

Fourth Session - Thirty-Ninth Legislature
of the
Legislative Assembly of Manitoba
DEBATES
and
PROCEEDINGS

Official Report
(Hansard)

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The Honourable George Hickes
Speaker*

MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Ninth Legislature

Member	Constituency	Political Affiliation
ALLAN, Nancy, Hon.	St. Vital	N.D.P.
ALTEMEYER, Rob	Wolseley	N.D.P.
ASHTON, Steve, Hon.	Thompson	N.D.P.
BJORNSON, Peter, Hon.	Gimli	N.D.P.
BLADY, Sharon	Kirkfield Park	N.D.P.
BLAIKIE, Bill, Hon.	Elmwood	N.D.P.
BOROTSIK, Rick	Brandon West	P.C.
BRAUN, Erna	Rossmere	N.D.P.
BRICK, Marilyn	St. Norbert	N.D.P.
BRIESE, Stuart	Ste. Rose	P.C.
CALDWELL, Drew	Brandon East	N.D.P.
CHOMIAK, Dave, Hon.	Kildonan	N.D.P.
CULLEN, Cliff	Turtle Mountain	P.C.
DERKACH, Leonard	Russell	P.C.
DEWAR, Gregory	Selkirk	N.D.P.
DRIEDGER, Myrna	Charleswood	P.C.
DYCK, Peter	Pembina	P.C.
EICHLER, Ralph	Lakeside	P.C.
FAURSCHOU, David	Portage la Prairie	P.C.
GERRARD, Jon, Hon.	River Heights	Lib.
GOERTZEN, Kelvin	Steinbach	P.C.
GRAYDON, Cliff	Emerson	P.C.
HAWRANIK, Gerald	Lac du Bonnet	P.C.
HICKES, George, Hon.	Point Douglas	N.D.P.
HOWARD, Jennifer, Hon.	Fort Rouge	N.D.P.
IRVIN-ROSS, Kerri, Hon.	Fort Garry	N.D.P.
JENNISSSEN, Gerard	Flin Flon	N.D.P.
JHA, Bidhu	Radisson	N.D.P.
KORZENIOWSKI, Bonnie	St. James	N.D.P.
LAMOUREUX, Kevin	Inkster	Lib.
LEMIEUX, Ron, Hon.	La Verendrye	N.D.P.
MACKINTOSH, Gord, Hon.	St. Johns	N.D.P.
MAGUIRE, Larry	Arthur-Virden	P.C.
MARCELINO, Flor, Hon.	Wellington	N.D.P.
MARTINDALE, Doug	Burrows	N.D.P.
McFADYEN, Hugh	Fort Whyte	P.C.
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MELNICK, Christine, Hon.	Riel	N.D.P.
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NEVAKSHONOFF, Tom	Interlake	N.D.P.
OSWALD, Theresa, Hon.	Seine River	N.D.P.
PEDERSEN, Blaine	Carman	P.C.
REID, Daryl	Transcona	N.D.P.
ROBINSON, Eric, Hon.	Rupertsland	N.D.P.
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ROWAT, Leanne	Minnedosa	P.C.
SARAN, Mohinder	The Maples	N.D.P.
SCHULER, Ron	Springfield	P.C.
SELBY, Erin	Southdale	N.D.P.
SELINGER, Greg, Hon.	St. Boniface	N.D.P.
STEFANSON, Heather	Tuxedo	P.C.
STRUTHERS, Stan, Hon.	Dauphin-Roblin	N.D.P.
SWAN, Andrew, Hon.	Minto	N.D.P.
TAILLIEU, Mavis	Morris	P.C.
WHITEHEAD, Frank	The Pas	N.D.P.
WIEBE, Matt	Concordia	N.D.P.
WOWCHUK, Rosann, Hon.	Swan River	N.D.P.

LEGISLATIVE ASSEMBLY OF MANITOBA

Tuesday, June 1, 2010

The House met at 1:30 p.m.

ROUTINE PROCEEDINGS

PETITIONS

Multiple Myeloma Treatments

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

These are the reasons for this petition:

Health Canada has approved the use of Revlimid for patients with multiple myeloma, a rare, progressive and fatal blood cancer.

Revlimid is a vital new treatment that must be accessible to all patients in Manitoba for this life-threatening cancer of the blood cells.

Multiple myeloma is treatable, and new, innovative therapies like Revlimid can extend survival and enhance quality of life for the estimated 2,100 Canadians diagnosed annually.

The provinces of Ontario, Québec, British Columbia, Saskatchewan and Alberta have already listed this drug on their respective pharmacare formularies.

We petition the Legislative Assembly of Manitoba as follows:

That the provincial government consider immediately providing Revlimid as a choice to patients with multiple myeloma and their health-care providers in Manitoba through public funding.

This is signed by L. Cavers, J. Kost, B. Leger and many, many others, Mr. Speaker.

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

PTH 16 and PTH 5 North—Traffic Signals

Mr. Stuart Briese (Ste. Rose): I wish to present the following petition to the Legislative Assembly of Manitoba.

These are the reasons for this petition:

The junction of PTH 16 and PTH 5 north is an increasingly busy intersection which is used by motorists and pedestrians alike.

The Town of Neepawa has raised concerns with the Highway Traffic Board about safety levels at this intersection.

The Town of Neepawa has also passed a resolution requesting that Manitoba Infrastructure and Transportation install traffic lights at this intersection in order to increase safety.

We petition the Legislative Assembly of Manitoba as follows:

To request the Minister of Infrastructure and Transportation to consider making the installation of traffic lights at the intersection of PTH 16 and PTH 5 north a priority project in order to help protect the safety of the motorists and pedestrians who use it.

And this petition is signed by C. Unger, D. Buchanan, B. Meyers and many, many other fine Manitobans.

Multiple Myeloma Treatments

Hon. Jon Gerrard (River Heights): Mr. Speaker, I wish to present the following petition to the Legislative Assembly.

These are the reasons for this petition:

Health Canada has approved the use of Revlimid for patients with multiple myeloma, a rare, progressive and fatal form of blood cancer.

Revlimid is a vital new treatment that must be accessible to all patients in Manitoba for this life-threatening cancer of the blood cells.

Multiple myeloma is treatable, and new, innovative therapies like Revlimid can extend survival, and enhanced quality of life for the estimated 2,100 Canadians diagnosed annually.

The provinces of Ontario, Québec, British Columbia, Saskatchewan and Alberta have already listed this drug on their respective pharmacare 'formulature.'

We petition the Legislative Assembly of Manitoba as follows:

That the provincial government consider immediately providing Revlimid as a choice to patients with multiple myeloma and their health-care providers in Manitoba through public funding.

D. Johnston, L. Vokovich, P. Banipal and many others.

Introduction of Guests

Mr. Speaker: Prior to oral questions, I'd like to draw attention of honourable members to the public gallery where we have with us today, we have Zeev Keedem, JNF-KKL executive from Israel; Frank Wilson, national Canadian president of the JNFL; and Joe Robinovitch, national vice-president of JNF; and Mel Lazareck, president, Jewish National Fund, from the Prairie Division, who are the guests of the honourable Minister of Water Stewardship (Ms. Melnick).

On behalf of all honourable members, I welcome you here today.

Also in the public gallery we have from Centennial School, we have 19 grade 4 students under the direction of Ms. Cindy Renaud. This school is located in the constituency of the honourable member for Selkirk (Mr. Dewar).

Also in the public gallery we have from Luxton School, we have 25 grade 4, 5 and 6 students under the direction of Ms. Sandy Bissoon. This school is located in the constituency of the honourable Minister of Family Services and Consumer Affairs (Mr. Mackintosh).

And also in the public gallery we have from St. Edward's School, we have 90 grade 4 to 6 students under the direction of Ms. Linda Doyle. This school is located in the constituency of the honourable Minister for Culture, Heritage and Tourism (Ms. Marcelino).

On behalf of all honourable members, I welcome you all here today.

ORAL QUESTIONS

Gage Guimond Death Sentencing Appeal

Mr. Hugh McFadyen (Leader of the Official Opposition): Mr. Speaker, at the outset, I'd just like to congratulate Tova and Larry Vickar, who will be honoured tonight at the Negev Gala.

Mr. Speaker, as far as question period today, we all know that next month Gage Guimond should

have been celebrating his fifth birthday. He will not celebrate that birthday, and the reason that he won't is because the grown-ups that were supposed to care for and protect him failed. They failed in terrible and repeated ways. Yesterday, Gage Guimond was failed again when the person ultimately responsible for his death was sentenced to a mere 18 months of house arrest.

I want to ask the Premier whether he agrees that this little boy's life was more valuable than what the sentence yesterday reflected and will his government be appealing this decision.

Hon. Greg Selinger (Premier): Mr. Speaker, I also would like to extend my congratulations to Larry and Tova Vickar for the award they'll receive tonight at the Negev Gala.

This decision that was made by the courts is one that we are obviously disappointed in. Gage Guimond lost his life tragically. We really believe that the recommendation of the Crown to have jail time would have been appropriate in this case and, of course, the Crown will be taking this decision under review and deciding what next steps they wish to take.

It is important, however, that action has already been taken. The Southeast authority removed the case manager, changed the workers, have implemented better procedures, and we have moved forward with very significant investments in additional case workers for this program, additional foster homes. In other words, we have made investments to strengthen the system so that these kinds of events do not happen and that there are more resources to serve families and children involved with the child welfare system.

Child and Family Services Agencies Accountability

Mr. Hugh McFadyen (Leader of the Official Opposition): Mr. Speaker, I thank the Premier for the remarks with respect to the—with the appeal issue, but we know, in addition, that not only have there been failings in the justice system with what happened this morning but very significant failures within Child and Family Services, two different departments of government failing, two different systems failing this little boy.

We know, Mr. Speaker, that he had been placed with a loving, caring family in Selkirk. He was removed from that placement. He was put in harm's way in what can be described as a decision motivated

by something other than what is clearly in the best interest of this child.

I want to ask the Premier: With failures in the justice system and failures in Child and Family Services, who ultimately in his government will take responsibility for this terrible situation and will he today commit that it can never happen again in our province of Manitoba?

Hon. Greg Selinger (Premier): Mr. Speaker, again, this was a tragic case. We are disappointed in the decision of the courts.

* (13:40)

We did, in 2008, change The Child and Family Services Act to make child safety paramount consideration in any disposition of a child welfare case, any resources that are provided to it. We have provided an additional 230 positions. There are an additional 2,200 foster homes that have been made available through reference and recruitment that have done on behalf of this government.

There is no question that we have to continue to invest in our child welfare system to ensure good training for workers, to ensure good supervision and to make sure there are adequate resources in order to allow children and families that come into care to receive the kinds of supports they need and the kind of oversight that will ensure safety of children is paramount. And that is why we changed the law, to make that absolutely clear that is the No. 1 priority.

Mr. McFadyen: Well, Mr. Speaker, it was his government that rushed the devolution process that led to so much of this chaos. It was rushed for political reasons. They failed to take due care in the handover of files, and they proceeded with an approach that put other considerations ahead of the safety and the well-being of these children.

So the legislative change that came at our request came following these events, Mr. Speaker. But as we know, changing legislation in this House is one thing; actually making changes on the ground through the system in terms of attitudes, practices, leadership and management throughout the system is critical. We're not satisfied that that has happened to date.

Will the Premier take personal responsibility for ensuring that his government does everything it can do to prevent any such tragedy from occurring ever again in our province?

Mr. Selinger: Our government is very committed to providing adequate resources for the child welfare system. That is the essence of the decisions we made in our budget this year to protect front-line services. The members know that. They didn't necessarily agree with that at the time of budget.

What we do have to recommend here and what we do have to remember is that these kinds of cases require additional vigilance. They require clarity in terms of the mandate under which people operate. We have provided that clarity in terms of the legal mandate. We have provided additional resources.

We will continue to work to ensure that further resources are put in place to do the prevention side of child welfare so that children do not have to come into care. That is an important investment that we have made a commitment to in our last few budgets, to have those resources. I'm pleased that the federal government has agreed to fund with us this year some of those prevention resource-programming.

So we will move from prevention to proper care, to proper supervision and clarity of mandate. These are the things a government can do. These are the things we will do. These are the things we are doing.

Child and Family Services Agencies Accountability

Mrs. Bonnie Mitchelson (River East): But more resources do nothing when a child is placed in an unsafe circumstance as the result of policies that have been put in place by a government.

Mr. Speaker, the minister has many times said that the buck stops with him, that he's accountable for Manitobans-for-to Manitobans for children under his care. Gage Guimond's death occurred as a direct result of the system this NDP government put in place that was supposed to protect the most vulnerable children in our province. It has failed miserably and justice has not been served.

Will he today take responsibility and fix the chaos in the system that his government created?

Hon. Gord Mackintosh (Minister of Family Services and Consumer Affairs): Well, first, we want to extend once again our condolences and our thoughts to the survivors of Gage Guimond, to the family, to the former foster family and to many, many who have been so deeply wounded and affected by this tragic loss.

And as well, we want to express our deep disappointment in the outcome on the decision of the

court not to accept the Crown's submission this morning, Mr. Speaker.

So, Mr. Speaker, when it comes to actions, though, that are immediately within the purview of the government, the Changes for Children initiative has been launched, and, indeed, as a result of the tragic death of Gage Guimond, this House passed what I would call Gage's law to ensure that safety is paramount when considering the best interests of the child.

Mrs. Mitchelson: We know for a fact that there are families that are coming forward that are very concerned that the practices that surrounded the move of Gage Guimond are still happening in the system today, Mr. Speaker.

And I would just like to ask the Minister of Family Services whether he'll finally—finally—show some leadership and put a halt to the practice of ripping vulnerable children out of long-term foster homes and review every case on an individual basis to make sure that this doesn't happen again.

Mr. Mackintosh: Well, first, with regard to the death of Gage, there was a full review, a very comprehensive review, both of the particular case and of the agency and some systemic issues around that that bore on the—on Gage's case. And all of the cases that were handled by those workers were reviewed.

But as a result, we have seen, in the last three years, after inheriting what has been described as a broken child welfare system, this government went to work and, as a result of the insights of my predecessor, very, very—[interjection] Mr. Speaker, having asked a question, I would anticipate they would want an answer.

But my predecessor ordered very extensive outside reviews as well, Mr. Speaker. So, as a result, we have made new investments, a 60 percent budget increase, \$112 million, to make sure that—

Mr. Speaker: Order.

Mrs. Mitchelson: Again, Mr. Speaker, and more resources, again, don't make up for government policy that moves children into unsafe circumstances, and it was a direct result of this government's legislation and policy that led to Gage Guimond's death.

And, Mr. Speaker, agencies set up by this government are still making plans to move kids from

loving foster homes without proper planning, without the proper checks and balances in place.

How many more warriors of change like Gage Guimond are there going to be before this government shows some leadership and takes responsibility for kids in their care? It's not acceptable.

Mr. Mackintosh: Well, Mr. Speaker, the member is drawing her own conclusions despite the findings of the outside reviews, despite the findings of the Gage Guimond reviews, specifically where there was an agency that simply was not applying the standards that are in place in this province to ensure the safety of children, which is why Gage's law was brought in by this Chamber. That's why there's 2,200 more foster beds. That's why there are only about two children on average a week in the hotels versus 166 just a few years ago. That's why foster rates are going up, not down, as under members opposite. That's why 230 new positions have been funded. That's why there is an overhaul of child welfare that is occurring in the province of Manitoba.

And I might just conclude by saying that the Auditor General has just concluded, after her review, she said, I am extremely impressed with the amount of energy and effort that has gone into addressing not just our reports, but those that have been issued by the Ombudsman and the Children's Advocate. We've seen real improvement.

Mr. Speaker: Order.

Vince Li Supervised Pass Review

Mr. Kelvin Goertzen (Steinbach): Mr. Speaker, Vince Li was responsible for the horrific beheading of Tim McLean on a Greyhound bus. Less than two years later it's being recommended that Mr. Li be allowed out into a portion of the Selkirk Mental Health Centre that has no barrier between him and the community. Understandably, there is both concern and anger among community members, and I would say, among most Manitobans.

Will this Minister of Justice commit today to ensure that every legal mechanism is used to ensure that Mr. Li will not receive passes into an area that's not secured?

Hon. Andrew Swan (Minister of Justice and Attorney General): Mr. Speaker, I thank the member for the question because it is a question which many Manitobans are interested in hearing

about. And I think the member should be aware that there is a committee called the Criminal Code Review Board which is hearing Mr. Li's case. That is a committee which is required by the Criminal Code of Canada. It's established here in Manitoba by the Manitoba government. It has heard that evidence and will be making its independent decision in due course.

The comments my friend is talking about are recommendations which were made by a medical doctor, and I'm not going to stand here and either agree with or disagree with the recommendations of that doctor.

We expect the board to make a decision that's consistent with public safety, a decision that's consistent with the law, and, Mr. Speaker, as the Attorney General, I will not interfere with its independent obligations.

*(13:50)

Mr. Goertzen: You don't need a Ph.D. and you don't need to be the Minister of Justice to know that this recommendation is wrong.

It was only a few months ago that a new security review was undertaken at the Selkirk Mental Health Centre when a patient who had killed his stepmother was found to have a knife, drugs, alcohol and cash and was having a romantic relationship with somebody who was working at the facility. It's little wonder that community members and Manitobans are concerned.

This Minister of Justice needs to give assurance to the community and people living near the community that this board, when it brings forward this recommendation, that he will ensure that if the recommendation is to allow Mr. Li out into an unsecure area, he will use every legal mechanism to either appeal or move Mr. Li to a facility outside of Manitoba where there can be secured custody.

Mr. Swan: Well, the member for Steinbach can talk about Ph.D.s. I would think someone who has a law degree would understand the limited role of the Attorney General.

But let me put on the record, there's a very experienced Crown attorney. There is a Crown attorney who is dedicated to dealing with these cases before the Criminal Code Review Board.

I can tell the member for Steinbach and I can tell this House that that Crown attorney has opposed what the medical doctor has suggested. So, the

Crown has taken a very strong position, has put that evidence before this independent board, which will make its decision in due course.

We will ensure that public safety is a priority and the paramount consideration when that board comes back and makes its independent decision, Mr. Speaker.

Mr. Goertzen: The vast majority of Manitobans wouldn't have a law degree, but they are full of common sense. They have lots of common sense, and they would know that common sense isn't that an individual who, less than two years ago, was found responsible for beheading somebody on a Greyhound bus, should not be up for unsupervised or to be put in a position where there isn't a secured facility, where there's no barrier between himself and the community.

I'm asking the Minister of Justice whether or not he will ensure if this report comes back and the board comes back and says that this should go ahead, whether or not they'll look for an out-of-province facility that can ensure that Mr. Li has not—is not put into a position where there's no barrier between him and community.

Will he give that assurance for those who are living in Selkirk and around Selkirk?

Mr. Swan: Mr. Speaker, I think it's very dangerous for the member opposite to be fearmongering and putting incorrect information on the record.

The recommendation put forward—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. Let's have a little decorum, please. Order.

The honourable Attorney General has the floor.

Mr. Swan: The recommendation put forward was for relatively short supervised periods outside of the centre. Let me repeat, the Crown attorney representing all of us, representing the people of Manitoba, opposes that recommendation and has put forward that position very clearly to the board.

I support the Crown's move on that, as I believe most members of this House do. But let me make it abundantly clear, this is an independent body which is going to make an independent decision, and for the member opposite to suggest the Attorney General should try to demand that a judge or that a tribunal or that an independent party come to a particular decision, is simply wrong, and more than that, it

strikes at the very heart of the democratic system that we enjoy in this province and in this country. I expect better from the member for Steinbach, Mr. Speaker.

Social Assistance

Benefit Restriction for Outstanding Warrants

Mr. Kelvin Goertzen (Steinbach): And I'm sure that Manitobans—

Mr. Speaker: On a new question.

Mr. Goertzen: On a new question, Mr. Speaker.

I'm sure that Manitobans expect better than this weak Minister of Justice on so many different fronts.

Today in Ottawa the federal Conservative government introduced legislation that cut off income to support prisoners who are in their seniors years, including Clifford Olson. The government also announced that it was working with the provinces to ensure that no provincial benefits are available to inmates in provincial jails, and we applaud those efforts by the federal Conservative government.

Yet, here in Manitoba, there is no specific provision to prevent individuals who have serious outstanding warrants for offences like child molestation, for violent offences, from getting taxpayer-funded welfare.

Won't this minister commit to support legislation, which is going to be debated on Thursday morning, which would stop those with serious outstanding warrants from getting taxpayer-funded welfare in the province of Manitoba?

Hon. Andrew Swan (Minister of Justice and Attorney General): In fact, I'll take the tone down a step.

I appreciate the member for Steinbach putting this idea forward, and I have already asked my department to carefully review the position that he is putting forward. There is some logic and there is some sense to what's being proposed.

But I want members to understand that it is not simply a matter of snapping our fingers and suggesting this will work. There are some concerns that have been expressed on the constitutional law front, some concerns expressed on the human rights front, and it's my job as minister to listen very carefully to those concerns.

So we will—*[interjection]* I'm surprised that the members opposite would be chattering away, Mr. Speaker. I actually am taking this quite seriously, and if it is something that can improve the administration of justice in the province of Manitoba, we will give it serious consideration.

Mr. Goertzen: The minister has had a week to review the idea and all he can come up with in that week is excuses.

And yet we see other governments. We see the federal Conservative government acting on legislation that protect taxpayers' dollars. We saw the Saskatchewan government move yesterday to ensure a system of charging inmates for the use of a telephone and recording those telephone conversations to ensure that there's better activity monitoring in the prison system.

The public is demanding that these taxpayers be protected. On-line polls indicated that 90 percent of Manitobans supported legislation that would stop welfare payments from going to individuals who have serious outstanding warrants, like those who have violent offences or sexual offences.

I just want to ask the minister today: Will he commit to getting this legislation passed before the House rises so that we can ensure that taxpayers' dollars are no longer being squandered for those who are breaking and avoiding the law?

Mr. Swan: Again, it's interesting the member wants to talk about what the government in Ottawa is doing. We made it very clear that we support the government in Ottawa, whatever flavour of government that may be, when they move in the right direction. We will criticize that government when they move in the wrong direction.

I'm very pleased that the federal government in Ottawa has listened very carefully to what Manitoba has had to say on the crime front and has moved many, many improvements to the system based on Manitoba's advice. And perhaps the member for Steinbach could reflect on the fact that now gang murders are automatically considered first-degree murder because of Manitoba's efforts, because of my predecessors and because of the clear, strong position put forward by Manitoba. The member for Steinbach should know that there's now a new drive-by shooting offence with increased penalties because of the strong voice of Manitoba.

We are going to continue to work with Ottawa—

Mr. Speaker: Order.

**State of Emergency
Designation Criteria**

Mr. Cliff Graydon (Emerson): As you know, the last few days have been stressful and devastating for Manitobans affected by the torrential rains and flooding. Provincial and municipal officials have responded quickly and effectively to the situation.

I would like to thank the Premier (Mr. Selinger) and the Minister of Water Stewardship (Ms. Melnick) for visiting my constituency first-hand to see the extensive damage in communities like Emerson. I also appreciate the Minister of Agriculture's (Mr. Struthers) invitation to tour other impacted areas to assess crop damage.

My question is for the Premier: Can he give us a clear understanding of what criteria determines a disaster designation, and who is responsible for declaring that a disaster?

Hon. Steve Ashton (Minister responsible for Emergency Measures): Well, first of all, I want to thank the member for paying tribute to the response this weekend by our municipal and provincial officials, and I particularly want to note the role of many of our mayors and reeves and councils. It certainly was a significant event, a one-in-50-year rainstorm, and it certainly had a very significant impact in Emerson. I was in Ottawa yesterday, actually meeting in regards to the flood mitigation, and certainly passed on the impact to the member's area of the province and many other areas.

I do want to indicate, by the way, that eligibility for disaster financial assistance is not related to any declaration of a local state of emergency. There's some confusion. I know that often occurs with the American system. The Premier yesterday indicated that we're anticipating there will be a disaster flood assistance program in place, and look forward to more—

Mr. Speaker: Order.

**Flooding (Emerson)
Disaster Financial Assistance**

Mr. Cliff Graydon (Emerson): Mr. Speaker, the town of Emerson is unique in that it is completely surrounded by a ring dike, creating a bowl effect. When a community is faced with back-to-back heavy rain events, it creates significant challenges. That's

what happened this past week. There was a rain a few days ago followed by torrential rains on Saturday. The town's drainage system could not keep up and the ground became supersaturated. Water entered basements through window wells, via gas lines or underground hydro entrances and foundation cracks.

* (14:00)

Mr. Speaker, will the Premier indicate if Emerson's residents affected in this way will be eligible for financial assistance? This wasn't sewage backup; it was rain.

Hon. Greg Selinger (Premier): Mr. Speaker, we had an excellent meeting with the mayor and council yesterday in Emerson. We discussed their specific circumstances. They are aware of the requirements to develop an impact statement of what happened in that community, particularly with respect to overland flooding. Overland flooding is eligible for support under the Disaster Financial Assistance program. We have doubled that support from 100 to 200 thousand dollars.

We have also increased the level of support that under the Disaster Financial Assistance program over \$5 per capita damage, and this is particularly beneficial to smaller communities like Emerson. They were made aware of both of these benefits in the program, and they are very clear on what requirements are needed to compile the information, to take the names and addresses of people that have been affected and to pull that together and submit it to the Emergency Measures department under the minister responsible for that program.

Mr. Graydon: Mr. Speaker, there seems to be some definition issues with overland flooding and basement in the—or water in the basements. My leader and I today visited with a senior who lives in a home that is on higher ground in Emerson. Her name is Shirley Boese. She received several inches of water in her basement as a result of recent rains. It's not sewage backup; it's clean water. Her family pumped out the basement yesterday, but the water rose again last night. They're very worried about whether she will receive financial assistance from the Province.

Mr. Speaker, can the minister assure Manitobans affected in this way, that they will receive financial assistance from the Province? They need to know.

Hon. Steve Ashton (Minister responsible for Emergency Measures): Mr. Speaker, the Disaster

Financial Assistance program is available. We've already indicated, given the severe impact, that we'll be putting a program in place. It's there for non-insurable losses. I can't talk about individual cases, obviously. We would encourage the member to ask his constituent to apply. Certainly that is the situation across the province; where there's non-insurable losses we do have coverage under Disaster Financial Assistance.

There's also the agricultural coverage, and I want to note that the Minister of Agriculture (Mr. Struthers) is touring a lot of the affected areas. We're certainly aware of the significant impact on the agricultural community. What I would encourage the member to do is to make sure that his constituent does contact EMO or perhaps the municipal office immediately. We will make sure we assess the situation, and I can indicate there will be a Disaster Financial Assistance program that covers non-insurable losses under the criteria of the program that's been in place across the province.

Regional Development Corporations Funding Decrease

Mr. Blaine Pedersen (Carman): Manitoba's regional development corporations have been advised that a new two-year funding agreement is to be signed soon between the RDCs and the provincial government. The RDCs have also been advised that their funding will be cut by 10 percent for the next two years. This government has money to build a football stadium but not for rural and northern business development.

Why is this NDP government cutting funding to the very organizations that promote business development in rural Manitoba?

Hon. Stan Struthers (Minister of Agriculture, Food and Rural Initiatives): Mr. Speaker, I appreciate the question from the member opposite. We have been meeting with many of the RDCs that he speaks about. We have talked about funding challenges. We've talked about funding issues that we're dealing with. We're working, I think, very well with the regional development corporations to look at the way in which they're approaching regional development in each of the regions of the province and looking for ways to make it better.

I think there are improvements that we can make, and I was very pleased with the feedback I got from the RDCs in terms of how to improve that to make it better for all of our constituents.

Mr. Pedersen: Mr. Speaker, in the Estimates book for Manitoba Agriculture, Food and Rural Initiatives, one of the department's stated objectives is, and I quote: increase the capacity of rural and northern communities to drive local economic development, end of quote.

Yet, on top of these funding cuts to the regional development corporations, this government has also discontinued the Manitoba Community Profiles Web site. This hampers prospective businesses from around the world from perusing Manitoba communities' profiles in one central location.

Why would this NDP government unilaterally withdraw the Community Profiles Web site? Is promoting rural business development not a priority?

Mr. Struthers: Absolutely, rural economic development is a priority of this government, and we show it time and time again. We show it time and time again, whether we talk about this particular approach to revamping RDCs in this province, whether we do it through the Rural Economic Development Initiative fund in-housed in the Department of Agriculture, whether we do it through the continuation and the support we give to Community Works Loans program, of which I know a number are found right in the member of Carman's own constituency, which are working to help people in rural Manitoba who have ideas, who need a little bit of help to get started and then provide employment and spin offs at our rural communities.

So, Mr. Speaker, we'll continue with that, I think, very progressive approach and show that kind of a support for people living in rural Manitoba.

Mr. Pedersen: Mr. Speaker, this government is cutting funding to the regional development corporations by 10 percent effective immediately. They've discontinued the Community Profiles Web site. There's no consultations, no input from these groups.

The minister seems intent on discouraging businesses from locating in rural Manitoba, yet, other provinces such as Alberta and Saskatchewan offer community profile Web sites because they want to attract businesses there.

Why would this NDP government cut services to rural Manitoba without any consultation? Without any input they've cut the services. Why is it that these decisions were announced after the Capturing Opportunities Conference in Brandon, a conference

that's supposed to be about promoting rural economic development?

Mr. Struthers: Well, Mr. Speaker, I really appreciate the member bringing up Capturing Opportunities, where him and I had lunch together and we talked to people and saw people from rural Manitoba at that very luncheon who were putting forward good ideas, who were receiving funds from the provincial government to continue those good ideas on.

Mr. Speaker, this isn't the side of the House who, in the *Carman Valley Leader*, said they were going to turn their backs on rural Manitoba. This isn't that side of the House I want to remind people across the way. We're not the side of the House that said we can't win elections on agriculture and rural depopulation. This isn't the side of the House that said we're not going to concentrate on health care. Those are all important to rural Manitoba. Where does he get off saying that?

Child and Family Services Agencies Children's Advocate Report

Hon. Jon Gerrard (River Heights): Mr. Speaker, yesterday I asked the government what had been done to ensure the safety of Kyle Earl who reportedly was in the care of Child and Family Services when he was killed. I received an NDP brushoff.

Mr. Speaker, this is a very serious matter. Four weeks ago the Children's Advocate report said that child welfare in Manitoba is in a state of chaos. In spite of the government's new safety approach, she said that the number of children dying in care isn't decreasing, case loads are too high and children are falling through the cracks. She spoke of agencies struggling to fulfil their mandates and of the challenge to work without resources and well trained staff.

I ask the Premier: Why has this report been kept secret for a month? Will the Premier authorize the release of this report to LAMC?

Hon. Gord Mackintosh (Minister of Family Services and Consumer Affairs): Well, Mr. Speaker, the—there is—the Children's Advocate actually is on leave, but we certainly can talk about what outside people are discovering about Manitoba's child welfare system and the improvements that are under way.

The Auditor General, in standing committee on March 24th, said that we've seen—she's been impressed with the amount of energy and the effort that has gone into the action on the recommendations. She said that there is real action and real improvement.

Mr. Speaker, the member raises a question about a death, and I spoke to the former foster parent of the teenager that died and it's most tragic. And I think the member should understand the—how devastating that is to former foster parents, and I regret that he would, in fact, blame a foster parent or a child welfare worker for that loss that is most tragic. It was a result of community violence and we have to do better.

*(14:10)

Mr. Gerrard: I don't blame the foster child. I don't blame the errants. I blame the government. The government was warned four weeks ago.

Mr. Speaker: Order. All questions and answers through the Chair, please, not directly at the individuals, through the Chair.

The honourable member for River Heights has the floor.

Mr. Gerrard: Mr. Speaker, the government was warned that child welfare is in a state of chaos, and they've kept the report secret. They should make it public. We need to know why Kyle Earl died. Did he die because caseloads are too high? Did he die because risk assessment wasn't done adequately to know the concern about past involvement with a gang? Did Kyle Earl die because the past involvement with a gang wasn't adequately taken into account when developing the treatment and safety plan for him? Did he die because of the chaos in the child welfare system under this government?

Manitobans deserve answers. Will the minister ensure that there is a quick report on the death of Kyle Earl so that we have some answers and we get some changes?

Mr. Mackintosh: Well, first of all, we should be reminded that there are operational reviews taking place of child welfare agencies across Manitoba, and we're discovering that there are many shortcomings, historically, Mr. Speaker, that go back, in fact, decades. And we've been very—we're really pleased to see the involvement of Indian and Northern Affairs now in those reviews, and we're cleaning up

a lot of messes that have been in place for far too long.

In terms of this tragedy, Mr. Speaker, it's important that the member opposite recall that this House just recently, as a result of the Changes for Children initiative, passed legislation that mandates the Children's Advocate to do a review of any deaths of children in foster care, and that is a good system to make sure that there's that kind of accountability and oversight.

Food Banks Increase of Use

Mr. Kevin Lamoureux (Inkster): Yes, Mr. Speaker, over the last 10 years we've seen a growing dependency on food banks in the province of Manitoba, in particular, in regards to children. We, in fact, have generations of kids that have been on food banks now. It has grown and that dependency continues to grow.

My question for the government is: Does the government have any plan that would try to address that growing demand in terms of food banks in the province of Manitoba having to feed our children? Has—*is* Manitoba now in a state in which food banks have become a part of an institution and without them children will not be fed, or does the government actually have a plan?

Hon. Gord Mackintosh (Minister of Family Services and Consumer Affairs): Yes, we note that food bank use had been going down for two or three years and, unfortunately, as in the food bank report, it went up last year, as they say, due to the recession.

But, Mr. Speaker, what we have to do as a government is pursue the initiative that has been launched called the ALL Aboard poverty reduction strategy, which has just been bolstered in the last several days by the announcement of the Premier's Council, to make sure that we bring to bear approaches that also focus on graduation rates and our investments, including in the north and on reserve and education, because those outcomes are so important for lifelong well-being.

And we note, Mr. Speaker, that our efforts over the last decade or so has resulted in a cutting in half of the child poverty rate. We have to continue to build on that kind of improvement.

Mining Industry Exploration Initiatives

Mr. Bidhu Jha (Radisson): Mr. Speaker, let's talk a little bit about futuristic issues of our province.

I was, a few months back, in Toronto attending the world's largest mining conference along with the hardworking Minister of Innovation, Energy and Mines (Mr. Chomiak), and that particular conference gave us an insight to see how wonderfully we are doing in northern Manitoba.

Can this—Mr. Speaker, could I ask the minister to elaborate, throw some lights on his leadership of this department for the futuristic mineral exploration in Manitoba?

Hon. Dave Chomiak (Minister of Innovation, Energy and Mines): Yes, Mr. Speaker, I'm very pleased to be able to answer a question that talks about the economic development and growth of northern and rural Manitoba.

You know, Mr. Speaker, under the mineral exploration program we've invested \$19.5 million, and that's generated \$182 million in company spending for exploration in Manitoba. We've introduced the Manitoba mineral tax credit. Budget '09 lowered the mining tax from 18 to 17. We've extended a 15 percent tax rebate for tax for profits between 55 and 100 million.

Mr. Speaker, Snow Lake and HudBay Minerals are moving forward on development of a new mine. The mineral assistance program, the prospectors' program, has been renewed for three years.

And, Mr. Speaker, in the oil patch, in Manitoba's oil patch, hundreds and hundreds of people are working as a result of our record high number of oil explorations. That's all across Manitoba, helping rural and Manitoba grow for the entire province.

Budget Projected Deficits

Mrs. Heather Stefanson (Tuxedo): Yesterday, Statistics Canada released data showing that in the first quarter of this year, Canada's GDP grew at an annualized rate of 6.1 percent. The economy is doing well, Mr. Speaker, so well that the Bank of Canada increased interest rates by a quarter point—by a quarter of a point this morning.

Will the Minister of Finance be revising the Province's financial projections in light of this positive news?

Hon. Rosann Wowchuk (Minister of Finance): I'm very pleased that the economy of the country is improving, Mr. Speaker, just as Manitoba's economy is improving.

Just as the Minister responsible for Mines just indicated, a number of investments are taking place and there is growth and stability in this province but there are still challenges. And we hope to see continued growth and confidence in this province so that people will continue to make those investments and see our economy grow.

But, with regard to the specifics of the question, Mr. Speaker, we made—when we were doing our budget, we did take into consideration that interest rates would be rising and those are accounted for in our budget.

Mrs. Stefanson: Well, Mr. Speaker, there's a rosy outlook for Canada.

The question is: Is this Minister of Finance going to change her projections accordingly?

Mr. Speaker, early estimates show that Canada's budget deficit will be almost \$7 billion less than originally anticipated. The final numbers won't be out until September but all signs are pointing to a smaller-than-anticipated deficit.

Given the good economic news in Canada, will our Minister of Finance be announcing a smaller-than-anticipated deficit for 2009 and '10 when the final numbers are released this September?

Ms. Wowchuk: Well, Mr. Speaker, indeed, in the last quarter of the year, there was some improvements to the economy. The things have turned around slightly. We have come in—we are coming out of the recession and, as the member said, the final numbers will come out in September. And when those final numbers come out, we will release them for the member opposite. But I'm optimistic we will see some improvements.

Mr. Speaker: Time for oral questions has expired.

MEMBERS' STATEMENTS

Wendy Friesen

Mr. Cliff Graydon (Emerson): At this year's Altona Chamber of Commerce Awards banquet on May 13th, Wendy Friesen was recognized as the

2009 Volunteer of the Year. She volunteers for the love of it and the town of Altona is grateful for her efforts.

Wendy has a lengthy community services resume. She's been involved in the game of curling since 1970, and the Altona Curling Club has been the recipient of her time and energy for many years. She serves as a treasurer for the Altona Curling Club, updates the Web site and helps co-ordinate the monthly fish fry. Wendy hosts the Junior Ladies' Berth Bonspiel, the Diamond Ladies' Provincial Curling Championship, and the Mondetta Senior Ladies' Provincials. She's also co-chair of the Scotties Provincial Curling Championship, which was hosted by the Altona Curling Club in 2011.

Wendy has been employed at Golden West Broadcasting in Altona for 18 years and is presently accounting manager, so her roles in the community often mirror her financial talent. Most of her volunteering started as a treasurer.

She enjoys being involved in many facets of community life, saying that she's always been that kind of a person, one who loves volunteering. Golden West Broadcasting encourages community outreach and she's grateful to them for providing her with the opportunity to devote to volunteer activity.

In addition to her work with the curling club, Wendy serves as a treasurer of the Altona United Church and, recently, the Altona Maroons senior hockey team. She has also volunteered for the Schwartz Heritage House. Wendy sits on the board of directors of the Broadcasters Association of Manitoba and the Manitoba branch of Canadian Women in Communications, which she co-chairs with her daughter.

Wendy was humbled but honoured to receive the Volunteer of the Year award. Mr. Speaker, I invite all members in the House to join me in thanking Wendy for her numerous contributions to our community and to congratulate her on her award. Thank you.

* (14:20)

St. Edward's School 100th Anniversary

Hon. Flor Marcelino (Minister of Culture, Heritage and Tourism): St. Edward's School in my community recently marked its 100th anniversary, and I invite all members to celebrate this important milestone with them.

The cornerstone of St. Edward's was laid in 1909 and, upon opening, the school offered instruction in grades 1 through 4, operating under the direction of the religious order Sisters of Our Lady of the Missions. With each succeeding year, attendance increased several-fold. Today the school has a considerable population of approximately 200 students from kindergarten through grade 6.

Over the last 100 years, St. Edward's has made serving the immigrant population of Winnipeg its mission. In its early days, until the 19–late 1970s, that included young immigrants of British, Scottish, Irish, Portuguese and Italian descent. Now the influx of immigrants from Asian and African countries is reflected in a changing student population, which also includes several students of European heritage. By welcoming children from such diverse backgrounds, St. Edward's fosters a culture of acceptance and celebration for people from all walks of life.

The school is inherently connected to the St. Edward's Roman Catholic Church, and religious teachings are woven throughout the regular curriculum to encourage spirituality. Academic, physical, social and emotional growth are also emphasized, and the school is committed to providing a safe and stimulating environment for all types of learning. The dedicated teaching staff of St. Edward's, with school principal Linda Doyle at the helm, support students in their quest for affirmation and always teach respect for human dignity and for all of God's creations.

Mr. Speaker, I would like to congratulate St. Edward's School for the last 100 years of providing outstanding education and spiritual development and wish them all the best on the next 100 years. Thank you.

Harvest Sun Music Festival

Mr. Stuart Briese (Ste. Rose): Mr. Speaker, it's my pleasure to invite every member of this House to attend the fifth annual Harvest Sun Music Festival on August 15th and 16th in Kelwood, Manitoba. The Harvest Sun Festival is a unique event that uses music and the arts to support and generate awareness in the agricultural community in Manitoba. While farming is a major driver in Manitoba's economy, more and more people are unaware of agriculture's importance and the challenges that many farmers face. The Harvest Sun Festival is a fun opportunity for everyone to engage with Manitoba's farmers and

agricultural producers and enjoy great Canadian music.

I attended a promotional event for the festival on May 6th at the Grant Park Mall. From what I saw, this year's festival will be full of good quality music and delicious food grown and produced by Manitoba farmers. This summer, for the second year, the festival will also be hosting a farmers' market where Manitoba producers can sell their wares for free. The market provides another opportunity for concertgoers to connect with the agricultural community that surrounds them.

The festival will take place in Kelwood, a small town 48 kilometres north of Neepawa on PTH 5, and the weekend's activities are organized by the Kelwood Improvement Society. I want to congratulate society members Nadia Kuhl, Alana Levandoski, Kathy Levandoski, Jaime Harrison, Tim Engbrecht, Lindsay Kearns and Rebecca Kemp for their hard work in putting together the festival.

August 15th will be a busy day for the community of Kelwood and lots for visitors to do. The Kelwood Agricultural Fair will be taking place at the same time as the Harvest Sun Festival, and there will also be children's entertainment provided at the festival.

I want to invite every Manitoban to head out to Kelwood on August 15th and 16th, enjoy the Harvest Sun Festival and Kelwood Agricultural Fair. It will be a unique experience that combines outstanding musical talent with beautiful prairie setting. I'm excited to celebrate and support agriculture in Manitoba at the Harvest Sun Festival. Any visitor will surely see what small-town Manitoba has to offer. Thank you.

Brandon University Northern Teacher Education Program

Mr. Gerard Jennissen (Flin Flon): Mr. Speaker, I speak with pleasure about the Brandon University Northern Teacher Education Program—or BUNTEP—graduation ceremony my wife and I attended in The Pas on May the 22nd. This important event united many northern communities in the celebration of the accomplishments of this year's graduates. The current format of the program is evolving as post-secondary education in northern Manitoba will be available from the full-fledged degree-granting University College of the North.

The graduation ceremony took place at the Manitoba Métis Federation's Elks hall, with 18 of the

19 graduating students present. The hall was crowded with dignitaries and families and friends from many northern communities. Graduates were recognized for their hard work and determination, and I was moved to see them realize their achievements and potential. These proud graduates now hold both a Bachelor of General Studies and a Bachelor of Education, and dreams and opportunities are theirs to discover. There is no doubt that these young graduates will excel in their future careers as teachers. Hopefully, many of these northern teachers will stay in the north so that our students can benefit from their expertise.

The proud graduates were Myrna Ducharme, Melvina Dysart and Jessica Richardson from Cranberry Portage; Glenda Constant, Harvey Richards, Robert Young and Alice Queskekapow from OCN; Jillian Goldstrand and Jared Hynes from The Pas; Amanda Link, Adrienne Petryk, Sarah Matzer, Jodee Gray, Lucie Frederick, Crystal McKay and Val Johnston from Flin Flon; Shauna Madarash from Denare Beach; Lynne Lambert from Moose Lake; and Lydia Sinclair from Grand Rapids.

A big thank-you to the graduates, parents, extended families, teachers, professors, organizers and friends. A particular thank-you for the hard work of the two BUNTEP co-ordinators: Tiffany Anderson, who started the program; and Dolores Samatte, who saw it to its conclusion. Thanks, Dolores, for being a fantastic master of ceremonies at the graduation.

Thank you, Mr. Speaker.

Grandeur Avenue Walkway (Winkler)

Mr. Peter Dyck (Pembina): Mr. Speaker, Winkler is home to some of the most picturesque gardens in Manitoba, and now one garden, in particular, will be featured nationally.

The Grandeur Avenue walkway has been chosen as the cover for the 2011 Home Hardware calendar. This year Home Hardware decided to use the Communities in Bloom theme, and the Grandeur Avenue photo was chosen from the national Communities in Bloom data base.

The Winkler Horticultural Society was thrilled to find out that Winkler would be part of the Home Hardware calendar. In 2007, Hilda Fehr took the photo which depicts the walkway's fountain surrounded by flowers in bloom. Not only will the scenic photograph be seen at the front cover of the

calendar, but it will also be featured as one of the monthly images inside the calendar.

Promoting tourism is one of the goals of the Winkler Horticultural Society, and a feature in next year's calendar will certainly spread the word to Canadians of Winkler's beauty. Winkler has competed in the Communities in Bloom contest for several years and has consistently received a top score of five blooms.

More than 450,000 copies of the calendar are expected to be printed and distributed in over 1,000 Home Hardware stores throughout Canada beginning at the end of the year. Profits generated from the calendars will be donated to the SickKids Foundation.

Yesterday, a group of volunteers with Meg Suderman in charge started planting flowers for the 2010 season. My wife, Irene, was one of the 60 volunteers who have started the process of planting over 50,000 flowers.

Mr. Speaker, it is a pleasure for the Winkler community to be recognized nationally for our picturesque landscape, and I would like to thank Hilda Fehr for her photo, as well as the Winkler Horticultural Society, Communities in Bloom and Home Hardware for making this recognition possible.

This winter I would encourage all members of this Legislature to purchase a calendar in support of the SickKids Foundation and to catch a glimpse of one of Winkler's beautiful gardens.

Thank you.

ORDERS OF THE DAY (Continued)

GOVERNMENT BUSINESS

House Business

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

Hon. Bill Blaikie (Government House Leader): A couple of items, Mr. Speaker. First of all, I'd like to announce that pursuant to rule 31(8), I'm announcing that the private member's resolution to be considered next Tuesday will be one put forward by the honourable member for Southdale (Ms. Selby). The title of the resolution is Fertility Treatments.

Mr. Speaker: Pursuant to rule 31(8), it's been announced that the private member's resolution to be

considered next Tuesday will be the one that will be put forward by the honourable member for Southdale and the title of the resolution is Fertility Treatments.

The honourable Government House Leader, on further House business.

Mr. Blaikie: Yes, Mr. Speaker, the business of the House today will be continuation of second reading of bills, beginning with Bill 25 and proceeding to Bill 28, 30 and 36.

Mr. Speaker: So the order of business for this afternoon will be dealing with second readings in this order. We'll start off with Bill 25, then followed by 28, 30 and 36.

* (14:30)

SECOND READINGS

Bill 25—The Manitoba Evidence Amendment Act (Scheduling of Criminal Organizations)

Mr. Speaker: So right now I will call Bill 25, The Manitoba Evidence Amendment Act (Scheduling of Criminal Organizations).

Hon. Andrew Swan (Minister of Justice and Attorney General): Mr. Speaker, I move, seconded by the Minister of Conservation (Mr. Blaikie), that Bill 25, The Manitoba Evidence Amendment Act (Scheduling of Criminal Organizations); Loi modifiant la Loi sur la preuve au Manitoba (établissement d'une liste d'organisations criminelles), be now read a second time and be referred to a committee of this House.

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

Motion presented.

Mr. Speaker: His Honour the Lieutenant-Governor has been advised of this bill, and the message has been tabled.

Mr. Swan: Mr. Speaker, and I'm pleased to speak about Bill 25, which will introduce Canada's first statutory provisions to create a legislated schedule of criminal organizations for the purpose of provincial proceedings. It follows through on our government's Throne Speech commitment to make it more difficult for criminal organizations to operate in Manitoba.

Mr. Speaker, Manitoba's been a leader in the past decade in calling on the federal government to ensure that the criminal law is strengthened and modernized to meet the challenges of gangs and organized crime. At the same time, we've recognized

that Manitoba must do what it can within its constitutional jurisdiction to ensure a comprehensive response to gang crime. Manitoba has led the national movement of provincial and territorial governments to enact statutes within our provincial constitutional authority to deal with the public safety threats posed by criminal organizations.

The Safer Communities and Neighbourhoods Act, The Fortified Buildings Act and the use of provincial civil forfeiture legislation have diversified Manitoba's response to organized crime. But Manitoba recognizes that the criminal law alone is not enough, that the activities of these groups impact matters of provincial jurisdiction and that provincial governments can and must act to protect the safety and security of communities and residents.

Mr. Speaker, we also recognize there are steps which can be taken to improve the administration of justice in the province. Law enforcement and our Crown attorneys have told us of their frustration at the need to repeatedly call evidence to prove that a particular group is, in fact, a criminal organization. In certain instances it's akin to proving that rocks are hard or water is wet over and over and over again.

Bill 25 would make Manitoba the first jurisdiction in Canada to create a process to fairly determine whether certain groups are criminal organizations and, if so, to place them on a schedule so that it does not have to be proven again and again and again in a future proceedings under provincial law. When a group is placed on The Manitoba Evidence Act schedule, it will stand as conclusive proof that the group is a criminal organization for purposes of provincial law.

I would like to highlight, Mr. Speaker, for honourable members, some of the key elements of this legislation.

Bill 25 proposes a fair, independent and rigorous process for assessing whether a group is a criminal organization within the meaning of the bill. A director within the Department of Justice will be appointed with the power to submit an application to place a group on the schedule, where he or she believes that it is advisable to do so. The director must first believe the group meets the Criminal Code definition of a criminal organization based on police information or evidence, or decisions, orders or findings of a federal, provincial or territorial court. Public notice of this application will be given so that members of the group that is the subject of an application can object if they wish, view a summary

of the director's application and submit written objections. An independent panel comprised of at least three persons who are neither current government employees nor police officers will then review the director's application and any written objections submitted by members of the group. If the panel concludes that there are reasonable grounds to believe the group is a criminal organization, it will prepare a written report to the minister that will include all of the information it reviewed. The minister will then have an opportunity to review the director's application, any written objections that were filed and the report of the panel. If the minister agrees that there are reasonable grounds to believe the group is a criminal organization, he or she may ask Cabinet to schedule the group as a criminal organization. The final decision to add a group to the schedule rests with the Cabinet.

The bill also contains provisions to allow a group to apply to be removed from the schedule and outlines the process for reviewing such a request. It also contains provisions for certificates for mistaken identity for a group that may happen to have the same name as a scheduled group.

Further, it contains crucial provisions for protecting the release of information that, if made public, would identify an informant, reveal sensitive investigative techniques or disclose information that could jeopardize the safety of someone.

I want to stress to this House that this bill has a very targeted purpose, and that is to eliminate the need to prove over and over again in provincial proceedings that a particular group is a criminal organization. It will not create a registry of all gangs or of gang members, and it will not apply to prosecutions under federal laws, including the Criminal Code of Canada and the Controlled Drugs and Substances Act.

Mr. Speaker, we're committed to keeping our communities safe and ensuring the effective administration of justice in this province. This bill would build on the successful legislation that our government has already enacted to respond to the threats posed by organized crime.

We will have an opportunity to discuss the bill in more detail at the committee stage, but I look forward to the support of this House to pass this important and groundbreaking bill.

Thank you, Mr. Speaker.

Hon. Jon Gerrard (River Heights): Mr. Speaker, I rise to speak to Bill 25, The Manitoba Evidence Amendment Act (Scheduling of Criminal Organizations).

I think—let me start by talking a little bit about the concerns which are valid and which exist with regard to organized crimes and gangs in Manitoba. We can't deny and we must acknowledge that there is a serious issue with organized crimes and gangs in Manitoba, and over the past decade under this government there have been a substantial number of gangs, in Winnipeg in particular, but elsewhere in Manitoba as well. Such gangs, of course, include the Hells Angels. It includes the Indian Posse, the Deuce, the Native Syndicate, the Manitoba Warriors and others.

And certainly this is a concern. It is a concern that the—not only are there more gangs, but there are significant numbers of guns on the street, and it is a major concern that in the last several years we have had very high rates of violent crime in Winnipeg. That's—in 2007, Winnipeg had the second highest violent crime rate among major cities and, in 2008, Manitoba had the highest overall homicide rate among all 10 provinces. Manitoba had the third highest proportion of gang-related murders in 2008. Winnipeg had the highest homicide rate and the highest reported robberies out of the 10 largest cities in 2008, and Winnipeg tied with Montreal reporting the highest rate of officers per capita of the 10 largest cities.

So these are occurring in spite of the fact that we have a very substantial contingent of police officers here, and we need to look for solutions, perhaps not just in police officers, but in other areas. And this government, of course, is looking at laws. This government is not looking at how you can improve child and family services so that there are fewer kids who are getting into trouble in the first place and interested and wanting to get involved with gangs.

So there is a valid problem here. That problem is due, in part, to the abject failure of this government to addressing conditions like poverty. We hear of the substantial increase in the number of Manitobans and Manitoba children who are having to use food banks. Repeatedly, in this Legislature, we've brought forward legislation to have a real action plan to address poverty, but the NDP have rejected that. Time and time again, year after year, Manitoba ranks among the top few provinces in terms of the highest child poverty rate.

And these problems, then, feed into the problems of gangs and the problems of criminal activity in this province, that there's been an extraordinary failure by the NDP government to address poverty issues, to look at ways in which child and family services can be improved so that we have less involvement, with children who are placed in care, with gangs and that we have less problems than we do at the moment with drugs and the selling of drugs and that relates to the criminal activities and gangs.

Now, I want to talk for a moment about Bill 25. It basically allows Cabinet to make a list or schedule of criminal organizations in Manitoba if the Cabinet has reasonable grounds to believe that the group is a criminal organization. Section 68.2(1) provides that a schedule can be established by regulation by the Lieutenant-Governor-in-Council, which is, of course, the Cabinet. Once an entity has been placed on the schedule, then it is considered in law conclusive proof in an action or other legal proceeding that the entity is a criminal organization.

* (14:40)

The minister can place entities on the schedule or the director can apply to have an entity added to the schedule. If the director applies to place an entity on the schedule, the director must give public notice, put the notice of application at least twice in newspapers throughout Manitoba and on their departmental Web site. After notice is publicized, an entity can file an objection at a location to be selected by the director to oppose being placed on the schedule.

Both the objector and director must set out arguments explaining why the entity is or is not a criminal organization, which goes before a review panel. The review panel must be non-government employees and not members of law enforcement and must have a chair. The review panel will review the material and advise the minister if there are reasonable grounds to believe an entity is a criminal organization.

Everything the review panel does must remain confidential. There's also a gag clause, that the review panel cannot be compelled to give any evidence in court. There are no FIPPA's. There's a ban on FIPPA's under section 68.16(1). A member of an entity can make a written request to the director to have their entity removed from the schedule, however.

There is no appeal to the schedule or judicial review, so once an entity is placed on the schedule and denied a request to be removed, the decision is final and not subject to judicial review or appeal. The director can collect very personal information from law enforcement in order to make a request prior to applying to place an organization on a schedule. And then, once a group is on the schedule, it's conclusive proof in any proceeding that the group is a criminal organization.

There are, in spite of the intention of this bill, which is to make it hard for gangs to exist in Manitoba, if there is any criminal activity within the gang, there are some significant problems with this legislation. Simply, this bill is an attempt to bypass or usurp the court system, which looks at evidence and determines criminal guilt and innocence. Instead of having the normal judicial proceedings, instead of having a judge decide whether a criminal organization is a criminal organization, the Cabinet and the director will decide. If a minister places an organization, any organization, on the schedule, it's automatically a criminal organization for court proceedings and there's no further appeal process.

This is a concern because, quite frankly, the bill allows the minister to place any group on a list, and that group is automatically then a criminal organization before a court of law. And while it's vital to cut down on crime, particularly gang crime, the principles of fundamental justice that were established by our forefathers and upheld in our courts must not be bypassed. Nothing would prevent the minister from adding, for example, an anti-poverty group, a religious group, putting it on the schedule and using that to obtain personal information on any member.

This, you know, is—members may, you know, wonder why I raise the religious organizations but, quite frankly, I think we're all aware of issues over—in the past, where religious organizations, whether Christian or Islamic or other religions have got sidetracked into the wrong areas. And, while we hope and would expect that the minister would not be going in this direction, we must have a concern with the powers that the minister is being given under this legislation.

This legislation, indeed, could be challenged as the violation—as a violation of the Charter and rights of freedoms, which guarantees people with the right to freedom of association, and, second, with respect to proceedings in criminal matters, section 11 of the

Charter provides each person that is charged with an offence with the right to be tried within a reasonable time; to be presumed innocent until proven guilty according to the law in a fair and public hearing by an independent and impartial tribunal; and the right not to be found guilty on account of any act or omission unless, at the time of the act or omission, it constituted an offence under Canadian or international law or was criminal according to the general principles of law recognized by the community of nations.

I think that the concern or one of the significant concerns here is when we look at the labelling of an organization—a gang as a criminal organization, that one of the potential problems here is that, although it may be a criminal organization, does that mean that every individual in that organization is a criminal? Although it may be labelled a criminal organization, does that mean that every act of that organization is a criminal act?

There—we're all familiar with many circumstances where, you know, like a big box of apples, some are rotten and some are excellent. And we're all familiar with organizations which may have done good works but had a few people which headed off in the wrong direction. We may have situations where people join an organization and get caught up in a situation where there are some criminal people in the organization and they themselves have not necessarily committed any acts, but they will certainly be labelled as criminals because they are a part of an organization which the minister has labelled as a criminal organization.

So we must be cautious here and careful at the minister trying to take over from the legitimate power of the courts and the judicial system as it has been built up over many years. And we must be careful here about the powers that are provided to the director in obtaining personal information. These are broad, broad powers, and, you know, there may be a temptation to use this. We all know about the McCarthy era in the United States where the Communist Party, the political party, was labelled as bad and the people associated with, in the McCarthy era, were tyrannized.

An Honourable Member: Is there relevance here?

Mr. Gerrard: Absolutely, this is relevant because people in the McCarthy era were labelled as, you know, criminal, virtually. They were stigmatized; they were terrorized because there was an association, and one would hope that the minister

would not, you know, pick on a political party, as happened in the United States, to accuse it of nefarious actions and accuse anybody who had been a member of that of nefarious activities. And we all know that there were many, many reputations and many people who were—received tremendous harm from what happened back in the United States in the McCarthy era.

One of the significant reasons why we should be cautious about this is that, in their drive to put in place this law to go after gangs, the government has failed to see that it's probably pretty easy for criminal organizations and gangs to bypass and get around this law. Nothing prevents a gang from changing its name and going by another name, and then they are not part of the organization which is on the schedule. *[interjection]*

* (14:50)

So, well, the member for Thompson (Mr. Ashton) is pointing about right-wing organizations and political parties and I'm not sure what you're trying to suggest, the member for—MLA for Thompson and honourable minister. But the fact is that the schedule is, in fact, only as good as the names which are on the schedule.

And an organization can disband and change its name, and that is probably fairly easy for gangs and criminal organizations to do. And—so what would keep an organization which is on the schedule, as soon as it's put on the schedule, from changing their name, disbanding, re-association, reforming under a new name. And it would be quite likely, we suspect, that the minister's schedule might end up being filled with old gang names that have been simply changed or replaced, and are changed and replaced faster than the minister can put the names on the schedule. And the minister, you know, as has happened in the past, the NDP would be the laughingstock of the gangs and they wouldn't have an effective strategy if, in fact, that happened.

So the reality is that the minister should've, you know, used an approach in which he had a group of people, say, you know, if you were a gang member, how—in a gang, how would you get around this?

When we're dealing with software, one of the standard approaches in developing software is to have people go in and try and find the problems, try and figure out how to get around it, try to, you know, hack into it and cause problems with it. And so the minister really should have done a better job of going

in and trying to, you know, put this idea together and propose that it's going to make a huge difference when, in fact, we may have organizations which, like chameleons, change their colours, change their name and escape from this issue of being labelled in his schedule.

It provides, certainly, an opportunity for the minister and his government to go around and pat themselves on the back, talking about all the things that they're doing. But the real question is going to be: Does it take drugs off the street? Does it keep kids in school? Does it keep kids out of gangs?

And as we have seen all too frequently under this NDP government, children like Kyle Earl, apparently, who was killed, had been, whether it was talking to or loosely associated with, in some fashion, with other gang members. Would this have prevented him associating in that fashion? Would it have prevented him getting together with others? Would it have prevented him getting into trouble? No.

Probably what was needed was much more and better improved alternatives: A school system which worked better, a much better recreational and other activities for people like Kyle Earl, in the area that he was living, protection.

If he was taken into Child and Family Services, as has been reported, making sure that the risk assessment is done—is that a child who's had any association with a gang? What are we going to do to make sure that that child stays safe, and knows and learns, in fact, there is a different way and there are other opportunities—and is protected, while a child like Kyle makes a transition from a very troubled life into one in which he has a real opportunity?

And what the sad part is that we have the Children's Advocate saying in her report that there is chaos in the system, that there isn't enough resources, that things are not being done well. And the government, sadly, has not been able to address these issues properly, and so what the government is doing is bringing forth this law to allow the government to label gangs and put them on a schedule and criminalize them, and criminalize, it would appear, any and all activities of the gangs.

So we're sceptical of how effective this one is going to be and, I think, rightly so, and concerned about the nature of this bill, that, you know, it's got some pretty big loopholes, that it may not be effective. And I want to talk for a moment about the

fact that it's been well documented that children and young people with fetal alcohol spectrum disorders are at greater risk to join gangs because they often have trouble controlling their actions, they struggle to pay attention in school, have difficulty holding on to jobs. They're more prone to turn to drugs and alcohol and get in trouble with the law due to problems distinguishing right from wrong.

Well, Mr. Speaker, we know that this exists, the concern of people with FASD getting involved with gangs, but we also know that where you can identify a child with FASD early on, where you can have the caregivers for the child aware, right from the start, that that child has FASD, and provide the kind of support and compassion and understanding, that that child with FASD has a very good chance of growing up and doing pretty well, and not getting involved in criminal activity. But, instead of focussing on the early identification of children with FASD and making sure that we're much more effective at preventing it, this is a government which has done everything it can to make sure that alcoholic beverages are not labelled, in terms of the risk of FASD; everything it can to make sure that the normal actions that one might consider taking, in terms of making sure that we prevent this scourge that exists today and is a problem in contributing to gangs; that this government, instead of doing the prevention, is bringing in a law which is going to put gangs, and children with FASD who get into gangs, on schedules.

And the question here is there must be a better way in terms of identifying children with FASD and giving them a chance—and, indeed, there is. There must be a better way of preventing FASD. And, indeed, there is. But these are not things that this government is addressing. This government is saying, okay, we're going to put people and gang organizations on a schedule, and so that what we're going to do is to make a much higher probability that children with FASD, who may start with a learning issue, are going to get labelled as criminals in gangs instead of trying to get the treatment.

And we have already a problem with a lot of people in prisons in Manitoba at the moment. They're full to bursting. And so the question is, this will help to put more people in prison, but it won't do what is probably more important, and that is giving young people, adolescents who are at risk, alternatives and opportunities and an alternative pathway so that they can have a life and grow up and have an opportunity that we would wish them to have in which they

would be productive and contribute to society. And what this government wants to do is to put them on a schedule and to criminalize them and to do this in a way that, probably, the leaders in the gangs will escape once again and you will lock up a lot of young people with FASD and criminalize them, instead of protecting them and making sure that they have opportunities.

* (15:00)

So, Mr. Speaker, we will wait and attend the committee hearings and what is said at the committee stage. But we certainly have some very significant scepticism with regard to this bill which gives the minister very wide powers and the director wide powers, and I think, legitimately, we have some concerns not only with the approach that's being taken but with the fact that it likely can be bypassed or got around by those who are really hardened criminals, as opposed to those who are dragged in and young people who are, in fact, there because there wasn't the approach to address poverty. There wasn't the recreation. There wasn't the improvements in school that we should have and should have had. Thank you.

Mr. Kevin Lamoureux (Inkster): I, too, would like to share with members a number of thoughts and ideas that I have in regards to Bill 25.

One of the areas, or issues, I enjoy talking a lot about and sharing with members is in regards to the whole issue of crime. Crime is a major issue in, ultimately, not only my constituency, Mr. Speaker, but, I believe, in the minds of many Manitobans, as something in which government needs to take more action on and more action.

And when we talk about more action, what we're talking about is in those areas that are very tangible where we know that there—a real difference can, in fact, be made. And I think that there is an expectation that the public has, an expectation that the government is doing what it can to protect the citizenry of the province and I think that, in many ways, there is a sense of a letdown because, quite often, when—whether you listen to a radio program or a television program, you read in the newspapers, it seems, every day, almost without exception, there's always something being reported on in regards to crime.

The media do tend to give a great deal of attention to the issue, and I suspect that's because there's a very high level of interest in it. There is a

high—a very high level of interest, Mr. Speaker, from the public, and that's the reason why I feel that it is important that when we're provided the opportunity to provide some feedback, that we do just that.

You know, the gang issue has really shaken the confidence of the public and understandably so. And, once again, we see that the government has recognized that there are a number of gangs and we need to do something. The Leader of the Liberal Party made reference to, you know, a number of questions or concerns in regards to the bill, and, you know, I plan to highlight a couple of those as we go on, Mr. Speaker, but suffice to say that we need to be very much aware of the fact that the public in whole feel that we do need to do more to try to minimize the negative impact that gangs are having in the city of Winnipeg.

You know, it wasn't that long ago when we were talking a lot about gang initiations. And one of the initiations that was being talked about a great deal was stealing cars, and it was almost like there was a quota of sorts that were given. If you wanted to be a member of a gang, you'd go and steal a car or two or three. You know, I remember one day talking to an individual in the constituency, and they were sharing with me the fact that they're aware of someone that had stolen 30 cars. And, Mr. Speaker, you think, wow, that's a significant number of cars. Well, that was in one year, one year a young adult or young—I shouldn't say young adult; he would have still been under the age of 18 from what I understand—stole 30 cars.

I put in a request under freedom of information to get some more details about just how many of these individuals are stealing that sort of quantity of cars. And, Mr. Speaker, it—I was surprised. I can't recall the exact number offhand, but I believe you're talking somewhere in the neighbourhood of 150 youth that are stealing a great number of cars. And many of those youths are involved in some form or another in gangs and gang activities.

So, you know, when you start seeing the thousands of cars that were being stolen, it starts to touch everyone, everyone in the communities, in our communities, especially those in Winnipeg and other areas where there was a large number of cars being stolen. In fact, a few years ago in Winnipeg I believe there was 13,000 vehicles stolen. Mr. Speaker, that was, you know, a lot of vehicles that were being taken away and, you know, as I say, in many cases they were just used as a gang initiation.

And then you started to see, well, it wasn't good enough just to steal the vehicles. Quite often they would put some heavy object on the gas pedal and allow the vehicle to be used as a weapon to plough into something, Mr. Speaker. Again, there were examples made in terms of gangs. You know, we need to really look at the costs to society that these gangs are causing, and what it is that we can actually do.

I see what the Minister of Justice (Mr. Swan) is hoping to be able to do in this legislation. It's interesting. I didn't anticipate that the government would be bringing in legislation of this nature because, as I say, there are a number of concerns that will surface, issues such as the Charter of Rights and other issues, Mr. Speaker. And it'll be interesting to see how the legislation ultimately evolves because there's no doubt in my mind that ultimately the bill will pass. And, you know, we look forward to it going to the committee stage, just to get some sort of a sense or a perspective from the minister responsible as to filling in maybe a few of the gaps as to why it is that we were—why it is the government has brought forward this legislation, and what kind of background work he has actually done to ensure that it is sound legislation.

Mr. Speaker, you know, the intent of the legislation is just to allow Cabinet to be able to say, well, this is a criminal gang. And now when I think of gangs, there's a number of them that come to mind. You know, probably the best-known gang, and it's more of a national, even international, gang is the Hells Angels. And over the years there has been a great deal of media attention given to that particular gang. But there are other gangs; we have seen the Indian Posse, Deuce, Native Syndicate, Manitoba Warriors, and I suspect that there could even be more. I would've liked to have heard from the Minister of Justice because, at the end of the day, the Minister of Justice might have gangs already, you know, some of those organizations that he is thinking of putting on to the list. And, you know, it would have been nice to have heard from the minister as to, well, what are the gangs that he has in mind?

*(15:10)

You know, I provided a list, or I read into the record a list of gangs that I'm aware of. To what degree they're active, hard to say. You know, outside of a great deal of graffiti that we see and comments, you know, at the constituency level, there seems to be a great deal of activity within our communities

that is—negative activity—that is related to what gangs, in particular, young people are doing.

And, you know, one of the things that we need to recognize, Mr. Speaker, is that, quite often, it's the older adults or young adults, in their drive to keep their gang active and full of life and new memberships, they often reach out to younger people, and they offer a different type of lifestyle.

You know, I made reference to a specific example within my constituency just the other day, and, Mr. Speaker, you know, again, yesterday, I was back at my office, and members might recall of an incident that had occurred. And, you know, let me just provide a bit of an update and one would say, well, how is it related? It would be related in the sense that there is very high suspicion that these particular youth want to be a part of a gang, and what impact will legislation of this nature have on that?

And this is what people really want to hear, Mr. Speaker. What is the government doing to protect our communities? And the best way to explain that is to provide a very clear example. And yesterday, as I say, I had an update myself when I was over at a store, a sit-down discussion that ultimately followed up an incident that had occurred the previous night, you know. *[interjection]* Oh.

Well, Mr. Speaker, I don't want to, you know, get off topic. But, you know, at the end of the day, the purpose of that discussion that I had at that particular time was just to get a better sense as to what was happening with this particular incident that had occurred two nights ago.

Mr. Speaker, you'll recall I mentioned that there was a few kids that were around a building. One—at least one of them was up a—on top of the roof and—*[interjection]* Yeah. And what happened is the landlord of the building eventually got there, and there was at least the one that was still there, and he was wanting to come down. And we believe he was somewhere around 10 years old. One might have taken off, but there were another two that stayed around, and they were just, like, yards away from where the little boy was coming down.

When the little boy, ultimately, got to the bottom—and prior to getting to the bottom, he was yelling and screaming and indicating that he was going to cut and cause blood to spill and all this kind of stuff. He gets down and the landlord grabs him, and the boy is shocked by being grabbed. And, ultimately, I guess, dropped his weapon and it was

scissors, Mr. Speaker. *[interjection]* No, no, no. This is the night before. This is the night before.

So, anyway, the scissors dropped, and they dropped and the plastic was cut off or whatever. You know, the handles were, for the scissors. So it was actually quite the weapon that was actually, I suspect, just—you know, here is a 10-year-old kid just walking around with scissors, using those scissors as an actual weapon, Mr. Speaker, and in and around 10 years old. That was what was estimated.

So, anyway, he's holding this and the other two kids are yelling at him. One has a board, and he's waving the board and saying, again, life-threatening situations to the landlord. Someone close to the landlord suggested—you know, the boy starts to cry, and the person says, well, just let him go. It's not like the police are going to get here to be able to do anything. How long would he have to hold the child?

So he ended up—once he let him go, he took off, but the scissors were left, and I have a copy of those scissors, Mr. Speaker. Well, in those—and, as I say, the boys just took off across the field.

Having said that—and I talked about that yesterday—here's the update, Mr. Speaker. Individuals that were familiar with what took place, that witnessed what had taken place, now see these young individuals and—again, I'll emphasize, when we talk about, you know, relevancy, because it is important for people to really understand why it is I'm giving this example. You know, these are kids that are quite often behaving in this sort of a fashion in order to impress upon others that they would be good gang members because they can do some pretty terrible things and they're not scared of anyone.

And, Mr. Speaker, when we look at this particular bill, will this bill assist in dealing with the problem? Well, let's—here's what actually takes place. You know, we have a group of two or three kids, one branding a knife of sorts this time, virtually across the street, looking in, giving suggestions that they are going to get someone there. And it is fairly intimidating because, as the one person put to me, well, what can they actually do? What can they do as—in this particular case it's an owner of a store, not necessarily the landlord, even though the landlord was once again called in to discuss the issue. What is—what can actually be done in order to prevent?

You have to take these threats seriously, Mr. Speaker, because quite often you don't know what sort of medical condition or a mental condition some

of these youth could be in. You know, the Leader of the Liberal Party made reference to fetal alcohol syndrome. You know, there are some kids that do not realize—they genuinely do not realize the consequence of some of their actions, and they feel that they can just go ahead and do whatever it is that they want as if they have a right to do that.

Well, what gets done? What—you know, what do you tell people like that? You know, I had indicated that, you know, you try to—remember, you can call the community police. You let the community police office know about it. Sometimes it might be difficult to track the actual individual without putting yourself in any sort of risk if the opportunity is there to get a picture that you can then provide, whether it's to the community police or the local Child and Family Services outlet, that you could possibly do something of that nature. Mr. Speaker, these—you know, we—the feeling is that there is nothing that is actually being done by government in order to protect their interests.

Now, these kids then will go back into some form of an educational environment. I trust that they're likely going to one of the community schools, and, you know, they'll walk around and they'll be boastful. It's almost like, you know, it's—they say, well, this is the law, but the law doesn't apply to them, and the reason why the law doesn't apply to them is because there is no consequence for whatever they do.

And, Mr. Speaker, we had a very significant incident that had occurred that reinforced that in a certain area where it was a local shop owner that actually got stabbed. And the one offender—there was two, I believe it was 14 and 10—the one, I believe, I'm told, is in custody. The other one, I believe, is in some form of a curfew, in-home curfew.

But, you know, there is, generally, from a lot of young people a feeling that they are untouchable, that there is nothing that government or police or CFS can do, that they can do whatever it is that they want, Mr. Speaker. And I believe at the end of the day that there has to be, there needs to be a role for the government.

* (15:20)

You know, we have the authority to be able to do things in which parents cannot do. Did you know that, as a parent, you do not have the right to lock your child into a room? You can't do that. Only the government has that authority. The government can

actually lock a person up, and an example of that would be Marymount. And, again, I'll bring it right back to an example that's specifically related to this bill, because what we're talking about is gangs and identifying gangs and some of the activities that they do—conduct in our communities.

You know, there's allegations of—and this is someone that lives just outside of my constituency, where the individual is a foster parent, raised a young lady for many, many years. And that young lady was being pulled out of her environment from bad kids that have a very negative or poor influence on her. And the foster parent was wanting to keep the child home because what was happening is she was sneaking out the window at nighttime.

And the parents were told that you do not have the right; you cannot do that to a child. And, now, she would have been—now, again, I'm not 100 percent sure of the age, but right around that 12 years old. And it was through that process that I understood exactly what it is that the government could do. And in this particular situation, after the third time, this individual was put into Marymount centre, and in Marymount centre they have a number of beds in which they can actually put a child into lockup.

Well, Mr. Speaker, because of the system failing this particular young girl, she was affiliated with individuals that are affiliated with gangs and she ended up going into prostitution. This is a young girl at 12 years old, 13 years old. I've known the girl. If I—and you know what? I think this happened a couple of years ago. It was just a few months ago where I actually saw this young girl at a local Tim Hortons.

And, you know, here you have an individual that's been taken out of a loving environment and, ultimately, through the advocacy of that foster parent and individuals at Marymount—and I compliment the people in Marymount. They have a tough, tough job and limited resources. And what's really sad is that, you know, here's a child that fell through the system and the system failed her. And, as a result, you know, drugs, gangs, prostitution, that's—that was—that became a part of her life because society failed her, or government and its agencies failed her.

Mr. Speaker, if you want to start dealing with issues like the gang problems, you need to do more than just identify the gangs and put them on a list. You know, what I would like to see is Cabinet take more of a stronger approach at dealing with some of those causes.

You know, I've talked—and I don't know if the current minister has had a tour of Marymount, and if he hasn't had a tour of Marymount, I would suggest that he take a tour of Marymount. And what he'll find is that there are a lot of stories in that centre and there's a lot of young ladies that need help.

And, sadly, far too often what happens is that we will take a young person out of an unhealthy environment. Because of a social condition, we'll take that person out of that environment, and then we will put them into Marymount centre, and—quite frankly, that is a good thing. You know, you take someone that's—when they wake up in the morning and they open their windows and they see people that are selling coke, they see people that are prostituting, they see crime day in and day out—

So you take that 13-year-old individual out of that environment and then you put them into Marymount. And, in Marymount, quite often, they might even come from a dysfunctional family, but once they get to Marymount, they actually start to experience that there are people that can demonstrate love and kindness and that are concerned about that particular individual and the future of that individual. They're concerned about the condition of that individual.

They try to re-establish dignity into the individual, that there is an alternative to the life that they had when they were on the Selkirk avenues or the Pritchard's or many other streets in Winnipeg where there's a higher concentration of what I would classify as the negative forces in society, Mr. Speaker.

But then here's what ultimately will happen. That individual will be in Marymount centre, but because of limitations that Marymount has, the individual, ultimately, when they start to get back onto the right track, they're put right back into the environment, quite often, in which they were pulled out of. Well, Mr. Speaker, what do you think's going to happen? You know, what kind of break have you really given when you finally start to see some light and you start to plant a few seeds of hope inside that individual's mind and their attitudes and, all of a sudden, because of budgets and resources, the individual is put back into that same environment?

I've had couple tours of Marymount and years ago I had one tour in particular where one of the workers introduced me to a young lady. And she said to me, you know, and using my name, that little so and so, or young so and so, or whatever the person's

name was, you know, is really good today. She hasn't hit anyone. And this is like at 11 o'clock in the morning.

And after talking with her, we went out into a different room and I said, you know, it's rather strange you say that she hasn't hit anyone. And she says, well, she comes from an environment where hitting was very commonplace and she would have no problem in terms of hitting people. And that's the reason why she had to be put in isolation so much, but we give her credit when she is not and she's having a good day. And she hadn't hit anyone since whatever time she had woken up. I think it was seven o'clock because they had her get up earlier, Mr. Speaker.

And I think that—you see, we're not aware of the conditioning that takes place in many of those environments, Mr. Speaker, because we choose in part—and in other ways we don't have that same opportunity to understand what's taking place in many of these communities that need our help, that need the government resources, that need more than the type of legislation that the minister is bringing forward today. They need social programming.

I would suggest that we could virtually quadruple—as I look at my leader, hopefully, he'll be comfortable in me making the suggestion, you know, that we should be looking at quadrupling the funding for organizations like Marymount, because by doing that, you're going to prevent individuals from getting involved in gangs. Quite often, you'll be taking people out of the gangs and you'll be able to keep them out of the gangs, Mr. Speaker, and that should be a major part of what we're doing inside this Legislature. That's what we should be—that's what we need to be looking at.

And this is why, you know, when we look at the legislation—and the leader made reference to, you know, that there are concerns. You know there are some concerns like, we wonder in terms of did the minister actually do some consulting with individuals, let's say, like Bryan Schwartz from the University of Manitoba, constitutional lawyer? There will be concerns regarding the Charter.

And, you know—I know, ultimately, we have the notwithstanding clause, so we can do ultimately whatever it is that we would like to be able to do in terms of passage of laws, but I don't think you want to have to resort—I think we have to respect individual rights and freedoms, but it would've been interesting to know if the Minister of Justice (Mr.

Swan) did do some consultation with some of those experts, Mr. Speaker.

* (15:30)

And I'm not just talking in terms of the lawyers. We have many professional civil servants from within, Mr. Speaker, that could provide the advice that the minister needs and—I shouldn't say the minister needs. In fact, this entire Chamber needs. We are very dependent on the level of expertise that our civil servants have and, ultimately, I truly believe that we have one of the finest groupings of civil servants in the world. And they, in most part, when left to do what it is that they're supposed to do, will do a second-to-no-other job at meeting the needs of this Legislature and, more importantly, the needs of the—of our public, of all Manitobans.

And I would trust that the Minister of Justice did do some consulting not only outside with the different stakeholders, but also had some consultation done within the department. You know, the last thing the public wants to see is to see a government that just wants to give that impression that they're doing—trying to do something.

You know, yesterday, I made reference to—and I think it was during Bill 14. We were talking about gang activities because of the forfeiture of personal property, and that was one initiative, and then we had the armour and fortified vehicles, Mr. Speaker. And, you know, I appreciate the fact that the Minister of Justice today is not quite as animated in his seat. He is actually listening, and I appreciate—[interjection] Already out of time?

Maybe if I could have leave, Mr. Speaker, just to conclude my remarks.

Mr. Speaker: Does the honourable member have leave to conclude his remarks?

Some Honourable Members: Leave.

Some Honourable Members: No.

Mr. Speaker: No? I heard a no.

An Honourable Member: Okay.

Mr. Speaker: Okay. So we will now—the honourable member for Pembina.

Mr. Peter Dyck (Pembina): I was going to adjourn debate.

Mr. Speaker: Go ahead.

Mr. Dyck: I move, seconded by the honourable member for Springfield (Mr. Schuler), that we adjourn debate.

Motion agreed to.

Bill 28—The Drivers and Vehicles Amendment Act

Mr. Speaker: I'm going to call Bill 28, The Drivers and Vehicles Amendment Act.

Hon. Andrew Swan (Minister of Justice and Attorney General): Yes, Mr. Speaker, I move, seconded by the Minister of Local Government (Mr. Lemieux), that Bill 28, The Drivers and Vehicles Amendment Act; Loi modifiant la Loi sur les conducteurs et les véhicules, be now read a second time and be referred to a committee of this House.

Motion presented.

Mr. Swan: Mr. Speaker, and I am pleased to be able to rise and speak about this bill. This bill will now allow for the full disclosure of names and administrative actions taken by the Registrar of Motor Vehicles with Manitoba Public Insurance. This bill will provide consumers with an additional tool to use when making a decision about dealing with a particular service provider or permit holder.

Those businesses and individuals affected by this bill will be vehicle dealers and salespeople, driver training schools and instructors, vehicle and parts recyclers, inspection station operators and qualified mechanics. All of these service providers require permits to operate in Manitoba under The Drivers and Vehicles Act and its regulations.

This bill, Mr. Speaker, will provide transparency and consumer protection. Permit holders who receive administrative sanctions would now be posted on the MPI Web site, along with their business address and general statement regarding the infraction. The length of time these names and business addresses will be publicly posted will vary from one year to permanent. The length of time will depend on the sanction issued.

One example of consumer protection as the result of this bill would be those Manitobans wanting to get a vehicle safety inspection. With the passing of this bill, consumers will be able to visit the MPI Web site and check to confirm that a particular inspection garage is clean of administrative sanctions or, conversely, what sanctions they may have. The consumer can then make an informed decision on the inspection garage. This bill will offer full disclosure and assist consumers in making their decision.

Administrative and enforcement actions typically result from information gathered through an audit or inspection of a permit holder's operations by MPI staff or through information obtained from consumer complaints. Sanctions are usually the last resort after a number of progressive actions are taken. Last year, Mr. Speaker, 42 show-cause hearings were held against inspection stations and dealers, resulting in sanctions ranging from a one-month suspension to permanent loss of permit. Some of the actions that will result in sanctions are if the permit holder has engaged in dishonest activity or in conduct that affords reasonable grounds to believe that the applicant or permit holder will not act according to law and with integrity and honesty, if the permit holder has failed to meet qualifications or to satisfy requirements of the regulations, if the permit holder has made any material misstatement or failed to disclose information required in the application for the permit or breached a condition of a permit that has already been issued.

This bill was prepared in consultation with and has the full support of a number of stakeholders within the automotive industry: the Manitoba Motor Dealers Association, the Manitoba Used Car Dealers Association and the Auto Recyclers of Manitoba.

We look forward to this consumer protection bill being passed by this Legislature. Thank you, Mr. Speaker.

Hon. Jon Gerrard (River Heights): Mr. Speaker, I rise to put a few comments on the record on Bill 28, The Drivers and Vehicles Amendment Act. This bill is designed to allow the posting of information about permit suspensions, cancellations, renewal refusals for auto dealers, salespersons, driver training schools, driver instructors, automobile recyclers, inspection station operators and qualified mechanics.

I have three particular areas of concern with this bill that I want to raise. First, this is a typical NDP bill. It has a very, very solely negative view of people. This bill should have been put forward in a way that allows the publication and the posting of positive things about the people who are—driver training schools, driver instructor permits, dealers, salespersons, recyclers, inspection station operators, qualified mechanics and so on. This should not be restricted just to negative things or where there's problems. If a driving school has won major awards, if a driving school has been able to graduate large numbers of graduates versus a small number of graduates, you want to know what kind of history the

drivers school has got. They've been in business for 30 years. That says something, as opposed to somebody who's just been in business for three months. If you've got a drivers' training school which has won awards, a driver training school which has very low rates for their accidents for graduates, data which could be obtained through MPIC in Manitoba.

So we should be able to know the positive things and not just the negative things about the driver training schools and about the driver instructors. There would be for driving instructors a history of the students, the training background, the education of the instructors. Where was the instructor trained? What kind of a degree or diploma did the instructor have? Has the instructor received awards of merits for the excellent ability that the driving instructor has? Same thing for an inspection station operators, automobile recyclers and so on.

We should have published—and I would hope that the government would amend this so that the positive attributes of the organizations and the people can be published as well as the negative attributes. It is—we should have a, you know, a real picture, not just the typical NDP negative picture of what's happening in this province. And let's hear some positive things as well as the negative things. So I think that that's one of the changes which would be important to incorporate into this bill in amendments.

*(15:40)

The second area where I have a significant concern has to do with the bill should replace a clear onus on the registrar to remove information that they publicized if it's a negative attribute, a suspension or what have you, once the matter's been resolved or remedied. You know, licence suspensions aren't forever, if there is a failure or a problem there should be an ability to be able to correct that to overcome it and have erroneous information removed. This could, for example, it might be that—let me give you an example, you've got a driving instructor who—or a salesperson who works for a dealership, and the salesperson's name and address, the business address, is publicized and that gives the car dealership a bad name because one of their salesperson at that business address is publicized. And suppose that salesperson then moves and works for another company, you know, you want to be able to make sure that the information can be updated, can be timely, and that information which is erroneous or wrong can be removed readily so that people or

businesses don't get stigmatized or hurt because old information is there or because information is not removed in a timely and appropriate fashion. So the bill should have very clearly spelled out the onus on the registrar to remove information once the matter has been resolved and remedied and make sure that that is indeed done and is looked after.

A large dealership's reputation could be dragged through the mud publicly due to a mistake, a suspension or a failure to renew by an employee. And the bill needs to have the provisions in there for the registrar to remedy or change this if—for instance, if an employee quits employment or is fired or if they're returned to good standing. So that the—if this is, you know, not done appropriately and it should be part of the act you can foresee situations where the registrar might be opened to accusation of libel or other problems if they publish information which in some fashion defames or casts a negative cloud over a dealership. The reputation of an individual is very important and, you know, once an individual's reputation is affected then it's much harder to change that or reverse that. So it needs to be handled in a way so that there is a very clear onus on the registrar to make sure the information is not only timely, but information which is placed there can be removed when a matter is resolved or remedied or changed.

Thirdly, the bill needs to be clearer in terms of how the registrar is to make information public. Many other bills provide specific information about how it's to be made public, whether it is on the Internet or in the paper, and at least then, you know, people can know exactly where to go for the information. Not everyone, of course, in Manitoba may have Internet access, but it needs to be that there is a clear indication of where the information is to be found so that it can be—people can find it easily and come to their own decision or conclusion when they are choosing driver training school, choosing a driver instructor, choosing an inspection station, operators permit or operator or a qualified mechanic. Qualified mechanics, those who are really good mechanics, if you've got somebody who is outstanding but there is a little mistake on something, then all of a sudden you can get a picture which is, you know, overly negative in terms of the overall capabilities and qualifications of a mechanic.

I'm not saying that we need to go to something like rate your doctor, but we need to go to something which at least has the balance and that there is—if the government is going to be involved and the registrar is going to be involved in publicizing material like

this, that we should have the positive material as well as the negative material and not just have a one-sided view.

With those few comments, I'm going to let my colleague, the MLA for Inkster, comment. Thank you.

Mr. Kevin Lamoureux (Inkster): I, too, would like to put a number of thoughts on the record in regards to Bill 28. It's a bill in which I suspect that there is general support [*inaudible*] ultimately like to see the bill—[*interjection*]

Mr. Speaker: Is your mike on?

Mr. Lamoureux: Hello? Okay. Thank you, Mr. Speaker. I don't know if I should repeat everything I just finished saying.

Mr. Speaker, as I was saying, you know, it was in anticipation of being able to speak on the bill today, I suspect, that—and, generally speaking, there are some concerns that we have within—with regards to the bill. But we do, ultimately, want to see it go to committee to see what type of response that we get from the public. I am sure that there is some interested stakeholders that would like to, maybe, hear a little bit more from the government as to what it is that they're hoping to be able to ultimately accomplish by doing this bill and the reason why it's come before us today.

You know, in dealing with dealerships and other entities in which this bill is attempting to do—to deal with, I think that it's worthwhile in terms of recognizing that in terms of needs—and the people that I have talked to have, no doubt, some concerns in regards to this. But I can tell the government that the primary concern is more of a consumer-oriented type of protection.

Now, it's not to say that the public would not support this particular bill, but consumer protection—this bill does do some of that by making things public. But, you know, in the last, well, I would say the last four or five weeks, I've had at least three, maybe even four cases that I can think of offhand, Mr. Speaker, that dealt with the consumer side of automobile purchases.

And here we're talking about permits, and I suspect that if they were looking to try to, you know, deal with some of the issues that people are having in regards to the automobile industry in particular, if they had a choice, they'd probably want to see more on the consumer protection as opposed to legislation

of this nature or, at the very least, maybe even do them simultaneously, Mr. Speaker, because consumer protection, I think, is critically important.

And I look at this particular legislation and, yeah, there—it does do some things that, ultimately, could have an impact, and there's no reason why if not—if amended appropriately, that this bill couldn't receive the support of all members of this Chamber.

You know, we'll look to the minister to see if, in fact, once we get into the committee stage, whether or not he'll be in a position to actually put forward some of those possible amendments, Mr. Speaker. And, failing that, maybe we might see something in the report stage, because I do believe that there are some things that could be done in order to make this piece of legislation a better law. And I hope that the Minister of Justice (Mr. Swan) has an open mind to making some changes to the legislation.

* (15:50)

I know at times we have seen changes that have been made in committee stage, in third reading. I know that there are a number of ministers that will, in fact, go through the comments that are put onto the record during second reading, in which ministers will, in fact, respond accordingly to those comments or the committee and make changes to the legislation.

I suspect that this one of those bills that could use some amendments, Mr. Speaker. And the Leader of the Manitoba Liberal Party had made indication of a couple of those possible changes that would be important. The biggest one that comes to my mind after going through the bill is more so dealing with the individuals that find that a decision has been made to publicize that particular company or business and they put it up onto the Internet, for example, and they cite what the issue was. Well, what's unclear is: How does that business deal with getting it off of the Net or is this something that is meant to be of a permanent nature?

At times, even good businesses make mistakes and some of them are unintentional actions that take place. Maybe it could be someone that's representing the company. You know, mistakes are, in fact, made. And once a mistake has been made and a company has demonstrated goodwill in terms of coming up with the remedy, well, is there a way in which it can be taken off a list? Or how does—does it stay permanently on a list with a kind of like an asterisk saying, you know, the company dealt with the issue,

and, the issue from the government's perspective, or from the administration's perspective, is now resolved but it stays on that public record?

So it's a bit unclear there and I think that the minister would be best advised to do some consulting to find out whether or not, what it is that he could do in order to appease concerns that some might have in regards to that whole appeal process and what does, in fact, take place.

You know, the bill, in essence, allows the Registrar of Motor Vehicles to put public information about permits and suspensions, cancellation and renewals, for refusals, in different categories: the auto dealers and salespersons, driver training schools and driver instructors, automobile recyclers, and inspection stations, operators and qualified mechanics. So it really affects, you know, the automotive industry in many different ways, Mr. Speaker.

And if you take a look at that particular industry, the amount that it contributes to the overall economy here in the province of Manitoba, I would suggest to you that we have to be very careful when we make changes to that particular industry. You know, there is a great number of individuals that are dependent on employment through that industry. And, you know, the benefits that that industry has delivered to our province, in fact, well beyond our province. Many would articulate that the automobile industry is one of those industries that led countries like Canada, in terms of the Industrial Revolution, where we became, you know, greater nations. The automobile industry cannot be underestimated in terms of the impact that it has on the province of Manitoba.

You know, just two days ago, I happened to be at a new business that was just forming, where it was a used-car lot. And here was an individual, the owner, and he was fairly excited about the prospect of being able to operate a used-car facility, and part of his concern was that this was a new venture. He has other businesses, but this one here is a new venture. He admitted, you know, that he really didn't have very much experience in that area, even though he did have other related businesses, but nothing in terms of direct used-car sales.

You know, this is the type of individual, I would suggest to you, that could make honest mistakes, quite possibly. As I say, mistakes do take place. And here is someone's that's very enthusiastic about the opportunity to be able to contribute in a different

way and, ultimately, will employ others. And, you know, I think that it's individuals like that and many others that, when we develop legislation, that we have to make sure as much as possible that we're being fair about it, and that's why, you know, it's important that we get into some of the details of the legislation.

Like, when we talk about the issue of, well, what can be publicized, and there's a great deal that can actually be publicized. And, according to the legislation, you know, the—it's the type of permit, the details of suspension, including length and expiration date, any cancellation, refusal to renew and variation of conditions or other action taken against the permit holder, the permit holder's name and business address, a statement of the act done or failure by the permit holder, the business name of the permit holder, other information that is necessary to or prescribed by regulation.

And, of course, that, in essence, means anything and everything, because now, you know, the legislation passes, and then we enable a much smaller group that do not have any accountability, in essence, to this Chamber outside of a question period or an Estimates process. But even then it's very limited because of the number of days that we would sit and the length of the Estimates process, which is, I must say, on a side point, been dramatically reduced since the '90s. At one time, it used to be 240 hours, endless concurrence; now it's—the people have to settle for a hundred hours and limited concurrence, it seems, even though on paper it still is endless, but the way it works it hasn't worked out that way.

But, anyway, the point is is that we don't know everything that is going to be able to be publicized because, at the end of the day, it's going to be a 'smuch' smaller group that will make that decision once they start coming up with the regulations. And it's kind of like a catch-all clause.

So we need to be aware of that, Mr. Speaker. And, you know, so we look at some examples, and I believe that the Leader of the Liberal Party made reference to some examples. You know, if a car salesman or a dealer's permit is suspended or expires, this could, in fact, be published. You know, there is merit for doing something of that nature. But what about is there merit—and I put this in the form of a question to the minister—you know, is there merit that if it is a—is there a remedy that would take it off a published list if, in fact, the individual or business in

question resolves the matter, and especially—especially—if it is done relatively innocently?

Mr. Speaker, I want—I know, because we're hoping to be able to get on to another bill, I wanted just to conclude my remarks by just making reference to the fact that it would be nice to see consumer-oriented legislation that would deal with other aspects. I can tell the government, as much as they might deem this to be important, I would suggest to you that of equal or if not greater importance is being able to protect the consumer in terms of the types of contracts and how an individual acquires a vehicle and the obligations that follow to warranties and how warranties are, in fact, issued, in particular, for pre-owned vehicles—many, many years since I've had a pre-owned vehicle. I shouldn't say that. There was one not that long ago, but the point is is that there are other issues that are—what I would classify more of a consumer protection that would probably be in a higher need than these. And, you know, we look forward to the government acting on those also.

* (16:00)

Suffice to say, we look forward to the bill going into committee, at which point in time, hopefully, the minister will be able to facilitate some answers. And, hopefully, between now and then, the minister will have the opportunity to maybe do a little bit more consulting as to the issue of how—where there's been clear demonstration that violations of whatever nature that have been taken care of, that have been addressed in an appropriate fashion, how does that reflect in terms of information that has been published? Because, as I say, I truly do believe that at times you see innocent mistakes that do take place, and I don't think we want to come down overly hard and critical when something that's truly an innocent mistake occurs.

With those few words, Mr. Speaker, I'm prepared to see the bill pass. Thank you.

Mr. Kelvin Goertzen (Steinbach): Mr. Speaker, I would move, seconded by the member for Tuxedo (Mrs. Stefanson), that debate now be adjourned.

Motion agreed to.

Bill 30—The Strengthened Enforcement of Family Support Payments and Miscellaneous Amendments Act (Various Acts Amended)

Hon. Andrew Swan (Minister of Justice and Attorney General): Mr. Speaker, I move, seconded

by the Minister of Entrepreneurship, Training and Trade (Mr. Bjornson), that Bill 30, The Strengthened Enforcement of Family Support Payments and Miscellaneous Amendments Act (Various Acts Amended); Loi sur le renforcement des mesures d'exécution relatives aux paiements de pension alimentaire familiale et modifications diverses (modification de diverses dispositions législatives), be now read a second time and referred to a committee of this House.

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

Motion presented.

Mr. Speaker: His Honour the Lieutenant-Governor has been advised of this bill, and the message has been tabled.

Mr. Swan: Mr. Speaker, it gives me great pleasure to speak on Bill 30. This bill makes substantial amendments to part 6 of The Family Maintenance Act to enhance enforcement tools and options available to the Maintenance Enforcement Program and to permit the implementation of a new computer system.

It also makes a number of other changes to the act and other statutes to address a variety of family law issues. Last year, Mr. Speaker, the Maintenance Enforcement Program dealt with over 15,000 accounts and collected more than \$50 million on behalf of its clients. There is no question the work done by the program for Manitoba families is of the utmost importance. There is also no question the program needs the best resources we can give it and the strongest, most advanced laws behind it to continue doing this critical work.

This bill represents a significant step forward in positions. Manitoba once again is a leader in this area. Mr. Speaker, under this bill, Manitobans will have the toughest penalties in Canada for debtors who are wilfully in default of their support payments. Some examples of wilful default include where the debtor hides assets to avoid enforcement by way of seizure and sale, or where a debtor quits his or her job after a garnishing order is served on the employer.

We're increasing the maximum fine from \$3,000 to \$10,000 and the maximum jail time from 90 days to 200 days. Very simply, the wilful disregard of family support obligations will not be tolerated in this province, and, frankly, Mr. Speaker, we hope these sanctions will not be needed.

There will be new restrictions on debtors' ability to get orders suspending the enforcement of a maintenance order by the Maintenance Enforcement Program. A suspension of enforcement should be a temporary measure that is in place until the debtor can deal with the underlying issues, such as by applying to vary or discharge the maintenance order.

Too often, Mr. Speaker, debtors have been able to get orders suspending enforcement without giving notice to the creditor. Once an unlimited suspension order is in place, the debtor then has no incentive to deal with the substantive issues. With these changes, most suspension orders will be time limited. Suspension orders will only be permitted if the debtor establishes that he or she is taking appropriate steps to vary the maintenance order or otherwise deal with any outstanding arrears.

This bill will enable the program to impose penalties on debtors who do not pay their maintenance or who do not pay on time. Those penalties will be passed on to the person entitled to receive the maintenance. It will also allow the program to recover from the debtor the cost of certain enforcement actions. For example, if the program has to issue a garnishing order to collect maintenance, the cost of doing so will be added to the debtor's account. The maintenance payments and any arrears, penalties, or compensatory payments owing to the creditor would, of course, take priority over the collections of these costs. We expect this measure will improve voluntary compliance with support obligations. At a minimum, it will allow the program to recoup some of its costs in taking enforcement action.

This bill also provides for certain limited circumstances where the program can charge costs to the creditor where a creditor enrolls with the program but opts in and out of the program repeatedly. This will encourage support recipients to make a firm decision on whether or not they want their maintenance order enforced by the program.

The program will also be given limited discretion to refuse to enforce maintenance orders. This would only be in specified circumstances such as where the order contains errors or is ambiguous or the creditor does not provide necessary information or documents to the program. A new administrative tool is created by this bill that will significantly enhance the program's ability to enforce in a cost-effective way. Support deduction notices, similar in many ways to garnishing orders, will be

issued directly by the program rather than the court. These notices will bind wages or other money owed by the person required to pay to the debtor, including money owned by the—owed—owned by the debtor jointly with others.

Mr. Speaker, as well as the significant changes to the operation of the program, Bill 30 deals with a number of other family law issues. It amends The Family Maintenance Act to include genetic testing and the provisions that allow the court to order blood testing to aid in determining the parentage of a child. It also changes provisions about orders of child support to clarify that an initial child support order can be made either prospectively or retroactively. In other words, child support can be ordered both for the future and for the past. This brings our act in line with a recent trilogy of cases decided by the Supreme Court of Canada.

We're also introducing changes to how child support recalculations can be done. The Child Support Recalculation Service changes certain child support orders based on updated income information. However, the service has had no easy recourse if a party simply fails to provide their updated information. With amendments to The Family Maintenance Act proposed in this bill, a party who fails to disclose their income may be deemed to have disclosed updated income information. The service will then be able to recalculate based on that deemed income.

By regulation, we anticipate establishing a sliding scale of deemed income increases so the longer it's been since the maintenance order was made, last varied, or last recalculated, the higher the deemed income increase will be. This will provide a very strong incentive for parents to co-operate with the recalculation process by disclosing their actual income information.

The Family Maintenance Act will also be amended in the section dealing with variations of orders so that an application to vary an order will be determined having regard to any material change in circumstance that has occurred since the order was made or last varied. This is similar to the test for variations under the federal Divorce Act.

Finally, Mr. Speaker, Bill 30 includes an amendment to The Court of Queen's Bench Act to provide that if a party refuses to co-operate with a family evaluator appointed by the court to address a custody, access, or other family matter, the evaluator must report the refusal to the court. The court may

then draw any inference from the refusal that it considers appropriate. This amendment will parallel provisions that already exist in The Family Maintenance Act respecting investigations into family law matters under that act.

In closing, Mr. Speaker, the operational efficiencies to the program that would flow from this bill will make a significant difference to the lives of many Manitoba children and their families. The amendments respecting the Child Support Recalculation Service will strengthen the ability of that service to provide an efficient and effective alternative to court applications to vary child support orders and the further family law amendments will contribute to a stronger family law system in Manitoba. I look forward to the support of this House in having this bill passed as soon as possible. Thank you.

* (16:10)

Hon. Jon Gerrard (River Heights): I rise to put a few comments on the record on Bill 30, the strengthening enforcement of family support payments and miscellaneous amendments act. The Minister of Justice (Mr. Swan) may be pleased to know that this is a bill that we support and feel that there's been a substantial amount of work and effort put into, notwithstanding that there may be a few issues that we've got with this. We see it as important to make sure that children are getting the support they should be getting, and I think that this bill should help. I think it would be important to review after two or three years to make sure that, in fact, the objectives of the bill are actually being met, because sometimes we've seen in the past where legislation has been passed and it's, for one reason or another, sometimes not expected. Sometimes there are loopholes, sometimes there are problems, but I think it's important to review it in due course.

Mr. Rob Altemeyer, Acting Speaker, in the Chair

This is clearly an attempt to crack down on deadbeat parents who wilfully refuse to pay child support, and gives Maintenance Enforcement some more teeth. Some payer parents clearly are generous and give child support regularly and there are even some parents who overpay on child support who contribute on top of child support to other expenses, but there are still, sadly, some parents who refuse to pay child support, who underpay child support or try to avoid paying child support at all costs. And Bill 30 cracks down on those who are wilfully in default on

their child support by increasing fines to a maximum of \$10,000 and jail time to a maximum of 200 days.

Bill 30 adds, in section 8, an amendment that allows a judge to order a paying parent to pay an additional amount over and above child support to compensate the recipient parent in an amount of up to \$500. For some payer parents it will be strong punishment and for others it will be weak, because it's important to have penalties for when a payer fails to pay maintenance on time. This step will give an incentive to pay.

Bill 30 requires Maintenance Enforcement to give payers a support deduction notice so that the payer can respond to garnishments. It allows Maintenance Enforcement to garnish joint accounts when one party to the account owes to money to a child or spouse for child support or spousal support.

Bill 30 changes how maintenance payments are processed by Maintenance Enforcement, due to their new computer system, and it amends The Family Maintenance Act to allow for genetic testing as well as blood testing, bringing it essentially up-to-date.

It's important, I would say, to recognize the hard work that the Maintenance Enforcement workers and the program does in Manitoba. They help many families and children. They work closely with the court system and the family bar to ensure that each order is being regulated. There may be a backlog now and then, but they deal with a lot of orders and cases.

There is a capability within this to—for Maintenance Enforcement to refuse to enforce orders when the terms or—are ambiguous, and this is reasonable because, you know, it's very common for a judge to send back an order to a lawyer if there's an ambiguous clause. But, hopefully, there won't be too many ambiguous clause sent to Maintenance Enforcement by the court since most orders tend to be vetted to two lawyers and one judge.

There are some issues. I think throwing a paying parent in jail for 200 days, for example, that the parent will obviously not be able to earn money during that time, and so the child may suffer even more because they definitely won't be getting the support during that long period of time; that's over six months. And throwing somebody in jail is quite expensive for the Province. Each night a person spends in jail is worth a significant amount in terms of cost.

Bill 30 describes circumstances when the designated officer of Maintenance Enforcement can refuse or suspend enforcement of a maintenance order. These are cases, perhaps, where a payor parent loses his or her job and becomes unemployed but there is an order in place requiring a certain amount of child support to be paid each month.

If that parent has an income of less than \$6,000, they can get legal aid, but with a higher annual salary they must pay a lawyer or else navigate our complex legal system alone, and that can be expensive, particularly at a time when they're out of work and have no salary coming in. The way our court family process is set up, it could take months to get that support amount reduced by a judge.

First, they must attend a case conference, obligatory under rule 30 of the Queen's Bench. If the recipient parent doesn't agree to reduce support at that case conference, they must attend a contested motion which can cost up to 5,000 in legal fees, and that can be very expensive for someone who has no job and must pay ongoing support payments.

In the meantime, while they're going to all of these court hearings and paying legal fees, Maintenance Enforcement is taking away their licence or vehicle. I give you the example of a self-employed plumber, and Maintenance Enforcement tried to take away his licence and vehicle which he needed to find work. In this case, he was not a deadbeat dad; he wanted to pay support and was actively looking for work, but competition moved into his community and there was no work just at that juncture.

Bill 30 also allows the court to issue a suspension of enforcement to stop enforcement of support. The payor must have a valid reason for not paying the amounts required by the maintenance and any arrears, and to prove that they've taken reasonable steps to apply to vary the order and attempted to enter a payment arrangement with the designated officer at Maintenance Enforcement.

Under this bill, a suspension can be for a period of up to six months and can include conditions. For example, with this plumber, how could he find a job and drive from job to job without a vehicle, which was his only means of transportation in a rural area and it was his truck where he had all of his supplies? So it doesn't make sense to put somebody out of work and, you know, under that or make it much more difficult for a person to get work in that sort of circumstance.

There are times, of course, when the family court system can be slow, particularly in summer when there are few available slots for case conferences and before Christmas when judges only hear Christmas access hearings. And I give you an example from December 2008, before a master at court where a mother needed retroactive support for her two children going back to September. They had no money and were eating at a soup kitchen.

The master adjourned the case because no judges were hearing anything but Christmas access cases. So a lawyer representing the mother brought her a gift card out of her pocket money from Safeway so that she and the kids could have a Christmas dinner. Indeed, she finally, in February, got the support back to September, but it didn't do her any help in the interim, and we can't always guarantee that family and the children are helped when they need to be. So that's something that really needs a little more attention.

So, in summary, I see this as a good start—step in improving the system about which at the moment I hear a fair number of concerns and complaints, and so we're ready to support this legislation. Thank you.

Mr. Kevin Lamoureux (Inkster): Mr. Acting Speaker, it is—Bill 30 is, indeed, a very substantial piece of legislation that has an impact—a fairly significant impact—and I would suggest to you that once going through the bill—and I haven't had all of the details, I must admit, or an excellent understanding of all of the details, but I do believe that I have a decent understanding of some of the basics.

* (16:20)

And the Leader of the Liberal Party has made reference to a number of the things in which I share some of the concerns. But the essence of the bill is to recognize the need for the legislation is very positive, that there is no doubt some significant positive changes that are being proposed and will ultimately enable the system, hopefully, to work a little bit better, and, more importantly, quite frankly in many ways, hopefully, speed up the process.

Over the years the—one of the bigger concerns that I have has been around the whole process issue. You know, the longer time that it takes in a stalemates or going through the court system, quite often it is exceptionally costly and the deferral takes away from—the deferral, a quick decision, ultimately, is at great cost to the people that this legislation and

other legislation that's out there to try to protect the interest of children, and it takes away the ability of a child to be able to get the necessary things to be able to ultimately have a productive childhood in terms of meeting their financial needs.

Quite often, we have single parents that are in need of money in order to be able to purchase food. You know, earlier today in question period I asked a question in regards to the government's policy on trying to get people less dependent on food banks, and this is ultimately a bill that will have a bit of an impact on that particular issue. If you have more deadbeat parents providing child support I suspect you will find that there will indeed be less of a need for food banks in many of those family environments. And, you know, in that sense, as I say, the bill itself being of a very comprehensive nature in most part is a positive bill. A bill in which we would ultimately like to see go to the committee stage and see what sort of feedback a number of presenters—and I suspect that there will be presenters that will come to this—to the Legislature to give their thoughts in terms of the content of the bill.

There were a few points that I wanted to make reference to and one of them being the fact that you get different types of parents when it comes to fulfilling child support, and one needs to be very much aware of legislation that we pass that we're not putting too much of a burden on individuals that are trying to do the right thing. And, in this particular situation, you know, the Leader of the Liberal Party made reference to the plumber, and, I suspect, you know, we have good and bad. The good would be the individual as a result of economic conditions of that local employer, of his or her local employer making the decision that the services are no longer required so the payor or the parent that's making the contributions finds him or herself into a position which they don't have an income and now they could be unemployed anywhere from a few days to a number of months. And what we want to avoid is putting additional stress and pressure on someone that finds himself in that situation and, indeed, is very genuine in terms of trying to gain employment. And I know for many they might say, well, if the payor in this case was not fussy just go out and find any job that comes by and they'll be able to maintain their child support payments.

And I would suggest to you, Mr. Acting Speaker, that quite often you will find that it's not as easily done as said, that quite often you'll have a

payor or a parent who has to try to replace a job in which they were making, maybe, you know, a relatively decent salary, i.e., a job of somewhere in the neighbourhood of 35 to 55 thousand dollars, and now they find themselves into a situation where they're trying to readjust. And part of that readjustment quite often will lead to a reduction in their own salary. And, as I say, that happens, and it happens a lot, and this particular bill does attempt to deal with that, and, in terms of a positive, I see that as a positive. It's often referred to as one of those good-father-type scenarios or a good-mother scenario because more and more you'll find custody—you have fathers that are getting custody more and more, and I suspect that it applies to both.

But then, unfortunately, Mr. Acting Speaker, and this is the reason why we need legislation of this nature. There are those within society that don't really want to pay their obligations, and what happens is they get into a relationship and, for a wide variety of reasons, there is a decision to try to avoid making child support payments. And, quite often, that parent will go out of their way in which to avoid making payments, even working in the—in what we classify as the hidden economy or the underground economy in order to prevent having to support indirectly the spouse in which they had chosen or where there was a split-up that had occurred. And those are the individuals in which, quite often, we're having to take actions like we—that we're taking today in order to try to ensure as much as possible that those individuals are, in fact, meeting obligations that society has deemed as a norm, that we believe that there is a financial obligation and we want those parents to make payments.

Mr. Acting Speaker, there is also the scenario in terms of, sadly, quite often individuals will split up because of addiction type of issues and the parent without the addiction often is the one that gets the custody of the child and the, quote unquote, the payor is the individual that has the addiction problem. And whether it's of an alcohol, gambling, other drug nature, quite often, the one that pays the price is the child, again because they're not getting the money that they should have been allocated. So it's just another type of scenario, and that's the reason why I find that we have legislation of this nature in order to allow enough discretion to take things into consideration when it comes time to enforce and ensure that the children are, in fact, getting the monies that they need to receive in order to be able to have a basic lifestyle here in our province.

There are issues that the bill has, in most part, that are very positive. You know, Bill 30 allows the Maintenance Enforcement officer to garnish joint accounts. You know, we see things of that nature as a positive, that changes on how maintenance payments are processed by Maintenance Enforcement officers due to, technically, this new computer system that we hear a great deal about. In fact, I think it was a week or so ago, I heard the Minister of Justice (Mr. Swan) on the phone—or on the radio, talking about this new computer system that we acquired, I believe he said from Alberta for a buck, and that things are going to change. And, of course, what the individuals that are in need of the system to work for them are saying is that we want to be able to make that connection with the department, to find out where they're at and how they're going to be able to help, to assist them in getting the money that they're owed because of court orders and so forth, Mr. Acting Speaker.

* (16:30)

So those are the type of things that we see a great deal of benefit. When we made reference to the 200 days, up to 200 days in a jail situation, the Leader of the Liberal Party talked about the fact that, well, if you are in jail, you're not going to be able to make child payments. How does that, does it accumulate? I'm not sure how that works, Mr. Acting Speaker. But I suspect that that would be in an extreme situation. Hopefully, it would be very rarely utilized. I don't know to what degree it will be utilized, and it would be interesting to hear from the minister.

I had thought to a certain degree, quite frankly, Mr. Acting Speaker, that that was already an option. It wasn't until I actually was reading the bill that when I had noticed that, and I just assumed that that was the case. But here it looks like there's a cap that is put into place. So I would, you know, put a kind of a question mark or just a, you know, a reference to the fact that, you know, this is one of the things that, hopefully, would be rarely referred to as a consequence.

Increasing fines can be very effective and, as I say, the general direction of the bill is very positive. And that's why we don't have a problem in terms of it going to the committee stage at this time, Mr. Acting Speaker. But, in my concluding remarks, what I would encourage is the ministers or the government to do what it can in terms of trying to speed up the court process. Ideally, it would be, it's

much preferred when you go through break-ups of relationships that involve children, that you as much as possible want to try to avoid the need to go into courts. By doing that you can save a great deal of money for both the payor and the parent that has the custody, and, ultimately, the biggest benefactor will be the child. And, ultimately, there's that much more money for that child and the parent and, in fact, the payor, because legal fees add up very quickly when it comes to custody issues and maintenance and so forth and when you have to go through the court system.

So I think speeding up the process and trying to provide incentives to avoid having to go through family courts would be a positive thing. It's a type of thing that is often raised. With those few words, Mr. Acting Speaker, we're content to see the bill go into committee. Thank you.

Mr. Kelvin Goertzen (Steinbach): I would move, seconded by the member for Tuxedo (Mrs. Stefanson), that debate now be adjourned.

Motion agreed to.

Bill 36—The Statutes Correction and Minor Amendments Act, 2010

Hon. Andrew Swan (Minister of Justice and Attorney General): I move, seconded by the Minister of Housing and Community Development (Ms. Irvin-Ross) that Bill 36, The Statutes Correction and Minor Amendments Act, 2010; Loi corrective de 2010, be now read a second time and be referred to a committee of this House.

Mr. Speaker in the Chair

Mr. Speaker: It's been moved by the honourable Attorney General (Mr. Swan), seconded by the honourable Minister of Housing, that Bill 36, The Statutes Correction and Minor Amendments Act, 2010, be now read a second time and be referred to a committee of this House.

Mr. Swan: Mr. Speaker, Bill 36, The Statutes Correction and Minor Amendments Act, 2010, is before us today primarily to correct minor drafting, typographical, and translation errors in the statutes of Manitoba. A bill of this type is one of the annual springtime traditions in this House, and this year is no exception.

The bill does make some minor substantive amendments to several acts, and I would like to point some of these amendments out to honourable members. This bill will repeal the deaf—sorry, The

Blind and Deaf Person's Maintenance and Education Act. Mr. Speaker, all matters that were dealt with in that act are now covered by The Public Schools Act. Representatives from the blind and deaf communities were consulted about the repeal of this act, and we were advised that the repeal would not be opposed.

Amendments to The Provincial Court Act and The Fatality Inquiries Act will clarify the jurisdiction of a Provincial Court judge who is appointed to another court while he or she is hearing a matter to prevent cases in progress from being delayed.

An amendment has been made to The Personal Health Information Act that will correct a drafting omission in a provision that sets out exceptions to the general rule that a trustee should only collect personal health information from the person who the information is about. Other jurisdictions with health privacy legislation include a specific provision of the type being added here.

I look forward to moving this bill ahead to a committee and discussing it further at the committee stage. Thank you, Mr. Speaker.

Hon. Jon Gerrard (River Heights): Mr. Speaker, I want to put a few comments on Bill 36. At first glance, it might seem a lot to have found amendments to 89 different bills, some with typographical numbering, other drafting errors, but a lot of these, I think, are dealing with plain language issues, which are probably a pretty good thing to be doing. And it's important to have plain language in bills so that they're clearer but also so that individuals who can't afford a lawyer can read and understand the legislation, indeed, whether or not you have a lawyer, that you can read and understand the legislation, what it means, interpreted easily. And Manitoba laws are, of course, available on-line, accessible to members of the public who have access to the Internet, and so that this is a positive move, making sure that all the language is easy and good for people to understand. The—I think, as we move forward in having bills like this adjust the statutes and correct them and amend them and bring them up to date, that this is a whole series of minor amendments which are needed over time.

I'm going to take some of the opportunity here to talk in a little broader fashion about some of the areas where I think that we should be seeing more up-to-date changes, particularly, for example, with The Child and Family Services Act, and the minister brought in earlier on, not this year but a couple of years ago, but he called it Gage's amendment to

ensure the safety of children—Gage's law—and, but, oh, from what we know that there's not evidence so far that children are actually safer, that fewer children are dying. Indeed, there are increasing evidence that there's some major gaps in the way that the legislation is being looked at, and so I think that there's a need increasingly to look not just at these minor amendments but to make sure that we are, indeed, looking at laws for their effectiveness, to see they are actually achieving the objectives that they're set out.

* (16:40)

Indeed, I think that we could do better in many of the laws in setting out, you know, the objectives and what the law is actually trying to achieve. Sometimes we put in WHEREAS clauses, that are things at the beginning which spell this out. But many bills don't have the objectives spelled out as clearly in ways that it would be easy to go back and, you know, review and ask the question, was this objective actually being met? Were children actually safer after this law was passed than before? If the other thing that I think that we should be more careful of than we have been under this government, is looking not only at the effectiveness of the law, but the cost of the law.

This government has been very quick to pass new laws but very slow to actually look at, you know, what is the cost of proceeding. We had a bill earlier on which was provision for a registrar to gather and post all sorts of material. And we should know, you know, what is the actual cost of doing that, but the cost of the laws that we're passing, and so we're looking at their impact on the provincial budget. We're looking at their impact on individuals. And just like we've been talking from time to time about red tape, and too many laws have costs not just for government, but have costs for businesses or individuals. And just like we're working here with trying to put in plainer language and easier language, we should be looking at the cost of laws and making an assessment of whether, in fact, a law is working; whether, in fact, the cost of that law is reasonable; whether, in fact, there could be changes made so that the same objective could be achieved at lower cost.

So I think that the concept of plain language is good, but that we could extend it in some other directions when we're reviewing laws to make sure the laws are not only in plain language but that we're looking at the issue of, does the law effectively achieve the goals? And, indeed, does the law achieve

those goals and what sort of cost is it to individuals and can, in fact, we make it easier, with less red tape for businesses and for government in what we do?

So there are some extensions of the concept of this, you know, minor amendments and act, but that we could well incorporate into other areas as well. And I would suggest that at some point in the future maybe we should look at going into some of those areas.

So with those few comments on this bill, I'm going to pass these on to my colleague, the MLA for Inkster, and thank you.

Mr. Kevin Lamoureux (Inkster): I do have a number of things I'd like to say about Bill 36. You know, when I first saw Bill 36, Mr. Speaker, and, you know, I do have it in front of me here. When it was actually introduced, and I've had the chance just in the last couple days to do a quick look at Bill 36, and it's not really that much of a complicated bill to understand. But there was a reason why it is I thought I would stand up and speak on Bill 36 today, because it reminds me of another bill.

You know, Bill 36 was actually introduced on May 11th, and, which really wasn't, I guess, that long ago. We're talking about this month. But what it made me reflect on, Mr. Speaker, was a bill that was a tad bit more controversial. We call it the BITSA legislation. You'll recall BITSA legislation, Bill 31.

Yeah, a number of members will remember that one, because it was, that was the session priority bill. And that's the bill that drew all the attention and so forth, and here's why I think it's somewhat relevant, the BITSA legislation, to this particular piece of legislation, because, you see, when the BITSA legislation was brought in—and I remember when the Minister of Finance (Ms. Wowchuk) tabled the document for first reading, and you typically would ask for, like, leave. I don't know the exact wording, but after first reading, and the Minister of Finance yelled from her seat, yeah, leave. And I thought, geez, that's rather strange, and I had turned to my left and saw a couple of my NDP members, or a couple of the NDP members of the Chamber, and I said, geez, there's got to be something to it because why was she so anxious to say "leave" so quickly. And they all—they referred that to me as being a little bit paranoid, that it's just a standard BITSA piece of legislation.

And I said—*[interjection]*—well, we'll have to—healthy paranoid, possibly, quite possibly. And I

thought, well, you know what we'll do is we'll take a look at it, and when it was brought forward, it didn't really take that long to realize why the Minister of Finance was so excited about seeing the word "leave" on that particular bill. And what we found in that bill, Mr. Speaker, is much like what we assume here. Here we have a bill that's before us and this bill makes significant—or impacts a significant number of bills of this Legislature. In fact, I believe it's 67 acts that are actually listed within the bills. So there's a lot of legislation that this one bill is going to have an impact on.

So when I saw that, I figured, well, you know, much like the BITSA legislation, we kind of have a bit of an expectation that whether it's BITSA legislation or it's this type of legislation, that the government is not trying to be sneaky and bring something through on this legislation that they should've had a separate bill for, Mr. Speaker. So that was the first challenge when I saw this particular bill brought forward, Bill 36, and the first thing I have to do is just look at just the sheer number of bills, and what is the purpose of the legislation, and, personally, I like the purpose.

You know, a research person, and I'm not too sure, because the last thing I'd want to do is plagiarize someone, Mr. Speaker, but I like the—it was kind of like the final point, making reference to that fact that just how important words are; that they are, in fact, very, very powerful in the way in which you state something. And, you know, all of us, for many years, have talked about the benefits of, you know, we were talking about, earlier, consumer legislation, and how we wanted to try to simplify the process on many other debates that I've had inside the Chamber. And, you know, this one here, this particular quote, I really thought was kind of an appropriate thing and it is, you know, and I quote, that the language of lawyers and of the politicians should not make people feel inferior. We want to encourage the public to be familiar with our laws, and, you know, I'm not a hundred percent sure in terms of exactly who wrote it. I think maybe it was possibly Leah from our research department. I like it. I think it is—quite often, it is appropriate, when you take a look at how intimidating using certain words can be.

And they don't need to be the words that are being utilized, Mr. Speaker. And, you know, if that's all the bill is really trying to do, and, you know, some typos and so forth, well, then that's a good thing. You know, now, when I take a look at it, you

know, the main crux of the plain language movement is to have information that is brought forward to the public in such a way in which it makes a whole lot of sense. And there has been a long and tenuous effort at times to try to ensure that we do simplify things wherever we can. And, you know, some of the words that are used are fairly difficult when they don't necessarily have to be difficult.

* (16:50)

In fact, you know, Mr. Speaker, there have been organizations created not only here in Winnipeg or Manitoba but international organizations that have recognized the value of trying to put things in a simpler way by just using different words. And I think that that is a very strong, positive way to move and that, in fact, we should be doing that. Movement in the plain language is a positive thing, and I truly do support that, and Bill 36 does give the impression that we're moving in that direction.

It also talks about, as I say, making amendments in terms of typographical errors, numbering issues. I think that, again, those are positive. In the past, quite often, we'll see bills such as this that will be brought forward, and those bills will try to make it more gender friendly, if I can put it that way, Mr. Speaker. And when you have legislation of that nature, it's okay to kind of bundle them together. And by bundling them together we're able to, you know, provide comment to the government as to what it is that we see and the concerns that we actually might have in regards to it.

And I suspect in most part, at least my quick read of the bill, is that it does appear to be fairly straightforward, and to that extent it's a good bill to ultimately go to committee. But I think that it does highlight the importance of the process that we have to go through when, in fact, we pass legislation out of this Chamber. When we talk about bills and you read, as I say, the 67 bills that are before us, you know, we've already made, I believe, a change to the—and we'll use this as the example, Mr. Speaker—you know, we have made changes to The Legislative Assembly Act and fairly recently we made changes to that particular act. And now we are actually making, by passing this legislation, additional changes to that act. And in most part, you know, we're dependent on the information that has been provided that the changes that we're making here are of real, of no real consequence in terms of the need to have a separate bill.

Well, some might argue, including myself to a certain extent, that where it's possible, and you're making a change to a piece of legislation, that you should change that legislation when you are making changes, those minor changes, I should say—when you're making minor changes, inconsequential minor changes to legislation that, where and if possible, you should make it when you are making other, more substantial changes to the said act, Mr. Speaker. And I think as a general rule, that's what we should attempt to do. But when it's not possible, because if you go through the bill, you'll find that that might not necessarily be possible in all situations.

But we've gone a long way. You know I am encouraged by the way in which the Internet, for example, has really caught on. And, as a result, government is afforded the opportunity to be able to put all of our legislation on-line. And I believe that, in most part, that that is, in fact, the case, that never before in the history of the province of Manitoba have we had as many people have direct access to the laws of our province. And, Mr. Speaker, I think that's a good thing. That's a healthy thing, you know, when you don't have to make the inquiry by, you know, in the defined business hours. And if something, issue comes up in which there's a high need to know what the law states, people would have to possibly wait or go down to the Queen's Printer in order to get the, a copy of the act or go to the Legislative Library. All we now have to do is just click on to the Internet. They can identify the law that they might be concerned with and read, and that's why today, more than ever, what we want to do is we want our laws to be using plain, simple language, Mr. Speaker. You know there are a number of things that we can do to ensure that that is, in fact, the case.

Equally, Mr. Speaker, we need to ensure that the laws that we have are, in fact, relevant. You know, in one of the bills that we're amending, it's either 36 or 37—on this particular bill, as I quickly look here, there is in regards to The Married Women's Property Act, there was some concern in terms of that this was something that was dated, and here's what I found here. You know, most Manitobans might not believe it if you told them, but we currently have a law in Manitoba that allows married women to be sued or to sue as though she were unmarried. We have this law because in bygone times married women in Manitoba were not afforded these rights in Manitoba.

So this is one of the reasons, I suspect, that we're making the amendment that we have before us today

and, given the fact that it's on the Internet, that we, you know, as much as possible, want to have our laws be somewhat relevant. You know, it's interesting. Our researcher did a bit of work and found one of those peculiar laws, and it was in the Yukon where there a strange-sounding act such as the Torture Prohibition Act, an act that actually exists, Mr. Speaker. You know, these type of acts and the reason why we do need to have an overview of all of our laws that they should be updated where they can be updated.

You know, I think that Manitobans, as we become more Internet literate and, in good part, dependent on the Internet, that it is very important that this legislation is up to date and easy to read, and by doing that, Mr. Speaker, I think, at the end of the day, we do all of us a better service. And I look forward to being able to see legislation of this nature pass through and, ultimately, get our legislation updated to modern—a modern time.

Language changes all the time, Mr. Speaker; it's an ongoing. It's words that are used today are used in

a different way. New words are created every year. You know, I believe *Webster* gives a good example of the new words. Like now, when someone says, you can google that, you know, the word "google" didn't really exist years ago. It wasn't a part of what was actually being said. So, you know, what we do is we find that there is a need to do that ongoing review, and I suspect that, if you take a look at those 67 pieces of law that are currently there, and we're not to change them for the next 10 years—trust me, a number of them will be changed.

But thank you. I do appreciate the time. Thank you.

Mr. Kelvin Goertzen (Steinbach): I move, seconded by the member for Ste. Rose (Mr. Briese), that debate now be adjourned.

Motion agreed to.

Mr. Speaker: Order. The hour now being 5 p.m., this House is adjourned and stands adjourned until 1:30 p.m. tomorrow.

LEGISLATIVE ASSEMBLY OF MANITOBA

Tuesday, June 1, 2010

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are also available on the Internet at the following address:

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