

Madam Speaker: Order.

**Municipal Board and Bridge Program
Elimination of Funding Agreement**

Mr. Jim Maloway (Elmwood): My question is to the Premier (Mr. Pallister).

Madam Speaker, the Pallister government has broken its promise to maintain stable funding for municipalities. Last year they ended agreements that provided predictable increases for transit and community infrastructure, and now this summer we learned that the municipal board and the bridge program was cut nearly \$12 million.

Why has the Premier broken his word to our communities?

Hon. Jeff Wharton (Minister of Municipal Relations): I certainly welcome the member back to this House and, quite frankly, Madam Speaker, again, the facts that this member brings to the table are not true.

The bottom line is, Madam Speaker, we work in collaboration with our municipal partners. We will continue to ensure that we have open dialogue to ensure that road and bridge programming and any municipal infrastructure is sustainable for the long haul.

Madam Speaker: The honourable member for Elmwood, on a supplementary question.

Mr. Maloway: Clearly, the municipalities of the province don't agree with the way this Premier is running this infrastructure program.

Madam Speaker, the AMM says in a September press release that the municipal board and bridge program was dependable and responsive to the needs of local communities, but now the program is being terminated with no guarantee current levels of funding will continue under future programs. They're deeply concerned as the impacts to their communities will be severe.

Why has this minister broken his promise to our communities?

Mr. Wharton: It certainly is refreshing to hear that the member opposite is starting to defend municipalities where, on the eve of their AMM

convention, Madam Speaker, in 2013, they forced amalgamations on our municipalities.

Madam Speaker, the NDP had 17 years to re-evaluate funding models for providing our municipalities and sat on their heels.

Bottom line is, Madam Speaker, our government is restructuring program delivery to ensure that sustainability can go forward, that we can ensure that good investments are made by our municipal partners.

They are partnering with us, Madam Speaker. Why don't they get on board and start supporting municipalities?

* (14:50)

Madam Speaker: The time for oral questions has expired.

PETITIONS

Vimy Arena

Hon. Steven Fletcher (Assiniboia): I wish to present the following petition to the Legislative Assembly.

The background to this petition is as follows:
[interjection]

Madam Speaker: Order.

Mr. Fletcher: The residents of St. James and other areas of Manitoba are concerned with the intention expressed by the provincial government to use the Vimy Arena site as a Manitoba Housing project.

The Vimy Arena site is in the middle of a—
[interjection]

Madam Speaker: Order, please.

Mr. Fletcher:—residential area near many schools, churches, community clubs and senior homes, and neither the provincial government nor the City of Winnipeg considered better suited locations in rural, semi-rural or industrial sites such as the St. Boniface industrial park, the 20,000 acres at CentrePort or existing properties such as the Shriners Hospital or the old Children's Hospital on Wellington Crescent.

The provincial government is exempt from any zoning requirements that would have existed if the land was owned by the City of Winnipeg. This exemption bypasses the community input and due diligence and ignores better uses of the land which would be consistent with a residential area.

There are no standards that one would expect for a treatment centre. The Minister of Health, Seniors and Active Living has stated that the Department of Health has no role to play in the land acquisition for this Manitoba Housing project for the use of a drug addiction facility.

The Manitoba Housing project initiated by the provincial government changes the fundamental nature of the community. Including park and recreational uses, concerning of the residents of St. James and others regarding public safety, property values and their way of life—[*interjection*]

Madam Speaker: Order.

Mr. Fletcher: —are not properly being addressed.

The concerns of the residents of St. James are being ignored while obvious other locations in wealthier neighbourhoods, such as Tuxedo and River Heights, have not been considered for this Manitoba Housing, even though there are hundreds of acres of land available for development at Kapyong or parks like Heubach Park that share the same zoning as the Vimy Arena site.

The Manitoba Housing project and the operation of a drug treatment centre fall outside the statutory mandate of the Manitoba Housing renewal corporation.

The Province does not have a co-ordinated plan for addiction treatment in Manitoba as it currently underfund treatment centres which are running far under capacity and potential.

The community has been misled regarding the true intention of Manitoba Housing as land is being transferred for a 50-bed facility even though it clearly falls outside of Manitoba Housing responsibility.

We petition the Legislative Assembly of Manitoba as follows:

To urge the government to take the necessary steps to ensure that the Vimy Arena site is not used for an addiction treatment facility.

To urge the provincial government to take the necessary steps to ensure the preservation of public land along Sturgeon Creek for the purposes of parkland and recreational activities for public use, including an important part of the Sturgeon Creek Greenway Trail and the Sturgeon Creek ecosystem under the current designation of PR2 for 255 Hamilton Ave. located at the Vimy Arena site,

and to maintain the land to continue to be designated for parks and recreation active neighbourhoods and communities.

Thank you, Madam Speaker.

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

Tina Fontaine—Public Inquiry

Mrs. Bernadette Smith (Point Douglas): I wish to present the following petition to the Legislative Assembly.

The reasons for this petition:

(1) Tina Fontaine was murdered at the age of 15 years, and her body was found in the Red River on August 17, 2014.

Tina Fontaine was robbed of her loving family and the Anishinabe community of Sagkeeng First Nation.

(3) Tina Fontaine was failed by multiple systems that did not protect her as they intervened in her life.

(4) Tina Fontaine was further failed by systems meant to seek and pursue justice for her murder.

(5) Tina Fontaine's murder galvanized Canada on the issue of missing and murdered indigenous women and girls, MMIWG, as she quickly became our collective daughter and the symbol of MMIWG across Canada.

(6) Manitoba has failed to fully implement the recommendations of numerous reports and recommendations meant to improve—[*interjection*]

Sorry, I have to raise my voice because I'm having a hard—

Madam Speaker: Order.

Mrs. Smith: —time even—this is really important—[*interjection*]

Madam Speaker: Order, please.

Mrs. Smith: This is a Manitoba family. This is still going on in—[*interjection*]

Madam Speaker: Order, please.

Mrs. Smith: Thank you.

Manitoba has failed to fully implement the recommendations of numerous reports and recommendations meant to improve and protect the life of indigenous peoples and children, including the

Manitoba Aboriginal Justice Inquiry, the Royal Commission on Aboriginal Peoples and the Phoenix Sinclair inquiry.

Sorry, I'm an emotional—we just had someone—another woman in our province passed away, and I find it really disrespectful as people in this—that are leaders—that, you know, we talk over, we're not listening, and—

Madam Speaker: I would just ask the member that, in reading her petition that she stick to the comments in the petition.

Mrs. Smith: The Manitoba Aboriginal Justice Inquiry, Royal Commission on Aboriginal Peoples and the Phoenix Sinclair inquiry.

We petition the Legislative Assembly of Manitoba as follows:

(1) To urge the Premier of Manitoba and the Minister of Justice to immediately call a public inquiry into the systems that had a role in the life and death of Tina Fontaine, as well as the function of the administration of justice after her death.

(2) To urge that the terms of reference of a public inquiry be developed jointly with the caregivers of Tina Fontaine and/or the agent appointed by them.

Signed by Kavina McKay, Diana Sumner and many, many other Manitobans.

Hon. Jon Gerrard (River Heights): On a matter of privilege, Madam Speaker.

MATTER OF PRIVILEGE

Madam Speaker: The honourable member for River Heights, on a matter of privilege?

Hon. Jon Gerrard (River Heights): That's correct.

Madam Speaker: On a matter of privilege.

Mr. Gerrard: I cite Marleau and Montpetit, page 86, where Speaker Fraser said, "The privileges of a Member are violated by any action which might impede him or her in the fulfilment of his or her duties and functions."

I refer here to the order of questions in question period, and refer to the fact that there was precedent set for the order—for order in question period when there was a first and second opposition in the years 1988 to 1995. And the precedent wasn't just set once, it was set hundreds and hundreds of times that

the second opposition have question No. 3 and question No. 6.

I believe the custom here is to follow precedent, and I raise this because there is a very clear precedent which I am concerned that we are not following. I raise this at the first opportunity because we only found out late yesterday what the order would be for speaking in question period.

I would raise with the that if we are going to throw out precedent, then we need to seek a new basis for making decisions and, of course, nothing can be more important than the popular will of the people of Manitoba. The popular vote in 2016 had the NDP at 25 per cent and Liberals at 14 per cent. For every two votes that the NDP got, the Liberals got more than one.

*(15:00)

I suggest, then, that if we were to throw out the old precedent and establish a new precedent, it should be based on the popular will and the popular vote in Manitoba, and that would mean that the NDP would get two questions for every one question that the Liberals get, or the Liberals would get one question for every two that the NDP get, and that the Liberal caucus should have questions three and six, Madam Speaker.

I raise this because I believe this is a matter of the privileges of members and the privileges of caucus and this is raised at the first opportunity.

I now move, seconded by the MLA for Kewatinook, that the speaking order for questions in question period be changed to follow the precedent set between 1988 and 1995.

Thank you, miigwech, merci, Madam Speaker.

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

Hon. Kelvin Goertzen (Government House Leader): Madam Speaker, I won't speak to the issue of whether or not it was at the earliest opportunity, but I will speak to the issue of a prima facie case.

The member opposite cites an issue of freedom of speech. Certainly, there is nothing that has curtailed he or any member of the now official

Liberal caucus when it comes to freedom of speech. We saw today his leader go into two sets of questions with two supplementaries. I won't comment on the quality of the questions. That's not for me to comment upon, but certainly he had the opportunity to ask those questions and he did pose those questions, and certainly there was no limitation of freedom of speech.

I think this boils down to an issue of the new Liberal caucus—the new Liberal official caucus going back to the old Liberal ways of believing that they are entitled to their entitlements, Madam Speaker. This is an issue that was part of a negotiation that obviously didn't end in an agreement but was part of House Leader negotiations. I won't get into the specifics of those because I believe in the confidentiality of House negotiations.

However, Madam Speaker, as you know, this is an issue that you are then tasked to adjudicate upon because there wasn't an agreement. I would say that the member's getting dangerously close to disrespecting you, Madam Speaker, and your role as the making a decision. We all put forward our positions. You made a decision and we respect your decision.

Ms. Nahanni Fontaine (Official Opposition House Leader): I just want to put a couple of words on the record in respect of the member's matter of privilege.

I will begin by saying I don't believe, Madam Speaker, that this is actually the earliest opportunity that the member had to bring this forward to the House and to your attention. I believe that the member could have brought it up at the top of question period. So I would suggest to you that that's not actually, indeed, the earliest opportunity.

I would also say, Madam Speaker, and I would agree with my colleague, the Government House Leader (Mr. Goertzen), that, you know, these were negotiations that took place among the House leaders and, for whatever reasons, there were not—there was a—we were not able to reach an agreement and, you know, that we were able to submit our recommendations based on past practice and precedent, which I believe you took into consideration when you rendered your recommendation and your judgment in respect of question period line-up.

I do want to say, Madam Speaker, that I think that your judgment and your recommendation was fair and I would suggest I agree with the Government

House Leader, that it becomes—it is dangerously close to disrespecting what you have deemed appropriate for this sitting in this House in respect of question period.

Miigwech, Madam Speaker.

Hon. Steven Fletcher (Assiniboia): I'd like to speak in favour of the member from River Heights. He did bring it up at the first reasonable opportunity and we have seen what occurred after question period, so the event occurred—the question period order was not provided until late yesterday and so it is quite appropriate.

Madam Speaker, on the issue of questions, yes, the member is absolutely right. They—as the second party, they should have the ability to ask questions.

Moreover—moreover—the government can ask questions in other occasions. They're always softball questions. Now, I can understand why the government would want to monopolize the opportunities to have democratic debate and discussion, but that's not what this place is for. It's for members, MLAs, to stand up and ask questions. And freedom of expression, freedom of association are all essential parts of this place.

And, Madam Speaker, when we're done on this matter of privilege, I will be standing on another matter of privilege very similar to this one, but dealing with questions and the order of questions and the frequency of questions. And what the member from the—River Heights has said is true, as it was true when the member from River Heights was an independent.

So, Madam Speaker, it's—if you're going to—if the balance is asking questions or denying MLAs the opportunity to ask questions, we have to fall on the side of MLAs—opposition MLAs to ask questions. It's a precedent and fairness.

Thank you, Madam Speaker.

Madam Speaker: On the matter of privilege raised by the honourable member for River Heights (Mr. Gerrard), I would like to inform the House that a matter concerning the methods by which the House proceeds in the conduct of business is a matter of order, not privilege.

Joseph Maingot, in the second edition of *Parliamentary Privilege in Canada*, states on page 14 that allegations of breach of privilege by a member in the House that amount to complaints about procedures and practices in the House are by their

very nature matters of order. He also states, on page 223 of the same edition: a breach of the standing orders or a failure to follow an established practice would invoke a point of order rather than a question of privilege.

On this basis, I would therefore rule that the honourable member does not have a prima facie case of matter of privilege.

Mr. Gerrard: Madam Speaker, I rise on a matter of urgent public importance—

Madam Speaker: The honourable member for Assiniboia (Mr. Fletcher), I believe, had indicated that he was going to rise on something.

Mr. Fletcher: Oh, on a point of order.

Point of Order

Madam Speaker: The honourable member for Assiniboia, on a point of order.

Mr. Fletcher: Madam Speaker, the member for Maples and I could not help but notice that we were unable to ask any questions during question period, nor have we been able to—will be able to ask questions for the foreseeable future. In the past when there have been independent members in the Chamber, such as the member from River Heights, they would have an opportunity to ask a question at least—well, it seemed like every day. I think it was every day—and more than one question.

But the way we have it now is what—let's say, quote, unquote, the freedom caucus does not have any opportunity to ask questions, and we are duly elected, and we would like to respectfully ask the House leaders or the Speaker to include us in question period.

This seems to be the appropriate time to raise it, as it's quite topical.

Thank you, Madam Speaker.

Madam Speaker: I would indicate to the member for Assiniboia who was raising a point of order that a point of order is meant to identify a breach of a rule or a practice of the House. It is not to be used for debate purpose. The—I would also indicate to the member of the House, that when it comes to the order of speaking in the House, that this should be raised between House leaders. This has been pointed out to the member before, and it is meant to be dealt with outside of this House by the member meeting, making appointments to meet, with the House

leaders and having that discussion, as is the tradition of this House.

* (15:10)

These issues are not supposed to be brought to the floor of the House for discussion, and I would urge the member that if he wants to take this any further, that he follow the course of 100 years of business in this Chamber and deal with this as it's meant to be dealt with: outside of the House by speaking with the House leaders.

Mr. Fletcher: On a point of order.

Point of Order

Madam Speaker: On another point of order.

Mr. Fletcher: Requests in writing were sent throughout the summer to the House leaders and nothing came of it, for your information. So perhaps we may need another intervention by yourself, Madam Speaker, to help everyone sort this out.

Thank you.

Madam Speaker: I would indicate that that is not a point of order. The member is using a point of order to debate, and I would encourage him again, it is his responsibility to sit down with the House leaders and negotiate anything that he wishes. That is not to be debated on the House of this Chamber—on the floor of this Chamber.

MATTER OF URGENT PUBLIC IMPORTANCE

Hon. Jon Gerrard (River Heights): Madam Speaker, I rise on a matter of urgent public importance. I move, seconded by the MLA for Burrows, that under rule 38(1), the ordinary business of the House be set aside to discuss a matter of urgent public importance, namely the need for urgent attention to the state of human resource management in Manitoba's health-care system, which is putting the health of patients and the health of nurses at risk.

Madam Speaker: Before recognizing the honourable member for River Heights, I should remind all members that under rule 33(2), the mover of a motion on a matter of urgent public importance and one member from the other recognized parties in the House are allowed not more than 10 minutes to explain the urgency of debating the matter immediately.

As stated in Beauchesne's, citation 390, urgency in this context means the urgency of immediate debate, not of the subject matter, of the motion. In their remarks, members should focus exclusively on whether or not there is urgency of debate and whether or not the ordinary opportunities for debate will enable the House to consider the matter early enough to ensure that the public interest will not suffer.

Mr. Gerrard: Madam Speaker, this is the first opportunity to bring this issue forward because the severity and the acuteness of the problems with human resource management in our health-care system have come forward dramatically over the course of the summer since we were last sitting in June.

As to the state of the problem, I will refer to a letter from St. Boniface and ICU nurses, written August 18th. The nurses say: The nurses of the NICU at St. Boniface are gravely concerned with the state of staffing in our unit since the new rotations became effective in January, 2018. We currently have 13 open codes with four more nurses leaving by the beginning of September. This means that we are short one to four nurses per shift. Nurses are expected to stay for overtime or pick up extra shifts on days off to help fill these holes. We have done so because of our dedication to our fragile and vulnerable patients and to our co-workers. However, this cannot continue. People are working up to 16-hour shifts, either voluntarily or through mandating, and then returning to work on three or four hours of sleep. This is happening multiple times in our stretches.

The letter continues, mentioning that nurses are exhausted, mentioning that, as well as the nursing shortage, we also have two vacant unit clerk positions which are often unfilled, mentioning that because nothing has changed to address our working conditions over the last seven months, but rather has worsened, we feel as though our challenges to provide safe patient care is not a priority for St. Boniface Hospital. It makes us feel unsupported and minimized. The added pressure and responsibility that senior nurses experience when they are left to deal with inadequate staffing on their own is frustrating and very unfair as it takes us away from providing patient care.

The nurses continue: It has reached the point where parents are staying overnight in the NICU because they are fearful about the quality of care

their baby will receive from exhausted nurses staying for prolonged shifts. We are very concerned that a terrible, serious incident may occur as a result of the concerns noted above.

The nurses say that in 2017 a total of 33 nurses were mandated to work an extra shift for the year. So far in 2018—and this is in the NICU alone—187 nurses have been mandated on top of the hundreds of voluntary overtime shifts the nurses have also come-covered. These numbers increase every shift of every day.

The problem is much broader than just the NICU at St. Boniface. For all of St. Boniface Hospital, Darlene Jackson of the Manitoba Nurses' Union says hospital nurses reported 1,528 mandatory overtime shifts between January 1 and September 30 of this year, with 50 per cent of those shifts in the women and child program, which includes the NICU. Indeed, we have reports from elsewhere in the province and in other facilities like the Lions Prairie Manor in Portage la Prairie where there have been also major problems with human resource management, and there was indeed an investigation by the PPCO into this.

There have been varied excuses given for the poor human resources management in Manitoba's health-care system, including increased numbers of patients. Surely hospitals and other health-care facilities should be managed so that they can deal with the patient load that occurs, not the patient load that occurred in the past.

There have been solutions proposed, including the recommendation that nurses use the employment assistant plan. Of course, the employment assistant plan does nothing to solve the lack of staffing, the constant demands for overtime and the stress and sleep deprivation nurses continue to endure and the constant mandating of nurses to work even when they have previous commitments with friends, families or university classes or other—[interjection]

Madam Speaker: Order, please.

Mr. Gerrard: Last night at the Mood Disorders Association of Manitoba the Minister of Health dismissed the problems by saying that overtime overall has been reduced. The Minister of Health, Seniors and Active Living (Mr. Friesen) completely missed the point that there are too many places in our health-care system where human resources are being managed so poorly that it is causing such adverse

effects as I have noted on nursing and their health and is threatening the well-being of patients.

I bring this forward because it is urgent that we have this addressed, we have a debate here, because the last thing we need is a death in the pediatric NICU or harm coming to patients who should be getting top-quality care. There can be no doubt that the acuity and the importance of this issue is very, very high, and that a full debate is needed this afternoon to consider the state of human resource management in Manitoba's health-care system.

Madam Speaker, my case is made, I believe, and I hope all other parties will support having a debate on this critically important subject which is urgent now in this Legislature.

Thank you, Madam Speaker. Merci. Miigwech.

Hon. Kelvin Goertzen (Government House Leader): I'm not going to argue whether or not it is an important issue. I believe that issues around health care are always important, Madam Speaker. That's why they're almost always raised in question period. That's why members almost always refer to them in the context of the various debates that we have here in the Assembly during the afternoon, evenings or in committees. There's plenty of time, of course, to debate—and appropriately they should be debated because they're significant issues.

I find it a little strange, however, that the member for River Heights (Mr. Gerrard) feels that this is of such urgency, and yet his own leader didn't even raise it during question period, Madam Speaker. He used his first question to talk about decorum in the House. The most urgent issue to the new leader of the second official opposition was the decorum in the House. It wasn't what the member opposite raised, so perhaps they want to caucus together and have a bit of a discussion. I know the caucusing issue is new for them, but they may want to get together and have that discussion about what is truly urgent, because if it is as urgent as the member for River Heights is suggesting it is, he might have had his leader actually raise it in question period, Madam Speaker.

Mr. Andrew Swan (Minto): I'd hoped the Government House Leader was going to stand up and say that he would consent and would agree to have, you know, this debate this afternoon. The Government House Leader has acknowledged this is an important issue. I believe, in his comments, he

effectively said this is a very important issue and it ought to be discussed this afternoon.

* (15:20)

Now, the motion is framed as a matter of urgent public importance dealing with health-care management. There's no question there's a particular issue which has come to the fore, but not the first time, but as I'm going to explain, Madam Speaker, the government's reaction to questions that were posed about this several months ago make it even more clear that this is a matter of urgent public importance and it should be subject to a full debate this afternoon.

Let me say quite clearly our NDP caucus supports this debate. We think it's an important thing to happen, and we know that because health—the health care of Manitobans, including our littlest, newest Manitobans, is at stake because of this government's failure to provide proper staffing.

And the most tragic example that's come forward is the NICU at St. Boniface general hospital. As you understand, Madam Speaker, it is absolutely important that those wards be fully staffed and, further, that the nurses working in those positions aren't forced to work for 10, 12, as many as 16 hours, which is currently the case.

I don't know if other members are aware of what mandatory overtime means. Mandatory overtime is written into collective agreements and it provides that, where it is impossible to find another nurse to come on shift, a supervisor can actually tell a nurse who's working her regular shift that she cannot go home at the end of her shift. She or he must stay until as many as 16 hours.

And frankly, Madam Speaker, I don't think any member of this House would want to be the parent concerned about their child knowing that the nurse looking after that infant is on the 16th hour of her shift and she may be required to return to the same shift the next day and be expected to put in another eight hours or more.

The reason why I wanted to address past questions about this is that when this issue first came up, this was asked. I asked questions of the government—ironically, of the current Government House Leader—about the crisis in health care and about the amount of mandatory overtime being imposed on nurses, particularly at St. Boniface, but also across the system. And the answer that was given at that time was that, well, it was all because of

the flu. I'm sure the member for River Heights (Mr. Gerrard) remembers those answers. It was all because of the flu. And we said, well, wait a second, even if there is anything to do with the flu, that has nothing to do with mandatory overtime for nurses working in NICU.

And of course, now, we know that flu season is well over. It's been over for five months, I would guess, and, instead, mandatory overtime continues unabated—in fact, in a greater amount. And, most particularly, we are hearing what an impact this is having on the nurses who are working in NICU at St. Boniface.

And as I've indicated, this is not a choice. This is not a supervisor saying, who would like to work overtime, and those who may want to make more money or who may have different circumstances may volunteer. These are nurses—real people—being told that they cannot go home to their families, whether they have responsibilities respecting their children or responsibilities for an aging parent or other responsibilities they're not able to leave.

And the nurses—70 of them—who've signed a letter, which we know is in the hands of the Health Minister, talked about exactly how grave the situation is. As I've said, many have to work 16-hour shifts, and as we're hearing, there are nurses who are only able to get three or four hours of sleep before they have to return to the NICU to continue to care for vulnerable children. And that is simply unacceptable.

And we know that the government and hospital management have not found a solution. And, in fact, things are going in the opposite direction. There are currently 13 open positions in that department, and they tell us that four more nurses are leaving within the month. And they say that means the unit is short up to four nurses per shift.

At the same time, the information that's been provided, that the WRHA provided, is that the number of infants in the NICU has actually increased by 10 per cent in the past year, which adds even more pressure to these nurses working in the unit. And because of that increase not only is the NICU full but it is typically, on a regular day or a regular evening, it is over capacity.

These nurses tell us they're reaching a breaking point. We need to have the debate. We need the Minister of Health to stand up and put on the record what it is he and his department and the health

authority are going to do to ameliorate what is a terrible situation and what is a true concern for any parent, any parent who has a child who is born and immediately has to be treated in the NICU.

As the Manitoba Nurses' Union president, Darlene Jackson, says, these nurses are hitting the wall. They're absolutely tired; they're worked to the bone.

And, again, it's important—it's very important. I believe I heard the Government House Leader (Mr. Goertzen) say it is also urgent. The government tried—tried—in the spring to pass this off by saying, oh, no, no; this is just because of the flu; this is just because of a certain situation.

It is now abundantly clear. It has been made abundantly clear by nurses in Manitoba who care about their patients, who—but also care about their own well-being, that this is not a transitory situation. This is an acute crisis and nurses are at the breaking point.

The union reports they've now received 1,528 reports of mandatory overtime from nurses in the province in January. I know, from travelling around the province, that not every nursing local had been collecting reports of mandatory overtime, so I expect the actual number is even somewhat worse.

But the worst part is at least of half of these reports are coming from units that care for women and care for children, such as the NICU.

So, for all those reasons, including the government's dismissal of this issue and the fact that it has now been proved over the summer not to be a temporary issue, not to be something that can be blamed on the weather or on the flu; it is a deep, systemic issue in health care in Manitoba, which is having a tremendous impact on newborns in Manitoba.

So, for that reason, we support the matter of urgent public importance put forward by the member for River Heights. We ask, Madam Speaker, that you do allow this to be debated this afternoon so we can hear what the Health Minister and others on the government side have to say. I know I have other colleagues on my side of the House and my party that want to speak. I expect there'll be other members of the Liberal Party who want to speak and perhaps even the independents who want to have their views done.

For all these reasons, Madam Speaker, I would ask you to agree this is a matter of urgent public importance and allow the debate to go forward this afternoon.

Thank you.

Hon. Steven Fletcher (Assiniboia): Madam Speaker, I'd like to speak to this matter—

Madam Speaker: The member needs to ask for leave.

Mr. Fletcher: Madam Speaker, I ask for leave to speak to this matter of urgent public importance.

Madam Speaker: Does the member have leave?

Some Honourable Members: Leave.

Madam Speaker: Leave has been granted.

Mr. Fletcher: Madam Speaker, the member from River Heights raises an issue based on factual material in—from nurses in an intensive care unit that deal with children. I know the member from River Heights is a doctor himself and I'm sure he wouldn't bring this to the fore if there wasn't a genuine urgency, and I just point out that the Government House Leader's (Mr. Goertzen) argument that it didn't come up in question period is irrelevant because this is a complex issue. The leader of the second opposition party knows full well he can't have a debate on this issue in 45-second segments. The leader of the party and even everyone who is listening to these proceedings understands that, so far, when questions have been answered, there has never been an answer to the question brought forward, never—well, except when the government asks the question.

* (15:30)

So, a MUPI, matter of urgent public importance, is appropriate for this issue to have a debate so that it can dig deep into the issues of, apparently, staffing and fatigue and patient care for—there's no harm in having the debate. I would hope that action will be taken, public awareness increased.

Madam Speaker, the issue of—having been in ICU, adult ICU, myself for—it's like eight weeks or 10 weeks, unable to breathe or—it's—it was—it is absolutely imperative that there are nurses there. And yes, there were times when there weren't nurses, or there was—when it was supposed to be one-to-one care, it was one-to-two or one-to-three. And sometimes that was due to things like coffee breaks and stuff, which is bad. So there's some

responsibility upon the staff for that. But what the member from River Heights is discussing is staffing. It seems very reasonable to be able to hire enough nurses to fill the hours that are available to meet the need. If the nurse doesn't—if you hire, say, an extra couple of nurses, and they can't—then they don't work, there's no cost to the government, but the patient gets the care, continuum of care.

And, in an ICU, and especially with children, a nurse is like a firefighter. We wouldn't imagine having a city without firefighters. Oh—or—why would we allow there to be an ICU without appropriate nursing?

Now, a city—you know, it's obviously not a perfect analogy, but the point is that, in an ICU, there isn't—you don't have 10 minutes to respond; you don't have five minutes to respond. You probably have about 30 seconds, tops, because that's now how long it takes for someone to breathe, for the heart to beat. Probably takes 30 seconds for a baby to die.

The member for River Heights (Mr. Gerrard) has raised this issue. It's dismissed out of hand, dismissed because it could have been brought up in question period in a 45-second segment. Well, that's not—that is not the appropriate place in this place. The appropriate place—or the appropriate time is to set aside time to discuss it. And due to the nature of the letter received by the member from River Heights, which I have not read, but I gather it indicates that there is an immediate need.

So what happens between now and some time in the future? What—is the government ever going to address this? Are they ever going to make any commitments? They don't do it in question period. They seem to flip-flop on other commitments. And, Madam Speaker, this is also important because there is an issue of services right across the health-care spectrum and even into Families, because addiction, for whatever reason, seems to fall under the Minister of Families (Mrs. Stefanson) in some cases.

So we have a crystal meth crisis that has got worse over the summer, much worse. We have resources that are not utilized. The building on Magnus that was renovated by the previous government has 176 rooms, of which only 18 are being used and it's—

Madam Speaker: Order, please. Order, please.

As we are speaking to a matter of urgent public importance, I would ask the member to please direct his remarks specifically to the urgency of this

particular issue and not stray off into other aspects of health care that are not on the table at this point in time.

So I would ask the member, and it's not about the subject matter itself, but it is about the urgency of whether or not this topic should be debated now. So I would ask the member to stick to relevant topics related to this.

Mr. Fletcher: The urgency is that it's brought up immediately. There seems to be a change over the summer, according to the letter. This is the first opportunity.

They—the—and it would be terrible—terrible—if the worst outcome were to occur due to lack of awareness because the House leader thinks that it should've been asked in a 45-second question rather than debated, and maybe for once this whole place could work together and find a—provide suggestions that could deal with the urgency of the issue and create awareness, and maybe we could have team Manitoba together to solve Manitoba's challenges at least in—at least for the kids in St. Boniface Hospital in intensive care. And it's a little bit of tongue in cheek, but there are kids, there's a shortage, we're aware of it. To do nothing is a lack of due diligence and our fiduciary responsibility.

Madam Speaker, if you were to rule that it is urgent, great. I hope there's consent. And if you rule the other way, I hope the government will undertake to inform this House of actions it has taken in the next 24 hours to deal with this scary staffing shortage.

Thank you, Madam Speaker.

Madam Speaker: I thank honourable members for their advice to the Chair on whether the motion proposed by the honourable member for River Heights (Mr. Gerrard) should be debated today.

I would advise that proper notice of this matter as required by rule 38(1) was provided in a timely fashion, and I thank the member for River Heights for that.

Under our rules and practices, the subject matter requiring urgent consideration must be so pressing that the public interest will suffer if the matter is not given immediate attention. There must also be no other reasonable opportunity to raise the matter.

I do not doubt that this matter is one that is of serious concern to all members of this House as the state of human resource management in our

health-care system is a very important issue to Manitobans.

However, I have listened very carefully to the arguments put forward and I was not persuaded that the ordinary business of the House should be set aside to deal with this issue today. I would note that there are other avenues for members to raise this issue, including questions in question period or raising the item under members' statements or as a grievance.

Therefore, with the greatest of respect, I rule the motion out of order as a matter of urgent public importance.

* * *

Madam Speaker: Grievances?

ORDERS OF THE DAY

GOVERNMENT BUSINESS

Hon. Kelvin Goertzen (Government House Leader): Could you please call the following bills in the following order: Bill 29, 34, 8, 12, 16 and 24. I'm optimistic.

Madam Speaker: It has been announced that the House will consider the following business this afternoon: Bill 29, Bill 34, Bill 8, and then to be followed by second readings of bills 12, 16 and 24.

* (15:40)

DEBATE ON SECOND READINGS

Bill 29—The Wildlife Amendment Act (Safe Hunting and Shared Management)

Madam Speaker: So, as indicated by the Government House Leader, we will start with debate on second reading of Bill 29, The Wildlife Amendment Act (Safe Hunting and Shared Management), and the proposed motion of the honourable Minister of Justice (Mr. Cullen). And the—this is standing in the name of the honourable member for Elmwood, who has 20 minutes remaining.

Mr. Jim Maloway (Elmwood): I'm very pleased to get back to speaking to Bill 29. And I'm sure a number of you maybe didn't hear my comments on the first part of the speech, so I'll have to reiterate some of it again.

Now, as you probably know, what's happened here is that we're debating the previous question which called for an immediate vote, and we of course think that this motion is rather premature and

we want to have the opportunity to speak fully to the—to all aspects of this Bill 29.

Now, as the members may know, Bill 29 is The Wildlife Amendment Act, night hunting—and the general prohibition of night hunting is established in southern Manitoba, and it's only allowed to hunt by permit. Spotlighting is still allowed unless prohibited by regulation or a term or condition imposed on a permit. Shared wildlife conservation and management committees may be appointed in a specific area, and these committees must have half First Nations representation. And there also must be representation from hunters, outfitters and landowners.

Now, our caucus has many concerns with this bill that may even be addressed prior to consideration of a vote. While we agree with the idea of working to improve safe hunting with the collaboration of indigenous nations and governments, we also think this bill should be amended to better achieve that goal. It appears to us—to me, anyway, that this bill was hastily put together. There's very comprehensive requirements for consultation with indigenous groups and First Nations groups in the province, and clearly this has not been accomplished at this point. And so the question is why, you know, why the rush? And I'm going to be pointing out some more of the elements of this rush in the next 17 minutes and 32 seconds.

We want the Manitoba government to be successful in its efforts in shared management of our big game population. We're on board on that, but we want to make sure that the proper consultations are done and that we have a buy-in from all of the component parts of this—of the intent of this legislation.

Our laws need to be effective and enforceable and actually meet the provincial's—Province's legal obligations, including constitutional obligations. The Province's own legal obligations are spelled out in the minister's own transition binder. And it says, Madam Speaker, that major changes that have a major effect on Aboriginal hunting require significant consultation with all Manitoba First Nations.

The scale of the consultation—and I think I addressed this last time—was that it would exceed that of Bipole III, which was Manitoba's largest consultation effort to date. And this particular requirement is right in the transition binder of the Sustainable Development Minister, so right there—

right there—to be read and understood and, clearly, maybe not read nor understood.

We are not convinced, Madam Speaker, that the Pallister government has met its legal requirements as set out by their own department. Indigenous governments, both First Nation and Metis, have said that the government has not properly consulted.

The law, Madam Speaker, must also live up to its billing. It must be a real system of shared management of hunting in this province, not a rushed—a rush to judgment, as is being done by this government.

This bill pays lip service to the idea of shared management but leaves all the power in the hands of the government. The principles of shared management are ignored. It only makes it more likely there will be problems implementing the actual bill itself. And there are aspects to that which I want to deal with as well.

One of the principles of shared management is consultation, and it's clear the Premier (Mr. Pallister) has failed to properly engage the Province's partners.

We also have practical concerns with this bill. The bill calls for a new hunting permit process that would require significant resources to ensure timely access to the application as well as processing of the applications. Now, the minister revealed this spring that the Water Stewardship and Biodiversity Division—that's the division that's responsible for these policies—had a 25 per cent vacancy rate and the government has 'eliminated'—eliminated dozens of positions in its regional offices. So that is not a healthy situation when you have a 25 per cent vacancy rate, and you're trying to ram through new legislation that's going to create extra responsibilities on the remaining, you know, 75 per cent of the people that are actually there.

This division—*[interjection]*—well, you know, I hear some chirping from the government benches, and the reality is that we are asking nothing more than proper consultation on an initiative as significant as this to actually save the government and save the government members from problems. I mean, you know, the member should take this as a positive initiative on our part to give them advice and give them proper criticism so that they can avoid problems. You know, the member seems to want to just run into a brick wall—seems to enjoy that feeling, I guess, of banging his head into solid cement. We're trying to bail the government out here and let them,

you know—allow them to avoid the problems that they are surely going to face if they simply ram this bill forward.

Mr. Doyle Piwniuk, Deputy Speaker, in the Chair

I mean, that's what—the member should know that his government is trying to ram this bill through as quick as possible to the point where trying to stop debate on the bill. They don't want to hear from all of our members who will, in fact, be standing up and making comments on this bill, you know, in the future.

Now, Madam Speaker, this division is already starved for resources. Implementing this change without appropriate staffing would overburden the existing staff and lead to problems when issuing the permits. And so the government members—you know, they would rather ram this through with the 25 per cent vacancy rate in the department and then read about it in the paper when there's problems. And, at that point, of course, they only have themselves to blame.

Now we also have serious concerns that this application process will actually not work in practical terms.

We're also deeply concerned with the way the Premier (Mr. Pallister) has used this issue to incite anger. He said—I remember back, I think it was last year now—he said that night hunting is turning into a race war—you know, why he would say things like that is just beyond me—in the Brandon Sun, and that young indigenous guys going out and shooting a bunch of moose because they can, because they say it's their right doesn't make sense to me, he says—that's on the CBC, January 20th, 2017.

Well, none of this makes any sense to me. So why he would want to do this is—you know, is up for some question and debate.

He went further when talking to a reporter at his resort in Costa Rica. Now, I don't know why he's discussing this issue in Costa Rica, but evidently he was. And so a reporter trekked their way all the way to Costa Rica to, what, discuss this issue with him at his cottage? Like, I don't really get it.

And he says in—

* (15:50)

Some Honourable Members: Oh, oh.

Mr. Deputy Speaker: Order.

Mr. Maloway: —Costa Rica, he said—

Mr. Deputy Speaker: Order. Order.

I just want to remind the member for Elmwood (Mr. Maloway) that if he can be relevant to the topic, too.

Mr. Maloway: Well, Mr. Deputy Speaker, I mean, I'm talking about nothing but the bill. Every single word I've spoken has been on the bill, and the Premier has decided to address the issue at his cottage in Costa Rica and he—at his mansion, I guess it says here.

And the point of the matter is that there was a reporter that went to Costa Rica—and I'm not sure what the reporter was doing in Costa Rica. I mean, I don't know that the reporter went all the way to Costa Rica to discuss this issue or maybe he was trying to find the Premier. The Premier's unavailable, right, not around, and so the reporter had to go all the way down there to get him, but certainly it wasn't the—I don't think the reporter was looking for the Premier to make comments like this. The Premier at his own option made these comments.

So the—I mean, it's all a mystery to us as to why it happened this way, but the point is it did. It was well documented at the time. And what he said when he was at the villa there in Costa Rica was, he said, quote, young indigenous men, a preponderance of them are offenders with criminal records, are going off shooting guns in the middle of the night. That was reporter from Maclean's magazine.

So, you know, talk about revving up—revving this up as an issue. I mean, he's gone—he's actually gone out of his way—he's gone out of his way to create problems for himself, his government and the smooth implementation of what is that he wants to do here by making comments like this. And I don't think he has—showing any real signs of restraint on this or any other issue over the last little while.

This, Mr. Deputy Speaker, has offended many who are looking to end night hunting, and they're many, many people in that group. But, certainly, when they hear comments like this from the Premier they, certainly, you know, have to question some of this. But they don't want to be associated—the people that are offended by this, they don't want to be associated with his comments. They just want to deal with the issue, the night hunting issue.

Now, days before introducing the legislation, Mr. Deputy Speaker, the Premier went to a party

fundraiser and he said he was going to end using spotlights at night to kill animals. Now, you also will see that this is not the case. The bill includes provisions for night hunting and says that night hunting can be carried out safely and now—this is the Premier's (Mr. Pallister) own bill. Section 12.2(4)(c): any additional terms or conditions considered necessary to ensure that night hunting is carried out safely or to address conservation management objectives. It's more evidence of the divisive and ugly politics that the Premier uses. He says whatever it needs to pump up divisiveness and racist sentiments, and, you know, hopefully, he'll refrain from this in the future because it really does not suit him well.

Now, Mr. Deputy Speaker, we want the Manitoba government to be successful in its efforts to shared—for shared management of our big game populations. Legislation needs to 'withstand' scrutiny that meets the Province's legal responsibilities. Legislation needs to be practical in that it can be reasonably used and it needs to meet the policy objectives. So there's all the elements.

Now, clearly, you know, I don't know what number here, but probably half the members there are talking so loud they can't hear what I'm saying anyway. All that means is I'm going to have to start over from the beginning. But, I mean, there are components. I don't know what they do when they're in their caucus. Like, do they actually, you know, discuss any of this legislation over there? Like—I don't know, I don't—*[interjection]*

Mr. Deputy Speaker: Order.

Mr. Maloway: —think I've heard any of the members opposite that say they've heard anything about Bill 29 being discussed in their caucus, and on that basis I don't know that they really—are really clear about the issues that are involved here. They're simply, you know, just probably ignoring the whole issue. And then when they have an opportunity to come in and learn something about the issue, given that their caucus is not telling them about it, now they have an opportunity to find out about the issue, and they're having their own private discussions. So about what—I don't know. I'm trying to listen in to as many of the conversations as possible, and there is no theme there. They're discussing a whole variety of issues.

But, Mr. Deputy Speaker, let's get—let's zero in on this really important issue that I was just getting ready to address, about the complexities,

you know, involved in this legislation. It's just not as simple as the members opposite seem to think. As I'd indicated, the legislation needs to withstand the scrutiny that meets the Province's legal responsibilities. The legislation needs to be practical in that—could be reasonably used. It needs to meet the public policy objective, like, once again, shared management, not simply used for divisive politics. Unfortunately, on all three counts the bill fails. We—but we agree with the principle of working with indigenous governments to promote hunting safety. We propose improving the bill with an enhanced and real co-management regime. That is one of the keys to a successful implementation of this bill.

Now, in terms of consultation and consensus, Mr. Deputy Speaker, immediately going into a vote, which is what the government wants, is premature, as there's still many issues to be discussed: important and pressing issues such as consultation and consensus. Indigenous and non-indigenous people can and should live alongside with one another respectfully and engage in meaningful conversations to identify resolutions, to identify issues.

First Nations and Metis hunters, like any others, stand to benefit from having a healthy game population in Manitoba and safe measures of hunting that game. So it's a shared—Mr. Deputy Speaker, it's a shared responsibility. Indigenous people also want safe and sustainable hunting practices, and meaningful consultations are essential to the success of changing hunting culture in the province. And, having said that, I know that it's a very small percentage of the indigenous people in the province that were actually consulted on this bill up to this date.

If safety, ethics and animal welfare are the real concern when the government should be working co-operatively with First Nations to ensure that they reach the end goal without intruding on treaty rights—First Nations Canadians have a right to hunt for food at night, a right protected by the Constitution Act of 1982. I don't know what any members opposite know about the Constitution Act of 1982, certainly, very, very little, and they're certainly not paying any attention now—provided it's done safely and under certain conditions.

Now, this legislation, Mr. Deputy Speaker, is heavy-handed. Instead of antagonizing people with it, it would help to consult in a collaborative and meaningful way to establish an agreement that favours all parties. But this is clearly something the

government hasn't done. Many First Nations appear to be unsupportive of the current bill. During this government's announcement of Bill 20, there was no First Nations representation at all. The Assembly of Manitoba Chiefs told reporters consultation with indigenous people is far from finished; it's barely started. There has to be meaningful conversation, and that was just what was supposed to happen, but has not happened right now. Reasonable voices get crowded out by the government's inflammatory comments like race war. Comments like that are not—like these are not only racist, but they hinder the development of respectful relationships with First Nations and reconciliation efforts. There needs to be meaningful dialogue between the government and First Nations to come up with reasonable solutions that are safe and sustainable.

* (16:00)

Now, there's also still several matters regarding the bill that are important to discuss prior to going to the vote. In September of 2017, the Manitoba Metis Federation members voted to ban spotlighting for their members. That was covered in CBC report of September 21, 2017.

There's also a new resolution places further restrictions and limitations on night hunting. We see this self-governing approach to—that the MMF took as a step in the right direction. It actually goes further than what the Province has actually proposed.

Indigenous leaders have said they're willing to work with the Premier (Mr. Pallister), but this requires working together and meaningfully this consulting, something the Premier's not willing to do.

Now, Mr. Deputy Speaker, I know that members opposite would like me to continue, you know, long and far into the future here, and I'm really not anywhere near finishing my notes, but I have run out of time, maybe because of the interruptions of the members opposite has caused me to—*[interjection]*

Mr. Deputy Speaker: Order.

Mr. Maloway: —caused me not to be able to finish. So—*[interjection]*

Mr. Deputy Speaker: Order.

Mr. Maloway: —perhaps I'll have another chance on this very bill another day.

Thank you, Mr. Deputy Speaker.

Hon. Rochelle Squires (Minister of Sustainable Development): I'm pleased to rise today and to say a few words about this very important piece of legislation.

But more importantly, I'd like to state how disappointed I am that we continue to see delays and stall tactics employed by the NDP, and from what we're hearing today from the member for Elmwood (Mr. Maloway) is that they're likely not interested in even debating the real issues at hand here and that they are not interested in sustainable hunting practices and ending unsafe hunting practices here in Manitoba, and it's just really, really discouraging. In fact, it's quite a sad day here where we see nothing but angry rhetoric, ideological arguments and, in many cases, irrelevant blathering from members opposite instead of talking about the importance of Bill 29, The Wildlife Amendment Act, to implement safe hunting and shared management in the province of Manitoba.

Our government feels that this is an incredibly urgent issue and we are asking all members of this House to see the urgency in this issue of public safety as we are upon fall hunting season once again. I cannot state, again, how disappointed we are that this legislation has not been implemented and the safety measures, the protection measures are not being implemented in Manitoba. And I know many members of this House, our caucus as well as other caucus members, have had this issue really close to home, right in their own constituency, in some cases right in their own backyard and in their own communities.

I know many of my colleagues have shared with me stories about bullets flying through the night into farmhouses, damaging property, and in many cases causing lives to be lost. Every life that is lost due to night hunting is one life that ought not to have one injury, one fatality, that ought not to have occurred. And we have the opportunity right here, right now to make a difference, to make our communities safer, safer for all the public, safer for hunters who go out and practice their right to hunt. We have an opportunity and we have an obligation to look at their safety and make a decision in the best interest of their safety, and it's so disconcerting to see members opposite failing in their duty to protect the community.

Our government's No. 1 concern always will be the safety of Manitobans and this bill, this thoughtful bill, is reflective of our concern for public safety as

well as our concern about the sustainability of our big game species right here in Manitoba, as well as the ethical treatment of animals.

It also carefully balances the constitutionally protected rights of indigenous people to hunt. The legislation would allow indigenous hunters to exercise their right to hunt in designated areas by obtaining a no-cost night hunting permit, with the exception of private land where there would be a complete ban. It would allow land owners to have assurances that their property damage would be minimal and that the public could be more assured of their safety.

This bill would also ensure that night hunting would only be allowed if and when the hunt does not threaten the viability of the species being hunted, and once again, Mr. Deputy Speaker, I know I've heard from many people in this province and many members of our caucus have heard from many groups across this province who are very concerned about the sustainability of many of our iconic species, the caribou and the moose in particular, and all of our big game species in the province. And it's really disheartening to see members opposite just blatantly turn their back on a real crisis.

We have an important matter. We have an obligation to protect the sustainability of our species in this province, and they are failing in that duty, and they're putting ideology ahead of their duty to protect the sustainability of elk and caribou and moose and all of our big game species here in Manitoba.

This bill would also enable a shared management committee that would include representatives from hunting and outfitting organizations, landowners and, most importantly, indigenous communities. In fact, half of the committee's membership would come from indigenous community members. We have a lot of consultation with indigenous communities who were very appreciative and very eager to move forward in the shared management initiative that our government is embarking on, and I would again encourage members opposite to set aside their ideology and listen to the indigenous communities who are wanting to move forward and have a say on the sustainability of our wildlife populations and move forward in collaboration with our government as we move towards ending unsafe and unsustainable hunting practices.

We know that hundreds of Manitobans are onside with us in regards to public safety, the

conservation of our resources, sustainability and ethical treatment of animals. And I'd like to take this opportunity to thank those hundreds of community members who have written to us, who have signed petitions and who have worked very, very hard to advance these priorities.

Just today, the MLA for Emerson received yet another petition with many, many signatures from people in his community who are urging us to move forward on ending unsustainable and unsafe hunting practices. And I want to table this petition for all the members in the House to see so that they can read what members in the community—communities that are most affected by night hunting. These are—many of these people, they live in St. Malo, St. Pierre, Ile des Chênes, all parts of agro-Manitoba. Many of them have had direct impacts to unsafe night hunting practices in their communities. Their properties and their lives have been put at stake, and I urge members opposite to think about those people that took the time to sign that petition, who took the time to write to us, to say, we're on the side of government, we're on the side of this legislation and are urging members opposite to get out of the way of stonewalling this legislation and—with their stall tactics and their empty rhetoric.

I want to thank the MLA for Emerson and all the people in his community for bringing forward this petition, and I urge members opposite to take a look at that and to stand up for public safety and animal welfare and let Bill 29 proceed to committee immediately so we can hear from more members of the community on this important piece of legislation.

So, again, I urge members opposite to let this bill proceed to committee and to stop their unnecessary delay tactics and their stall tactics and stand up for the sustainability of our species in this province, stand up for ending unsafe night hunting practices and work with our government at bringing forward a better future for all Manitobans.

Mr. Dougald Lamont (Leader of the Second Opposition): I didn't know I was honourable, but thank you very much.

Everyone wants safe hunting, everyone wants to protect species but there are certain assumptions about this bill which I think are questionable. One—and it's quite simple—one is that, when it comes to night hunting or bullets flying through the night, we don't know who are firing those bullets. So there seems to be an assumption here that it's indigenous people who are doing it. And the other is that it's this

type of hunting which is the main reason for species loss.

Part of this is that what needs to be considered is evidence. We need to consider what evidence is there for these claims of—that it is—specifically, that it's indigenous hunters whose behaviour needs to be controlled, that they're the ones doing the night hunting or that there are bullets flying around and that it is—that this type of hunting is the cause of dwindling major species. There are other possible explanations. We actually don't know who's firing those bullets or that shot.

But the other aspect of it is that there is a serious argument that one of the reasons for dwindling species is a loss of habitat. And I've spoken with the Keystone Agricultural Producers who've said one of the things we need to do in this province is update our land use, because we still take the same approach that we've been taking since pioneer times. We just bulldoze trees in order to open everything up, which means a loss of habitat.

*(16:10)

So one of the reasons why we're losing these animals is not just that they're being shot; it's that they're being starved because they don't have adequate wilderness or habitat. And this is something that farmers have been behind, that farmers in KAP have been asking for this, because there's been no update to land-use policies for 40 or 50 years.

So one of these things—this has been an extremely divisive issue. There are ways we can come together on this. There are things where we have areas of agreement. But I—frankly, I don't think that the government has been act—has treated First Nations with adequate respect and that some of this would have been answered because everyone has an interest. We all have an interest in coming together on this and having proper management, better wilderness and ensuring that these species are still around for the future.

So as a Liberal caucus we are not in support of this bill, but I thank you for the time, Mr. Speaker.

Mr. Andrew Swan (Minto): I'm pleased to stand and speak to Bill 29.

I did have the chance to speak to Bill 29 back in June when, as you'll recall, the Legislature was recalled for a then-emergency session, and I believe I still have the reason given: the emergency session to consider financial matters and other important

undertakings which serve in the best interest of Manitoba—which apparently was the most important thing to the government at that time. And despite that, we had some discussions on Bill 29 and now here we are again today. There's two days left to be debating on second reading five bills that were held back from the spring session. Instead, we now have Bill 29 on once again.

It was interesting to follow the comments of the Minister for Sustainable Development who, unfortunately as usual, wants to go on partisan rants than actually addressing some of the questions that have been raised by the official opposition and by the other members of this House. And she says she's disappointed that members of this House want to debate the bill, and that's a pretty sorry statement on this PC government's approach to dealing with indigenous people, that they believe that discussion and debate is improper and that it's disappointing and that it is improper. Because our job in this House is to raise questions and there are questions about this bill.

If the Minister for Sustainable Development had approached this a different way, I think we would be a lot further along. This is a difficult issue and, Mr. Deputy Speaker, I know in your communities and many other communities this is an issue of concern and our NDP team certainly understands that.

There is another side to the story, and that's that this bill seeks to impact things that are guaranteed by the constitution. And it doesn't mean the bill shouldn't proceed; it does mean that the government has a responsibility to do better than they have.

And I was hoping when the Minister for Sustainable Development got up this afternoon, since this House last sat in June, she would put on the record some evidence of some further work that she had undertaken, or the Premier (Mr. Pallister) undertaken or her department undertaken to say, you know, we heard you. We listened to the concerns that you were raising on behalf of indigenous people and we've addressed that. We've gone out and we've had five more meetings, 10 more meetings. We've met with these groups. We've actually got a signed letter from the southern chiefs or we've got a signed letter from the Assembly of Manitoba Chiefs or with tribal councils that would point out that we are, indeed, on—in the right direction and we've been able over time to convince more groups to be onside.

It's pretty apparent from the Minister for Sustainable Development's comments today that zero work on that has occurred. This government is not interested in the slightest at ensuring their constitutional responsibilities. They're not interested in the slightest in the valid questions that have been raised recognizing the importance of the issue, but also the fact that constitutional rights are not something that can simply be trodden on without proper consultation and a thoughtful process being obtained.

So I'm disappointed that we appear to be no further ahead than we were several months ago, and that blame lies squarely on the shoulders of the Minister of Sustainable Development (Ms. Squires) and this government.

Again, let me state that we understand the importance of dealing with night hunting and night hunting can be dangerous, and I also accept what other members have said that, in terms of wildlife management, it is not a wise practice.

This bill would enact a general prohibition of night hunting in Manitoba—in southern Manitoba. Night hunting would only be allowed by permit. Spotlighting would still be allowed unless prohibited by regulation or a term or condition imposed on a permit. It would provide that shared wildlife conservation and management committees may be appointed in a specific area, and those committees must have half First Nations representation, but also representation from hunters, outfitters and local landowners.

And again, we accept that there are true, real safety concerns, and that's why our hope had been that we would be somewhat further ahead than we were back in June when this House last sat. Unfortunately, the government has decided that they are not interested in further consultation because they're a government that's not interested in consultation to begin with.

Now, I had the chance back in June, the way that things were going at the end of the session, to speak on this for three straight days, although I was limited to my 30 minutes. There was a lot going on, as you'll recall, Mr. Deputy Speaker.

I think it's important, though, to remind all members of this House, all my colleagues, where the whole idea of co-management comes from. Of course, in most cases, it's simply the Department of Sustainable Development that is in control of these

things, but when we're dealing with indigenous people, it's not that simple. And co-management comes from the duty to consult contained in the Constitution Act, which was passed in 1982. And I think everybody old enough remembers the patriation of the constitution, when the British North American act became the Constitution Act of Canada, and, at the same time, the Charter of Rights and Freedoms was passed.

And when the concept of patriating the constitution was first raised, frankly, the federal government of the day—and, frankly, most of the provincial governments—thought that it was all about the balance of powers between federal governments and provincial governments, and they weren't really that interested in other governments—namely, those governments which speak for indigenous people in Canada.

And there is a fascinating National Film Board documentary that I highly recommend, Mr. Deputy Speaker. Since I last spoke in the House I had the opportunity to actually find it. It's easily shareable and findable if you google Dancing Around the Table. It's a National Film Board documentary which really gives a good insight into where the Prime Minister and the federal Minister of Justice and where a number of provincial premiers were at at the time that the constitution was patriated in 1982.

And there were a number of really troubling comments that were put on the record. There was a lot of frustration indicated—*[interjection]*

Mr. Deputy Speaker: Order. I'm actually having a hard time listening to the—hearing the speaker, so I just wanted to have everybody having their conversations go to the loge to speak, but it's—the noise is getting a little loud here.

So I'll have the honourable member for Minto (Mr. Swan) continue.

Mr. Swan: Thank you, Mr. Deputy Speaker, and for those members that weren't paying attention, of course it'll be in Hansard tomorrow, but everyone—it should actually be required watching, I think, for Canadian politicians to watch the National Film Board documentary Dancing Around the Table, because it is quite fascinating to see how at that time the unanimously white and unanimously male Prime Minister and premiers of the provinces were quite prepared to dismiss the concerns and the rights of indigenous people.

And I'd like to think as a country we've moved a lot forward but, unfortunately, given the unfortunate comments of the Premier (Mr. Pallister) and clearly the attitude of the Minister for Sustainable Development, I'm not sure in Manitoba that we've made that much progress from 1982 to today.

And there are a couple of interesting interludes in that documentary. One of the first was that one of the indigenous leaders at the start of the proceedings say, you know, there is a tradition in our people, and we begin on an important day when we're meeting with the Prime Minister and the Justice Minister and premiers of different provinces, when we are hoping to achieve something, we usually begin the day with a prayer to hopefully invoke a positive discussion and have the best opportunity.

* (16:20)

And then Prime Minister Pierre Trudeau, who was looking very bored and unhappy, shrugged his shoulders and said: All right, then. We'll have a prayer. And he stood up and he recited the Lord's Prayer, which, of course, for most of the white male premiers around the table was not a problem. It was actually quite insulting to indigenous people who were there with their own—many of them with their own belief systems and their own thoughts. There were comments that were made by Brian Peckford, who was the premier of Newfoundland. I believe it was Bill Vander Zalm—it was either Bill Bennett or Bill Vander Zalm who was the premier of British Columbia at that time. And the two of them were of the view that the Constitution Act, or then the British North America Act, in section 91 and 92, it divided up all the powers and that there really weren't any other powers to go around, which was very frustrating for indigenous people, who, of course, have rights based on treaties, for those who are not subject to a treaty, rights because of their historical presence in Canada, or as we're now finding with Metis people, rights that they would've had before Canada became a country.

And what I'm getting to is that something which may look very clear to someone who signs a petition in Emerson or even a member from a community, what may seem very, very clear and very obvious is actually not quite so obvious, because, what is worse than not having a bill in place, a law in place, that deals with this? It's having a bill which is unconstitutional and a bill which is then subject to being struck down by the courts, because, what does that mean? Well, that means uncertainty. That means

that the work that our hard-working conservation officials are carrying out is sometimes in vain. And that is not something that we want to have happen.

And, unfortunately, sometimes we learn these things by experience. And Manitoba does have experience where our conservation policies have actually run up against the rights of indigenous people. And the court made a case—made a decision, what was called the Goodon case, about a decade ago. And I believe, actually, it was down your neck of the woods, Mr. Deputy Speaker. The facts of the case are actually quite simple. Mr. Goodon was a hunter, and he shot a duck, and then the conservation officers descended on him and said, no, that duck has been taken in violation of the regulations here in Manitoba. Here's your summons. You're being charged under The Wildlife Act. And Mr. Goodon said, no, I'm—I am a Metis individual. I actually have rights, which supersede the rights that are being—that have been passed by the Legislature of Manitoba. You need to cancel the ticket, and you need to give me my duck back.

Well, the matter went on to court, and, indeed, the constitutional branch of the government, with very, very bright people, may I add—I hope the new Minister of Justice (Mr. Cullen) agrees; I know the former Minister of Justice agrees that there are bright people working in the Constitutional Law branch. They did their very best. But, indeed, Mr. Goodon was successful in having the court determine that with respect to his actions, the provincial Wildlife Act did not apply.

And the court actually did quite a thorough analysis. I'm reading the trial judge's decision. And what did Judge Combs, who, of course, was a judge out of Brandon, have to say? Well, he said this, in paragraph 8: Certain principles have been established by the court in analyzing Aboriginal rights and, in particular, the effect of section 35(1) of the Constitution Act. These principles recognize the purpose of constitutionally recognized Aboriginal rights as enunciated in *R v. Van der Peet*, in 1996, 2, Supreme Court Reports, 507, at paragraph 31. And I quote: What section 35(1) does is provide "the constitutional framework through which the fact that Aboriginals lived on the land in distinctive societies, with their own practices, traditions and cultures, is acknowledged and reconciled with the sovereignty of the Crown. The substantive rights which fall within the provision must be defined in light of this purpose." The Aboriginal rights recognized and affected by Section 35 must be directed towards the

reconciliation of the pre-existence of Aboriginal societies within the sovereignty of the Crown.

And Judge Combs went on to say various things, including interpreting a Supreme Court decision, *R v. Sparrow*, a 1990 decision of the Supreme Court that I will talk about a bit more in a few minutes because it's also very instructive and gives more reasons why this government needed to do a better job.

He went on to say at paragraph 11: is equally clear that any legislation which significantly impairs, in this case, a Metis person—that is, we can apply that to any indigenous person—from exercising a right granted under section 35 will be deemed to be an infringement and, absent reasonable justification, is of no force and effect against that individual.

In *R v. Adams*, 1996, 3 Supreme Court Reports, 101, in paragraph 54, Chief Justice Lamer, on behalf of the court, stated, and I quote, Mr. Deputy Speaker: In light of the Crown's unique fiduciary obligations toward Aboriginal peoples, Parliament—which I should point out would include this Legislature—may not simply adopt an unstructured discretionary administrative regime which risks infringing Aboriginal rights in a substantial number of applications in the absence of some explicit guidance. If a statute confers an administrative discretion which may carry significant consequences for the exercise of an Aboriginal right, the statute or its delegate regulation must outline specific criteria for the granting of discretion which seeks to accommodate the existence of the Aboriginal rights.

The Supreme Court went on to deal with another indigenous hunting case, the *Powley* case, and they came up with a 10-part test to determine where a constitutionally protected Metis right has been unreasonably infringed. I'm not going to read through all 10 of those items because there's a lot of other things to say on this important bill.

But let me simply say that if someone challenges the provincial—a provision of the provincial Wildlife Act, saying that they are an indigenous person, whether First Nations or Metis, it's not as simple as perhaps the Minister of Sustainable Development (Ms. Squires) and perhaps some members of her caucus would like us to believe. And that is why we hope there would have been more work done, but as we've learned this afternoon, that simply is not the case.

And what occurred in the *Goodon* case—because I know everyone was waiting on the edge of their seat—is that the court found that the provisions in The Wildlife Act were actually unreasonable, as they made no accommodation for a Metis hunter.

The Wildlife Act at that time contained no reference to Metis people and made no attempt to accommodate a constitutionally enshrined right. And the judge found the legislation imposed undue hardship and denied Mr. Goodon, as a Metis individual, his preferred way of exercising the right to hunt.

And the court went on to conclude the Crown had presented no evidence justifying any infringement of Metis hunting rights in the province of Manitoba and, in particular, Turtle Mountain and found that although there can be restrictions for conservation and safety reasons, it did not exist in this case.

And the judge in the *Goodon* case concluded, first of all, that the accused person was a Metis person within section 35(2) of the Constitution Act, and thereby has an Aboriginal right to hunt for food, which other indigenous people have; (b) that section 19 of The Wildlife Act, as it read on October 19, 2004, is of no force and effect with respect to the accused in the circumstance of this case by reason of his rights under section 35 of The Constitution Act. And (c), the charge against the accused was dismissed.

We are actually trying to help the government to make sure that this bill does not wind up achieving—suffering the same fate, because I think everybody wants certainty. And it would be a lot easier if we could now, today, say, you know, the government heard what indigenous leaders had to say; they've heard what the members of this Legislature have had to say, and they've moved ahead to work on getting a consensus that we can go forward with.

As the member for Elmwood (Mr. Maloway) pointed out in his comments, there actually was success. The Manitoba Metis Federation, which of course had been very involved in the *Goodon* decision, ironically, was actually able to step up and come up with their own recommendations. And they passed a resolution which made it very clear that, for their members, there would be further restrictions and limitations on night hunting.

* (16:30)

And that's a good thing. That's a very positive thing. We saw this governing approach—self-governing approach that MF took as a step in the right direction. And following that, we've had other indigenous leaders say that they believe this is an important issue and that they would like to work with this Premier (Mr. Pallister) and this government, but for reasons only this government knows, that simply hasn't happened.

So, in case there are some members in this House who believe that the Manitoba case that I've talked about isn't relevant because it dealt with a Metis hunter, I want to spend a few minutes talking about the Sparrow case. And I raised that earlier in my comments. It's a 1990 Supreme Court decision, and it was actually the first time the Supreme Court had applied section 35 of the Constitution Act of 1982, and the provision which is important to all of us, because we're all treaty people.

Section 35 of the Constitution Act states: the existing Aboriginal and treaty rights of the Aboriginal peoples of Canada are hereby recognized and affirmed. And that provision did not come along easily. That provision was added into the constitution because of interventions of indigenous people who, after hearing what Prime Minister Trudeau had to say, and premiers like Peckford and Vander Zalm had to say, they were very worried that patriating the constitution from Britain wasn't necessarily a good thing for indigenous people. And, indeed, it was through their interventions and, of course, the interventions of leaders like Howard Pawley of Manitoba—then the premier of Manitoba—that this provision was included.

And in the Sparrow case—which, of course, was decided by Canada's highest court—they found that First Nations have an Aboriginal right as defined in that section of the constitution to fish and to hunt for food, social and ceremonial purposes, and that right takes priority over all others after conservation.

What happened in the Sparrow case? It was a member of the Musqueam First Nation, which is a First Nation on the west coast, on the Pacific coast, of Canada. And an individual of that First Nation had appealed his conviction on a charge of fishing with a longer drift net than was permitted by the terms of that First Nation's fishing licence under the Fisheries Act, federal legislation, but under the same restrictions. And he based his appeal on the argument that the restriction on net length was

invalid because it was inconsistent with section 35 of the Constitution Act.

I have no doubt, Mr. Deputy Speaker, there was an entirely valid conservation reason to limiting the length of a fisher's net. However, this individual said, yes, there may be a valid conservation purpose, but it does not apply to me because this is my constitutional right as affirmed by section 35 of the constitution.

And what is so interesting about the Sparrow case is it was really the first opportunity for the Supreme Court of Canada to interpret what section 35 actually meant. And, in overturning Mr. Sparrow's conviction, the court ruled that the Constitution Act provides, and I quote, a strong measure of protection, end quote, for Aboriginal rights, and that any proposed government regulations that infringe on the exercise of those rights must be constitutionally justified.

And the two-part Sparrow test for determining whether an infringement can be justified is, first of all, the government must be acting pursuant to a valid legislative object; and (2) the government's actions must be consistent with its fiduciary duty towards Aboriginal peoples. If a valid legislative object is established, assessment of whether the government's actions are consistent with that fiduciary duty between the Crown and Aboriginal peoples requires that three questions be addressed. First of all, has there been as little infringement as possible in order to achieve the intended result? Second, and in case of expropriation, has fair compensation been paid? And third, has the particular Aboriginal people been consulted? And the Sparrow justification test applies beyond Aboriginal rights. It also includes treaty rights and Aboriginal title as well.

So the Supreme Court had their first chance to speak on section 35, and they didn't waste their opportunity to lay down some very important principles that guide not just the federal government, but also provincial legislatures in passing laws. The court further ruled, and this is also important, that Aboriginal and treaty rights are capable of evolving over time and must be interpreted in a generous and liberal manner. And that's a small-l liberal, Mr. Deputy Speaker, just to make that clear.

We're told by the Supreme Court that governments may regulate existing Aboriginal rights only for a compelling and substantial objective such as the conservation and management of resources

and, thirdly, after conservation goals are met, Aboriginal peoples must be given priority to fish for food over other user groups.

And even today, Mr. Deputy Speaker, some 28 years later, the Sparrow case remains one of the most important Supreme Court decisions pertaining to Aboriginal rights. That decision provides real meaning to section 35 and the Sparrow case sends—or I suppose, in the case of this government, should send a strong message to all parties concerned that when dealing with the rights of Aboriginal people, their rights are to be taken seriously, sensitively, in such a manner as to maintain the honour of the Crown in its fiduciary relationship with them.

And these are particularly wise words by the Supreme Court of Canada, and I would have hoped that we would have seen something a little different this afternoon than what we saw and, in fact, the history of this, unfortunately, due to the Premier's (Mr. Pallister) unhappy comment, has been anything but something, I think, we would agree is consistent with the duty of the Crown.

And I know that members opposite don't like to hear it, but their Premier—I suppose he's our Premier, too—made some truly unfortunate comments about the practice of night hunting. And the Premier decided in his own mind that night hunting was only conducted by indigenous peoples, and he described that night hunting is turning into a, quote, race war, as quoted in the Brandon Sun.

And his quote to the CBC on January 20, 2017 was—and I unfortunately do quote the Premier—young, indigenous guys going out and shooting a bunch of moose because they can, because they say it's their right, it doesn't make any sense to me.

And, unfortunately, the Premier couldn't leave well enough alone. He then departed for Costa Rica, where the media did catch up with him and his quote to the reporter from Maclean's was as follows: Young indigenous men, a preponderance of them are offenders with criminal records, are going off shooting guns in the middle of the night.

And days before introducing legislation, the Premier went to a party fundraiser and said he was going, quote, to end using spotlights at night to kill animals.

So, if we talk about the duty of the Crown to act honourably, the duty of the Crown to consult and what I had hoped in 2017 and now 2018 would be a reality, would be a government truly sitting down

with First Nations as equals to discuss an important issue, to come up with an accommodation that can take the valid concerns about conservation, the valid concerns about safety—which no one in our NDP team is doubting—and come up—and consult and work with indigenous people to come up with a plan that actually works.

And when First Nations raised their concerns about Bill 29, we shared those concerns. We are going to continue talking to those First Nations and perhaps—perhaps—the Minister of Sustainable Development (Ms. Squires), when she spoke and was partisan in her short speech this afternoon, maybe she forgot to tell us that they did some more work on this. And maybe when we speak to First Nations' leaders they'll say, you know what? We've actually heard something further from the Department of Sustainable Development, or the Premier apologized.

Well, that's unlikely, but we'll always be hopeful. If they come back and say that there's been some further progress done, then, of course, we will be very interested. But certainly, as a member of the opposition, when there's a bill that's brought forward that does have an impact on treaty rights, on First Nations rights, I think it is important to stand here and be able to put comments on the record, to not be bullied into not using the time that we're permitted to speak by the government.

The government already had a number of levers. If this had been such a priority for them they could have introduced it before the deadline in the spring and it might or might not have been one of the bills that was held back, but the government didn't do that.

* (16:40)

So for the Minister of Sustainable Development to stand in her place and criticize my colleagues and I for standing up and discussing this important issue, it's unfortunate. It is improper. It does not show a Minister for Sustainable Development nor a government which is truly interested in advancing what is called—with no shortage of importance—the honour of the Crown.

I would like to think that if they do their homework, there are still ways to get this passed reasonably quickly. If we hear that no further work is done and those concerns are still out there, then we will have to make a further assessment of what to do. But the government really has done everything they can to make this more difficult than it need to be.

There is a serious issue that needs to be addressed. Unfortunately, they haven't done it.

So with those words, Mr. Deputy Speaker, I will let other members who want to talk about this have their say. Perhaps there'll be some government members who will tell us the Minister of Sustainable Development (Ms. Squires) forgot to say something, and we will certainly welcome that happening.

Thank you, Mr. Deputy Speaker.

Mr. James Allum (Fort Garry-Riverview): I'm pleased that you're able to tell me apart from the member for River Heights (Mr. Gerrard). I'm glad we're sorting that out as we go forward, not that I mind being confused with such an esteemed member as—this House as the member for River Heights.

But I'm very pleased to get up and speak to the motion today, Mr. Deputy Speaker. I trust that you had a fine summer. I know we in our caucus were out there talking to Manitobans each and every day since we were last in session. And what we consistently hear from the people in our constituencies—which I take would be, in fact, consistent across Manitoba—is a—is ongoing and growing unhappiness with a government that seems not to want to listen to Manitobans or talk to Manitobans or even engage with Manitobans. And that's why we're back here again, Mr. Deputy Speaker, talking about something that we ended the last session—the spring session off.

And I want to compliment the previous speaker to me, the member for Minto (Mr. Swan), who was able, in such an erudite and informed matter, take us through some really important issues that reflect why we are not quite prepared to go forward at present without making sure that there's a full debate on the matter at hand, on Bill 29, and more importantly, on the government's calling the previous question that we should take this to an immediate vote, which was of course premature to say the least, misguided at best and, frankly, showing a tin ear to the reality of the very important issues at the heart of this particular matter.

And it's kind of interesting, Mr. Deputy Speaker, because so much has changed in this House since the last time that we had the honour to be together. Of course, I want to take a moment just to welcome the new member for St. Boniface (Mr. Lamont) and welcome him into the Chamber. We're glad that he's here and making a contribution day in and day out, I hope, to improving the lives of Manitobans. And I

think he would probably agree that there's a stiff learning curve here and that he will grow into his role both as a member of the House and as Leader of the Second Opposition, I believe it's called formally in our circumstance. So there's one change. And, as I say, our caucus welcomes him, and anything that he can do to help improve the well-being of Manitobans, of course, we would be on board with that.

And then there were considerable changes, Mr. Deputy Speaker, over the summer. On the government's side, we had a number of changes in the Cabinet—oddly, in only a few short years, and yet things keep changing. They keep playing musical chairs over there. I know my friend from Steinbach managed to last for a couple of years in Health, and for a Tory minister, frankly, that's a long time.

Madam Speaker in the Chair

But I welcome him into the Education portfolio. I know that he and I had a chance, during the last election, to debate a number of education events. It was never clear to me why the critic for Education wasn't there at the time, but of course, you can't go wrong in sending the member for Steinbach (Mr. Goertzen) to a debate on Education, and I give him full credit for that.

Mind you, he didn't really have much to talk about when he was there, so I'm hopeful that he'll be fully briefed by the fine department that he has behind him and that he'll work in the best interests of the education of Manitoba's young people and our post-secondary education students.

I know that he's kind of on to an auspicious start, in the sense that he hasn't differentiated himself from the former minister's approach, and I hope that he will. I hope that he'll try to work more closely with the institutions, but more importantly, to listen to students and listen to families when it comes to the education in Manitoba.

I know that the former Attorney General is now changed chairs into the Minister for Families and I wish her well. I wouldn't go so far as to say that she has big shoes to fill in that portfolio particularly. The former minister's performance was mediocre at best, but I certainly wish the new minister well in that regard.

And of course, we have the Minister of Justice (Mr. Cullen), who I think is on track to hold every Cabinet portfolio within one short, four-year period. And I don't know if that's a testament to his agility or

that he just can't hold a job, but of course, I want to wish him well. Hopefully he'll have more success in this portfolio than he has had in the four or five others that he's already held in a little less—a little over two years' time.

And so, my point in saying this, Madam Speaker, is simply to say that while so much has changed over the course of the summer, we're back to the same old, same old when it comes to this particular government and this particular issue.

And it doesn't surprise me that on a day that the Premier (Mr. Pallister) would abandon the carbon tax—probably it's the first time that the government members had heard that that was going to happen—we know that the proposed carbon tax coming out of the green-washing plan was never going to work anyway.

It was never designed for the purpose for which it was intended and we know that it was going to be a colossal failure in terms of addressing climate change and was also, at the same time, going to drag the government down. So I'm not surprised that the Premier would turn tail on that particular issue, would make something up—probably in the middle of the night where it came to him that this probably wasn't a good idea.

And I think all of us in the House know that the government side look absolutely shocked by the ministerial statement given by the Premier today. And it goes to show you that it's been kind of a hard time for Minister of Sustainable Development (Ms. Squires), who managed to hold on to her job despite all the various changes in the Tory Cabinet, and yet at the same time maybe had the roughest summer of all.

We know that she had some very, very difficult issues with transparency in the late spring and into the summer, had tried to dodge the reality of the situation, had really put public health of people in St. Boniface at risk for no good reason at all.

And then on top of that, we find now that—today we learn that the Premier flip-flopped on his carbon tax and now finds himself with no tools, no mechanisms to actually address climate change—but he never took it seriously, either.

But I take that, myself, as a member here in the Legislature, as being a rebuke to the Minister of Sustainable Development, who had come up with their green-washing plan in the first place, had come up with, frankly, an incomprehensible approach to

addressing climate change and to, in particular, to the implementation of a carbon tax.

* (16:50)

And so all of that leads to why we're back looking at, today, yet, what appears to be another profound failure on the part of the Minister of Sustainable Development, because she hasn't been able to move this bill along. And the reason for that, Madam Speaker, is because she has done it and the government has done it and the Cabinet has done it and the Premier has done it wrong right from the get-go, and so, today, here we are, back at square one, spinning our tires as though it were winter, and, frankly, it is kind of winter outside today, but we are spinning our tires, going through the same old things, because it's a government, already, in a mere two-plus years, out of ideas, out of energy and out of any interest, if they ever had any, in governing on behalf of the people of Manitoba.

It was quite astounding when the Minister of Sustainable Development got up today—and my friend from Minto already pointed it out—who said, well, we don't need any more debate on this particular issue. Let's just get on with it; let's move forward; let's—really, frankly, in so many words, she was saying, let's take the debate out of the Legislature; let's take the debate away from the people of Manitoba; let's take the debate away, and instead, let's just move on even though there are colossal, colossal problems with this particular piece of legislation. And actually what needs to happen is we don't need to vote on this particular motion that asks us just to call the question, Madam Speaker.

But, in fact, I would suggest—and I believe my colleagues would agree with this—that the government needs to go back to the drawing board on this particular issue. And most importantly, they need to go back and do a proper consultation with First Nations in this province, which they have—clearly, clearly have not done and not to the extent necessary in order to deal with an issue profoundly important to indigenous peoples in this province that has a profound constitutional implication, a profound implication for treaty rights as well, Madam Deputy Speaker.

So, instead of bringing this to a vote as the minister unwisely suggested today, I would suggest—and I think other members on the government side would agree—that—to withdraw the bill, go back to the starting blocks, the starting line, and begin a comprehensive consultation process that meets the

constitutional requirement in terms of a duty to consult, and that quite simply has not happened. And we are, as my friend from Elmwood said earlier, merely trying to give the—do the government a favour in this regard to stop them from crashing head first into a brick wall without a helmet. We're suggesting, don't run into that brick wall, but, in fact, go around it by virtue of starting over and going to a proper process of consultation as required by the constitution of this great country that we live in.

Now, it's not like we don't agree with the idea of working to improve safe hunting, but we want it done as it should be: in collaboration with indigenous nations and governments, and we think that the bill, frankly, needs to be amended to improve its overall quality, in addition to the very important—*[interjection]*

Madam Speaker: Order.

Mr. Allum:—consultation that needs to be done.

Thank you, Madam Speaker.

And I think it's fair to say, on our side of the House, that we've always tried to help the government to move progressive agendas forward. We want the government to be successful in its efforts at shared management of our big game population but, quite frankly, Madam Speaker, the way in which the bill addresses shared management is frankly not shared governance, shared management, at all. In fact, the bill, as it's currently written, leaves all the tools, all the power, in the hands of government and simply and quite merely provides a small little bit of input from indigenous peoples, and that's not what shared management, what co-management, ought to mean in 2018.

And so in both issues, Madam Speaker, what we've tried to do here by engaging in a productive and positive debate here on this particular issue is to save the government from itself, and that's all we're after.

And I'm sure that there are many members of the government side, on government backbenches, who would agree with that proposition, to say this 'prapproach' that we've taken isn't working and that we need to go back to the drawing board and start all over again and begin with a proper, comprehensive consultation with indigenous peoples and, in particular, with First Nations in order to ensure that we have a proper understanding of each side's

particular view of the world and then see where in the middle there might be a place to co-operate and collaborate. Instead, what's happened here, as what's happening in the House, is that there's a hammer over our—over the nail trying to drill it in, trying to get it done without doing the kind of legwork that needs to be done in order for a bill of this particular kind and of this sensitivity, especially in the era of reconciliation, needs to do.

And it's sad to me, as I think it is to many members of our caucus, how this government has dropped the ball on reconciliation. Too often, either in throne speeches or in budgets, it—the word reconciliation hasn't been used. Too often, there's been no attempt to update the House on which of the 92 'recommendations' have been implemented, leaving us to only conclude that, in fact, none have, which is a sad state of affairs when this House unanimously passed legislation to ensure that we all took seriously the era of reconciliation and that we would implement, as a House, all 92 recommendations of the Truth and Reconciliation Commission recommendations. And yet that hasn't happened, and that has been among a number of very, very disappointing issues that have come since this government was first elected in 2016.

It is more than just a disappointment, I would go so far as to say, but in—frankly, a major, major letdown. There were higher expectations on some of these critical issues than has been followed through from the government. And on this one in particular, it's absolutely critical that we get it right, and we get it right, right now. But instead, what we've seen is nothing but inaction to the point of being of no help and of no consequence, which is actually setting this agenda back not merely a couple of years, but maybe well back into decades and well back into the 20th century.

And on this issue, Madam Speaker, we don't want to go back to the 20th century. We want to go forward. We want to build trust and relationships and respect among indigenous and non-indigenous peoples. That's what the 92 recommendations of the Truth and Reconciliation Commission require of us. That's what the—this government agreed to when they unanimously passed the bill before the last election. And yet—and yet—what we get instead is non-action and then bills that in fact violate the very principles at the heart of the Truth and Reconciliation Commission.

I have to say, Madam Speaker, that it hasn't helped that the Premier started off this particular debate in the worst possible way. And I think members of the House are intimately familiar with the details of the Premier's inability to connect properly on this issue, not only with indigenous peoples, Metis or First Nations, but his inability to connect with Manitobans on this issue and a range of other issues. But this one was, in particular, not—was offensive, frankly, in the manner in which the Premier first raised this issue.

I think we know, and members of the House will know, that he said that night hunting is turning into, quote, a race war. And that was—

* (17:00)

Madam Speaker: Order, please.

When this matter is again before the House, the honourable member will have 11 minutes remaining.

The hour being 5 p.m., this House is adjourned and stands adjourned until 10 a.m. tomorrow.

CORRIGENDA

On May 29, 2018, page 2672, second column, sixth paragraph should have read:

Mr. Chairperson: I guess the honourable First Minister, if you can get to your chair.

On June 25, 2018, page 3318, first column, tenth paragraph should have read:

Hon. Brian Pallister (Premier): Well, Madam Speaker, that's why Greg Dewar made Cabinet and that member didn't. [*interjection*] Yes.

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