

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

**Official Report**  
**(Hansard)**

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authority of  
The Honourable Daryl Reid  
Speaker*

**MANITOBA LEGISLATIVE ASSEMBLY**  
**Fortieth Legislature**

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

## LEGISLATIVE ASSEMBLY OF MANITOBA

Tuesday, July 30, 2013

*The House met at 1:30 p.m.*

**Mr. Speaker:** Good afternoon, everyone. Please be seated.

### ROUTINE PROCEEDINGS

**Mr. Speaker:** Introduction of bills. No bills? We'll move on to—

### PETITIONS

#### St. Ambroise Beach Provincial Park

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

These are the reasons for the petition:

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

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

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

We petition the Legislative Assembly of Manitoba as follows:

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

This petition is signed by C. Overton, L. Monfonton, R. Jewell and many, many more fine Manitobans.

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

#### Applied Behaviour Analysis Services

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

The background to this petition is as follows:

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

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

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

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

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

We petition the Legislative Assembly of Manitoba as follows:

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

And, Mr. Speaker, this is signed by A. Lang, K. Broda, G. Lowry and many other Manitobans.

#### Provincial Road 520 Renewal

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

The background to this petition is as follows:

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

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

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

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

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

We petition the Legislative Assembly as follows:

To urge the Minister of Infrastructure and Transportation to recognize the serious safety concerns of Provincial Road 520 and to address its poor condition by prioritizing its renewal.

The petition is signed by J. Longley, B. Long, S. Dewick and many, many more fine Manitobans.

#### **Applied Behaviour Analysis Services**

**Mrs. Leanne Rowat (Riding Mountain):** I wish to present the following petition to the Legislative Assembly of Manitoba.

And these are the reasons for this petition:

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

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

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

The provincial government has adopted a policy to eliminate ABA services in schools by grade 5

despite the fact that these children have been diagnosed with autism which still requires therapy. These children are being denied necessary ABA services that will allow them access to the same educational opportunities as any other Manitoban.

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

We petition the Legislative Assembly of Manitoba as follows:

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

This petition's signed by S. Oberten, L. Sheridan, G. Bravo and many, many more concerned Manitobans.

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

The background to this petition is as follows:

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

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

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

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

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

We petition the Legislative Assembly of Manitoba as follows:

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

And this petition is signed by P. Linklater, L. Oughton, J. Pattison and many more fine Manitobans.

#### **Provincial Sales Tax Increase—Referendum**

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

And these are the reasons for this petition:

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

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

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

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

We petition the Legislative Assembly of Manitoba as follows:

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

And this is signed by C. Hiebert, R. Comeau, C. Nykvist and many others.

#### **Applied Behaviour Analysis Services**

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

The background to this petition is as follows:

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

\* (13:40)

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

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

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

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

We petition the Legislative Assembly of Manitoba as follows:

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

This petition is signed by B. Hodgson, C. Cels, A. Vongnarai and many other fine Manitobans.

#### **Provincial Sales Tax Increase—Referendum**

**Mr. Ralph Eichler (Lakeside):** I wish to present the following petition to the Legislative Assembly of Manitoba.

These are the reasons for this petition:

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

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

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

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

We petition the Legislative Assembly of Manitoba as follows:

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

This petition is submitted on behalf of S. Foss, C. Jones, H. Olsen and many other fine Manitobans.

### Applied Behaviour Analysis Services

**Mrs. Heather Stefanson (Tuxedo):** I wish to present the following petition to the Legislative Assembly.

And the background to this petition is as follows:

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

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

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

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

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

We petition the Legislative Assembly of Manitoba as follows:

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

And Mr. Speaker, this petition is signed by E. Eisbrenner, A. Eisbrenner, C. Szun and many, many other fine Manitobans.

**Mr. Larry Maguire (Arthur-Virden):** I wish to present the following petition to the Legislative Assembly of Manitoba.

And the background to this petition is as follows:

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

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

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

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

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

We petition the Legislative Assembly of Manitoba as follows:

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

And this petition is signed by R. Young, D. Zubert, B. Conna and many, many others.

**Mr. Stuart Briese (Agassiz):** I'd like to present the following petition to the Legislative Assembly of Manitoba.

This is the background for this petition:

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

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

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

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

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

We petition the Legislative Assembly of Manitoba as follows:

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

This petition's signed by D. Jacobson, B. Noxei, J. Loveday and many, many other fine Manitobans.

**Mrs. Bonnie Mitchelson (River East):** I wish to present the following petition to the Legislative Assembly of Manitoba.

The background to this petition is as follows:

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

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

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

(4) The provincial government has adopted a policy to eliminate ABA services in schools by grade 5 despite the fact that these children have been diagnosed with autism which still requires therapy.

These children are being denied necessary ABA services that will allow them to access the same educational opportunities as any other Manitoban.

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

\* (13:50)

We petition the Legislative Assembly of Manitoba as follows:

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

And this petition is signed by M. Axelrod, A. Flynn, R. Demenuk and many, many other fine Manitobans.

**Mr. Reg Helwer (Brandon West):** I wish to present the following petition to the Legislative Assembly of Manitoba.

The background to this petition is as follows:

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

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

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

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

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

We petition the Legislative Assembly of Manitoba as follows:

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

Signed by S. Oberten, L. Sheridan, G. Bravo and many other fine Manitobans.

**Mr. Ron Schuler (St. Paul):** Mr. Speaker, I wish to present the following petition to the Legislative Assembly of Manitoba.

The background to this petition is as follows:

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

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

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

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

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

We petition the Legislative Assembly of Manitoba as follows:

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

And this is signed by R. Taiarol, N. Dueck, L. Stregger and many, many other Manitobans.

**Mr. Dennis Smook (La Verendrye):** I wish to present the following petition to the Legislative Assembly of Manitoba.

The background to this petition is as follows:

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

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

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

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

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

We petition the Legislative Assembly of Manitoba as follows:

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

This petition is signed by T. Cobbett, I. Cottnell, G. Kolt and many more fine Manitobans.

**Mr. Cameron Friesen (Morden-Winkler):** Mr. Speaker, I wish to present the following petition to the Legislative Assembly.

And the background to this petition is as follows:



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

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

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

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

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

We petition the Legislative Assembly of Manitoba as follows:

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

This petition is signed by L. Spitzke, S. Hergesheimer, R. Vandendorpe and many, many others.

**Mr. Cliff Graydon (Emerson):** Good afternoon, Mr. Speaker. I wish to present the following petition to the Legislative Assembly of Manitoba.

And the background to this petition is as follows:

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

\* (14:00)

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

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

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

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

We petition the Legislative Assembly of Manitoba as follows:

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

And this petition is signed by J. Sitar, R. Monkman, M. Chase and many, many more fine Manitobans.

## ORAL QUESTIONS

### Manitoba Hydro Rate Increases

**Mr. Brian Pallister (Leader of the Official Opposition):** Mr. Speaker, a great many Manitobans, including former NDP ministers in charge of Manitoba Hydro, are advocating for a natural gas electricity plant. And they're saying it's worth considering for several reasons, some of them that it's—given current flooded energy export market prices, depressed prices, the need for improved reliability, the opportunity for homegrown energy diversification using our own natural gas and the fact that the cost would be less than 4 per cent of the government's current supersizing proposal for Manitoba Hydro.

Yet the government is refusing to listen. It's refusing to consider other options. It continues to

steamroll ahead with the same old politically motivated agenda.

My question for the Premier is this: Why is the government so insistent on raising Manitoba Hydro rates and driving Manitoba Hydro towards bankruptcy?

**Hon. Greg Selinger (Premier):** Mr. Speaker, the Leader of the Opposition will be aware that the need for alternatives will consider all the other alternatives.

But the Conference Board of Canada, among others, had said if you're looking at a hundred-year investment, Manitoba Hydro tends to be the best investment because it provides clean energy for that period of time and at a time when interest rates are low and there's customers that want that power, twenty-nine billion dollars' worth of export revenues to come to Manitoba over the next 30 years.

But all alternatives will be considered as part of the need-for-alternatives review that's done by the Public Utilities Board.

#### **Alternative Development Projects**

**Mr. Pallister:** Well, there's a bit of a contradiction here, Mr. Speaker. In Saturday's Free Press, the NDP Conservation Minister is quoted as saying: "We have no plans for a gas plant." End quote. So he is not interested in listening, certainly. But at least, in his defence, he is not pretending to listen. The only thing worse than someone who doesn't listen is someone who pretends to listen but really isn't listening.

Now, the Premier pretends that he is listening, but he is not. He told the Clean Environment Commission, don't listen to alternatives to bipole west. He told the Public Utilities Board, don't listen, don't examine all options. And now he's told the needs-for-and-alternatives-to panel—if you can believe this, Mr. Speaker—not to listen to alternatives. Now this is an exercise in pretending to listen. This is a sham. This is a sleight of hand. This is a shell game.

So would the Premier tell us: With the—all these expensive processes in place, what will be the total cost of his charade in pretending to listen to the real alternatives?

**Mr. Selinger:** It's very clear that the Leader of the Opposition has made up his mind: he wants to stop building Manitoba Hydro for the benefit of Manitobans. He's made that very clear, just like he did on the floodway to protect the city of Winnipeg.

His solution to every problem is to halt things in their tracks and to not let them proceed.

Mr. Speaker, there will be a need-for-alternatives review conducted by the Public Utilities Board. They will take a look at all the alternatives.

But it is also clear that many of the experts around the world who are informed about Manitoba Hydro compared to other alternatives have said they would like to see Manitoba Hydro built, and it's also clear that our customers have continued to want to purchase Manitoba Hydro as we continue to export it. We can export millions of tons of hydro in such a way that we reduce greenhouse gas emissions all around the world. Up to 1.5 million cars are taken off the road with our hydro exports which we have available to us right now.

**Mr. Pallister:** Well, the Premier is a fine cheerleader for Manitoba Hydro, but winning teams don't have the cheerleaders calling the plays, Mr. Speaker, and the reality is that there are people with expertise the Premier could be listening to, but he's not.

And there's a recurring theme with this government. The Education Minister, on Bill 18, for example, is not interested in listening. Local Government Minister, on forced amalgamation, not interested in listening at all. The EMO Minister, not interested in listening to the victims of flooding. These ministers are immune to input, they are intractable, they are inflexible, but at least they are not pretending.

However, this Premier is pretending. First he pretends he won't raise taxes, then he pretends there's some nobility in breaking his word and jacking them up, and now he's pretending that he will listen to input on Manitoba Hydro when everyone who's followed this debate knows he will not.

Now, will he admit that the only opinion he is interested in hearing on Manitoba Hydro development is his own?

**Mr. Selinger:** Mr. Speaker, we place a high value on the opinions of everybody, Manitobans, but we also place a high value on what our customers say, and our customers have said that they like Manitoba Hydro. They see it as a very important resource in diversifying their portfolio. They see it as base power upon which they could build their own required portfolio of intermittent renewables.

We will certainly continue to listen to Manitobans. They've told us they like clean, reliable

Manitoba Hydro. They've said they like the lowest rates in North America. They know that export revenues keep our rates down and as long as that is the case—it's just like when we built the Limestone project.

The members opposite did everything they could to stop it in its tracks. It paid itself off in 10 years and kept Manitoba Hydro's rates the lowest.

They want to do the same thing all over again. They want to halt things in their tracks. We want to build them.

### **Provincial Deficit Government Record**

**Mrs. Myrna Driedger (Charleswood):** Well, Mr. Speaker, those are the same talking points he's used for a decade, and in Bill 20 it proved they're not listening.

The longer the NDP is in power the worse things get. This NDP government lied to Manitobans in the last election. They've hijacked democracy. Their spending is out of control and because of that they've doubled the debt of Manitoba.

So I'd like to ask the Minister of Finance to tell Manitobans: Why has he put them into such a big debt hole?

**Hon. Stan Struthers (Minister of Finance):** Well, Mr. Speaker, as usual the member for Charleswood is wrong. That's not anything new.

Mr. Speaker, the facts of the matter are that over the last 14 years since 1999 our gross domestic product has increased nearly \$62 billion. That is an increase, oh, from under \$32 billion in 1999, and you know what? During that period of growth, our debt servicing costs are 55 per cent lower than they were in 1999. That's a pretty good track record.

**Mrs. Driedger:** Mr. Speaker, not only has this NDP government doubled the debt of Manitoba, in the last two years they've also jacked up taxes and fees to the highest level in a quarter of a century. Even after *[interjection]*—and the Premier (Mr. Selinger) is sitting there and saying, wrong. It's not wrong. It's exactly what they've done, and despite all of their tax increases they're still running a half-billion-dollar deficit this year.

So my question to the Minister of Finance: Why does he keep stoking the fires on this oncoming debt train?

**Mr. Struthers:** You know, if by stoking the fires she means building an economy, then I guess we're guilty of that.

\* (14:10)

The member for Charleswood should understand that part of the way we move forward is by building the economy. You make good decisions in terms of reasonable spending. You make tough decisions in terms of raising revenues, that's true, but at the same time you build an economy so that your net debt-to-GDP ratio can remain constant.

Our net debt-to-GDP ratio is 28.7 per cent. When we took office back in 1999 it was 32.9 per cent, Mr. Speaker. That's an improvement.

**Mr. Speaker:** Order, please.

**Mrs. Driedger:** Mr. Speaker, you can't build an economy by doubling the debt of a province. Over their 13 years in power, this NDP government has paid over \$10 billion in debt servicing costs. And it's getting worse, not better, especially for future generations who are going to be the ones that are going to face a real fiscal cliff in this province.

So I'd like to ask the Minister of Finance to tell all the young people in Manitoba why they should have to pay for his overspending.

**Mr. Struthers:** Mr. Speaker, the member for Charleswood is wrong again. You can't build an economy by cutting services and laying off nurses and laying off doctors and laying off teachers. You cannot build an economy doing that.

They're not very interested in hearing the truth about debt and deficits in this province. They have their minds made up, I know that. And their political narrative doesn't fit into what Moody's told us last week, where Moody's said, we expect Manitoba to be able to achieve its targets given its track record of fiscal prudence and steady and stable growth in the economy.

### **PST Increase Impact on Small Business**

**Mr. Cliff Graydon (Emerson):** The Canadian Federation of Independent Business released their monthly Business Barometer recently, and the news is not good for Manitoba. Small-business optimism has—steadily increasing across Canada, while in Manitoba optimism is heading downward spiral, where Manitoba is now in last place in western Canada.

Mr. Speaker, when will this government stand up for small businesses, get control of their own spending and build an economy that isn't reliant on tax increases?

**Hon. Peter Bjornson (Minister of Entrepreneurship, Training and Trade):** Well, Mr. Speaker, I'm proud to be part of a government that supported small business with a number of initiatives. In fact, it's really interesting hearing this from the member opposite, because I believe I've been to no less than four new businesses in my home community of Gimli to congratulate them on opening up and investing in their community and investing in the future of our province.

And it's our government that took the taxes that were among the highest for small business among members opposite when they were in power, and we've reduced it to zero. Mr. Speaker, members opposite don't give us any credit for that, but the small-business people know that if they've got \$425,000 of taxable income that they're going to save \$52,250 this year compared to 1999. I don't need a lecture from members opposite about how to improve the environment for small businesses in Manitoba.

#### Referendum Request

**Mr. Graydon:** The minister would do well to take some advice from this side of the House.

Mr. Speaker, 93 per cent of small-business owners are opposed to a PST hike, and their optimism is decreasing by the day. Competitiveness is down. Purchasing power is down. Input costs are up. Cross-border shopping is up. Optimism across the country—across the economy is down to its lowest point ever.

Mr. Speaker, when will this government reverse their illegal PST hike, call a referendum, restore a shred of optimism in the Manitoba economy?

**Mr. Bjornson:** Well, Mr. Speaker, we're optimistic about the future of small businesses, and that's why we cut the taxes that I talked about earlier. And what the member opposite should know, that cumulatively, since we started to reduce the small-business tax in Manitoba, that the cumulative total since 1999 that somebody with \$425,000 of taxable income, what they have saved since 1999 is \$519,400.

And, Mr. Speaker, I'll say to the members opposite that when I visit many of the small

businesses and medium-sized and large businesses in Manitoba, I hear that their No. 1 concern is having a trained, skilled workforce, and you get that by investing in training and investing in skills. You don't get it by cutting like members opposite do.

**Mr. Graydon:** Well, Mr. Speaker, without federal transfers Manitoba would be the next Detroit.

Eighty-one per cent of Manitobans believe that this government should reduce its spending, that this government has proven time and time again they don't want to listen to people they lied to in the last election. Thirty-seven MLAs believe they know more about the economy than a hundred per cent of the Manitobans. Rather than listen to the people of this province, this government will raise their taxes illegally.

Mr. Speaker, will this government listen to Manitobans, reverse their illegal tax hike and call a referendum?

**Mr. Bjornson:** Well, it's unfortunate members opposite are so pessimistic about the future of this province, Mr. Speaker. It's really unfortunate.

And, Mr. Speaker, we have had the strongest monthly growth in average weekly earnings in the country. We have had the lowest unemployment—or second lowest unemployment, I should say, in the last five years. According to Stats Canada, our GDP growth is 2.7 per cent in 2012, outpacing the national average. Over the last five years our annual GDP growth rate was second best out of all provinces and nearly double the national growth rate. The third lowest unemployment rate, as mentioned.

Mr. Speaker, another big difference today compared to when members opposite were in office: over 31,000 people left this province; 135,000 more call this community home, and 135,000 people are using the goods and services and supporting small businesses in this province. Maybe they should support small business too.

#### Manitoba Public Insurance Customer Satisfaction Survey

**Mr. Reg Helwer (Brandon West):** Well, the minister neglected to talk about the inflation rate, the highest in the country because of this government's PST increase, because of this government's tax regime that they brought in the last couple of years. It all falls on their plate.

Now, Mr. Speaker, this NDP government likes to brag about MPI being a leader, and now I see,

according to J.D. Power and Associates, MPI is leading the way to the bottom in a recent survey on customer satisfaction. Yet another opinion on this government's poor track record.

Will this minister listen to the people's opinion in Manitoba, or will he ignore it like they've ignored the opinions of people on PST and on the referendum?

**Hon. Andrew Swan (Minister charged with the administration of The Manitoba Public Insurance Corporation Act):** Mr. Speaker, it's always a pleasure to rise in this House and talk about our Crown corporations and the difference between the belief New Democrats have in those institutions and the hatred the Progressive Conservative opposition has.

Manitobans value the low rates and the good service provided by MPI and they demand and they deserve the best possible service from MPI. A car accident is never a minor issue in people's lives. People expect there—to have the best service possible.

But I will tell you that MPI's own survey showed over 95 per cent satisfied with initial contact with MPI, 86 per cent happy with the way their adjuster handled the claim and 89 per cent satisfied with their overall dealings with MPI. This was not a tiny, tiny slice of public opinion by a private company. This was a well done, large survey which shows that Manitobans trust MPI. They like MPI—

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

**Mr. Helwer:** Well, there the minister goes again, slamming a private company. What a sad thing, Mr. Speaker.

You know, MPI curtailed an 'incoll'-ill-conceived plan to donate ratepayers' money to universities. They cancelled an RFP and handed out a sole-source contract. There was the Jets ticket fiasco. They lost \$48 million last year. They lost \$34 million in the first quarter of this year, and the Minister of Justice flip-flopped on a plan to fund infrastructure on the backs of ratepayers. Add to this another huge increase last year in the vehicle registration fees and the proposal to the PUB to increase fees this year. Now we see MPI is on a race to the bottom in a satisfaction survey.

Manitobans can't afford this minister's poor management ability.

**Mr. Swan:** I'm glad the member opposite wants to talk about the difference between private auto insurance and public auto insurance, because I know I've got young people in my family will be driving soon and I know that the auto insurance that my wife will pay for her minivan will be about a thousand dollars. If we were in Calgary that same auto insurance with young people would be over \$3,000. If we had to insure that same car in Toronto, Ontario, the cost of that would be over \$7,000.

That's the difference between a public auto insurer—they're for all Manitobans, owned by all Manitobans—as opposed to private insurance, which clearly is the dream of members opposite. That's why their star candidate last time was running around saying he thought private auto insurance was a great idea. Whatever happened to him now?

\* (14:20)

**Mr. Helwer:** This minister and then this NDP government have compromised MPI's ability to operate successfully.

Is the MPI going the way of Manitoba Hydro where the costs to Manitobans just on—keep on mounting, Mr. Speaker, or will he listen to Manitobans, listen to them on their opinion on the PST increase, listen to them in their opinion on quality of service at MPI?

It's high time, Mr. Speaker, that he started listening.

**Mr. Swan:** Of course, they asked the senior partner of J.D. Power about why it was that Manitoba, Saskatchewan and BC didn't do so well on these satisfactions ratings, and what did Mr. Li said? He said, well, a portion of the population are ideologically against that kind of approach and I have to believe that would influence their perception of customer satisfaction levels.

You know, Conservatives, they can avoid facts, they can avoid reality. You know, there's a certain number of people who still don't believe in climate change, and I'm looking at a whole bunch of them across the way. There's a whole bunch—there's a small minority of Manitobans who don't want to continue developing clean, green, hydro power, and I'm looking at a whole bunch of them right across the way.

Mr. Speaker, there's facts out there, there's reality out there. As New Democrats, we'll continue listening to it. We'll let the opposition continue to

hold to some outmoded ideas that only a tiny fraction of Manitobans actually believe in.

We govern for all Manitobans; they govern for a bitter—

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

### **Manitoba Hydro Confidential Document Recovery**

**Mr. Ron Schuler (St. Paul):** And that same NDP government went door to door in the last election, committed to not raising the PST, and they lied about it. And that's what they're cheering about.

Mr. Speaker, Manitoba Hydro released a document which they referred to as being top secret. In fact, their spokesperson for Manitoba Hydro said, July 24th, 2013: It does pose a serious risk in terms of our competitors. Schneider said, it would allow even our existing partners to look at information on which we base our pricing and say either, we got a good deal, or, gee, there's money on the table. It's a direct quote.

Yesterday, Mr. Speaker, the Minister responsible for Manitoba Hydro released another document which says the pricing information is now dated and would be—

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

**Hon. Dave Chomiak (Minister charged with the administration of The Manitoba Hydro Act):** And on top of everything my colleague said, Manitoba Hydro rates are the lowest in the country and guaranteed to be the lowest in the country going forward.

And no matter how much the coal party wants to turn it back and how much the Tea Party wants to cancel hydro and how much they don't want to build Manitoba and how much they want to go back and not recognize climate change, we also, with our hydro, take off the—out of emissions 1.5 million cars a year with our clean, green energy, on top of being the lowest cost in North America.

**Mr. Schuler:** And, Mr. Speaker, the highest rate increase in the history of Manitoba was the 8 per cent from the last year, and more coming. Just wait for it.

We have now asked 19 very serious questions about the top secret document. The minister, as usual, muddies the water and released a document

yesterday that said the pricing information is now dated and would be of limited value to an unintended recipient.

Mr. Speaker, these are very serious questions: No. 1, did he get all those top secret documents back, and why is he trying to muddy the waters?

**Mr. Chomiak:** Mr. Speaker, the letter that I tabled yesterday was from the president of Manitoba Hydro, who indicated that the documents were of limited value and out of date and—just like the members opposite—and that updated information would be provided to the public process, to the Public Utilities Board; it will outline the options going forward.

So, Mr. Speaker, not only do we have the lowest rates in Canada, we promised in legislation to have the lowest rates in the country. And we'll do that into the future by building clean, green energy, providing jobs for Manitobans—20,000 person-years of jobs—and developing the future vision and hope for Manitobans.

**Mr. Schuler:** And the same party went door to door and promised no PST increase, and they lied about it. We cannot rely on any promise, certainly not on hydro rates.

Mr. Speaker, there were two individuals, same day. One says that the top secret document poses a serious risk, then the minister quickly runs out with another document that says the information is now dated. Which one is it? Is this top secret document now outdated, or is it something that Hydro should be concerned about?

And will the minister tell us: Have all those documents been recalled?

**Mr. Chomiak:** Mr. Speaker, I thought that the letter from the president of Manitoba Hydro pretty well clarified it when it said a decision was made to recall; it was all recalled. To date, Manitoba Hydro has not experienced any impact from this information leak.

Why doesn't the member admit the truth? All they want to do is put kinks into the Manitoba Hydro plan. All they want to do is stop Hydro. All they want to do is privatize Crown corporations. They attack MPI, they attack Hydro, they privatized MTS, Mr. Speaker. It's very clear where they want to go. They're the party of no build.

We're the party of build for the future, build for green energy and, Mr. Speaker, that's what we intend to do.

### **Epileptologist Vacancy Position Recruitment**

**Mr. Cameron Friesen (Morden-Winkler):** Mr. Speaker, Manitoba used to have two epileptologists providing services to the 20,000 individuals in this province who suffer with seizures and epilepsy. One of those specialists left Manitoba, and the Epilepsy and Seizure Association of Manitoba wrote to the minister and asked at what point would the vacancy be filled. The minister wrote back and said it could take as long as one year. Well, now it's been one and half years, and yesterday with the association members present in the public gallery the minister was unable to provide any indication of when that position vacancy would be filled.

Now, where are things at, Mr. Speaker? This House would like to know: Why, after trying to recruit a replacement epileptologist for two years, has she got nothing to show?

**Hon. Theresa Oswald (Minister of Health):** I thank the member for the question. It gives me an opportunity to provide a bit more information than I provided yesterday.

I can tell the member, as I did say yesterday, that epileptologists are a very specialized kind of service, very, very difficult to recruit in any jurisdiction in Canada, indeed, internationally, Mr. Speaker. I can tell you that there is active recruitment under way.

There is an epileptologist that is seeing the most complex cases. There are two neurologists that are seeing less complex cases, and, of course, cases are triaged.

I can also let the member know, as I let the association know yesterday, that this aggressive recruitment will continue. It isn't an easy process. If individuals have—

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

### **Epilepsy Clinic Closure**

**Mr. Cameron Friesen (Morden-Winkler):** Mr. Speaker, the minister said yesterday, she repeats again today, that she's actively recruiting, and yet there is no recruit to take on the work that this

vacancy has left for a single physician working in Manitoba.

So we discovered that the Health Sciences Centre epilepsy clinic was actually closed for 13 weeks, creating even longer wait times for patients waiting for assessment, testing and treatment.

Will the minister tell this House: Why was the clinic closed for 13 weeks, and did that closure have an impact on recruitment?

**Hon. Theresa Oswald (Minister of Health):** I will again reiterate for the member that Manitoba previously had two epileptologists. One left that post. The WRHA, in consultation with the association, agrees that we want to expand that service. So they are recruiting not only into the vacant position, but they're going to add an additional post to that as well.

As I also said to the member, the current epileptologist is dealing with the most complex cases. There are two dedicated neurologists that are dealing with less complex cases.

We want to provide this service, but as the member has pointed out, they continue to recruit because the position hasn't been filled. That's why there isn't a recruit, as he puts it.

**Mr. Friesen:** Mr. Speaker, isn't that typical? The minister can't find one recruit, so she promises another. I remind her zero times zero is still zero.

\* (14:30)

The minister said yesterday that candidates have been interviewed and that there were offers made to candidates. Well, in fact, WRHA recruiters did identify and interview a candidate for that position. They even made them an office—or an offer, but they toured that prospective physician through the clinic when it was closed for 13 weeks—patients unseen, medical residency students can't complete their residency and wait times rocketing as a result of the closure. And the client—well, they declined the offer. What a surprise.

Mr. Speaker, how can the minister say she's making progress when she can't even keep the clinic open, and why at no time did she inform this House that the clinic was indeed closed for 13 weeks?

**Ms. Oswald:** Mr. Speaker, an epileptologist has been continuously seeing the most complex cases. There are two neurologists, as I've said before, that are seeing the less complex cases. There are a

number of cases that can be seen by family doctors, and, yes, this recruitment is actively going on to augment the service.

But, Mr. Speaker, it certainly does beg the question: How does the member opposite or any member sitting over there think that you expand your health workforce by making deep cuts across the board, indiscriminately, by cutting the spaces in medical school, by firing nurses because it's a lot cheaper, you know, not to have to pay them and by making a general decision to just not build anything in the health system?

These are crocodile tears, Mr. Speaker.

### **Shelter Rates Request for Increase**

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, while the Premier talked with other premiers on Niagara-on-the-Lake, the Canadian Medical Association completed its report, Health care in Canada: What makes us sick? Just as I have brought to the attention of this Legislature over and over again, the Canadian Medical Association president, Dr. Anna Reid, cites poverty among the four driving factors in poor health.

It is a paradox that the premiers jointly released a statement calling for affordable housing at the same time as this NDP government steadfastly refuses to raise the shelter rates for those on social assistance.

When will the Premier listen to the clarion call coming from many, many people and raise the shelter rates in Manitoba?

**Hon. Greg Selinger (Premier):** Mr. Speaker, we have introduced Manitoba's first ever shelter rate in Manitoba and we call it the—we call it a shelter benefit or we call it a RentAid program. We've increased it in this budget by \$20 per month on top of adding back the National Child Benefit \$500 per family, worth over \$48 million a year. And the most important thing we're doing for anybody in Manitoba that is interested is we're creating employment opportunities, which is why we have the second lowest unemployment rate in the country.

Poverty reduction is important. We're also building a record number of social housing units, at least 300 new units every year in Manitoba, plus renovations. We increased the commitment to increased social housing in Manitoba by 500 units in the spring budget, and we have a bill in front of the

Legislature to moderate rent increases as well through our rent regulation scheme.

So increased shelter benefit, increased number of social housing units, greater ability to manage rent increases in Manitoba and the second lowest unemployment rate in the country.

**Mr. Gerrard:** Mr. Speaker, the Premier tinkers without addressing the core and fundamental issues, and he knows it.

Mr. Speaker, the NDP government has talked about poverty, but the evidence that its approach hasn't been effective is all around us—the increasing people using food banks, for example.

At a forum that I hosted May the 12th of this year addressing the effects of the PST increase on seniors, students and those on low income, Professor Sid Frankel of the University of Manitoba said that he had just completed an analysis of the ALL Aboard strategy of the Province and it has failed in its objective to reduce poverty.

Will the Premier announce today that he recognizes his failure and begin a new direction to address the core issues of poverty, starting by increasing—

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

**Mr. Selinger:** The—to address the core issues of poverty, we need to continue to grow the Manitoba economy to create job opportunities for all Manitobans. Manitoba's economic growth has been the second best in Canada over the last five years and our unemployment rate is the second lowest in the country, and we have created thousands of new jobs in this province, Mr. Speaker.

And unlike the Leader of the Liberal Party or any member of the Progressive Conservative caucus across the way, we've increased the minimum wage every year so all Manitobans have a chance to earn a decent wage while they participate in the labour market.

And while they participate in the labour market, they are available—RentAid is available to them; they're able to get support for their rent. The National Child Benefit is now available to everybody; they're able to get support for their children. We will continue to do that as well as building more housing in Manitoba.



### **Antipoverty Programs Effectiveness**

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, as Evelyn Forget said at the forum meeting in Calgary, those at the lowest 20 per cent of income in Manitoba are getting worse and worse off. That is the problem.

One of the reasons why too many of our children are not doing as well as they could be is that too many of the programs that the government has put forward, like Healthy Baby, when they're managed, have been found to reach less than one quarter of those who are most in need.

I ask the Premier: What changes is he making to programs like the Healthy Baby so that they actually get to all those who need it?

**Hon. Greg Selinger (Premier):** The previous government never made programs available in First Nations communities; we do now. Prenatal Benefit is available to anybody in Manitoba regardless of where they live. The Healthy Baby program is available to anywhere in Manitoba regardless of where they live.

And the projects we're trying to advance in northern Manitoba, where we have some of the most isolated communities, with the highest levels of unemployment, the hydro projects will provide thousands of jobs to the people of northern Manitoba. And the members opposite do not want to proceed with those projects; they want to shut them down in their tracks.

There was a time when no money was invested in northern roads in Manitoba; we now have a program that invests in northern roads in Manitoba as well as southern roads and roads all across this province, a program that's six times—invests six times more—for every dollar invested by the Progressive Conservatives, we're investing over \$6 in roads in Manitoba. Creates jobs, creates prosperity, creates access to markets.

And in northern Manitoba we now have the University College of the North, which never existed before, which is providing post-secondary opportunities to all the people of northern Manitoba.

### **Inner-City Green Space Government Initiative**

**Mr. Rob Altemeyer (Wolseley):** The—it was interesting. Just a moment ago, I, for a moment, I thought we were actually going to get a question on

the environment from members op—for a briefest moment there, Leader of the Official Opposition (Mr. Pallister), he came close on climate change, and then it all sort of fell off the rails as it usually does.

So another issue that doesn't often come up here is the inner city, where I'm happy to live, a lot of my colleagues are happy to live. We don't hear about that much either.

Heaven forbid we get a question about the environment in the inner city. So I'll play.

I'd like to ask our hard-working Minister for Local Government if he has any news for us on new green space and other fantastic initiatives in the inner city of Winnipeg and around Manitoba.

**Hon. Ron Lemieux (Minister of Local Government):** As a matter of fact, I do.

And so today the Minister of Justice (Mr. Swan) and the mayor, Sam Katz, announced two inner-city park opening, and families and residents of these two inner-city neighbourhood parks will be able to enjoy the meeting spaces as well as green space at Chief Grizzly Bear's Garden and Jacob Penner Park. The Province and the City have turned grey spaces into green spaces, Mr. Speaker, and the families will truly enjoy this space.

These green spaces have been developed by the support of the inner-city groups, and these groups are Spence Neighbourhood Association, Ma Mawi Wi Chi Itata Centre, Daniel McIntyre-St. Matthews Community Association. Today, Mr. Speaker, we want to stand up and we want to thank these associations for coming forward with these great, great projects.

Thank you, Mr. Speaker.

### **Municipal Amalgamation Criteria Reassessment**

**Mr. Blaine Pedersen (Midland):** Mr. Speaker, I'm glad to see they're back on track with the ribbon cutting again.

Mr. Speaker, the Minister of Local Government tabled Bill 33, the forced municipal amalgamation bill, that is based on one and only one criteria, that being a thousand population threshold. The AMM and many municipalities have repeatedly told the minister his narrow criteria is flawed and outdated.

Now the Town of Gladstone is doing its own door-to-door census within their town limits.

Will the minister show some respect for Gladstone and other growing communities and broaden his flawed criteria?

\* (14:40)

**Hon. Ron Lemieux (Minister of Local Government):** It's regrettable the member opposite wants to slam green projects in the inner city and making a joke of cutting ribbons. You know, that's really shameful, quite frankly.

Mr. Speaker, the criteria is this: We want all communities in Manitoba to be successful. We don't want communities to miss the economic train as it goes by the communities. We want to work with these communities and we have.

But all we hear from the opposition is criticisms about the 2013 budget, all kinds of other initiatives, whether it be health care or other initiatives we have. I'd like to hear something from the member opposite, my critic; if he has some suggestions, I'm open to hearing from him any kind of suggestions he has to make communities more successful and grow in this province.

**Mr. Pedersen:** Well, for starters, Mr. Speaker, we're against closing ERs in rural Manitoba. There's the first suggestion.

Now, the minister's press secretary has stated on his behalf, and I quote, the issue is not solely population, it is the long-term viability of the municipality, end of quote. So the only thing affecting the viability of municipalities in Manitoba is this government.

Will the minister clear up the confusion: Is the criteria solely population or will other factors be considered?

**Mr. Lemieux:** I hope the member opposite has an opportunity to read the bill, Bill 33; it talks about the different options in that bill. There's flexibility built into that bill, Mr. Speaker. If there floods take place, if there's any kind of a catastrophic event that takes place, we're working to well with these—work with these municipalities to ensure that they have time to do their plans and to submit their plans.

Mr. Speaker, I've consulted with many, many municipalities, mayors and reeves over the last number of months. We continue to do that and we're open to suggestions and ideas from members opposite or municipalities on how to make these communities more successful. It's a fact, through the study that came out from the Brandon University

talking about the kind of criteria that needs to be put in place to make these communities successful. We continue to work with them to ensure that that happens.

**Mr. Speaker:** Time for oral questions has expired.

## MEMBERS' STATEMENTS

### Boreal Gardening Project

**Mr. Clarence Pettersen (Flin Flon):** Mr. Speaker, learning to grow local, sustainable food is an important skill for all communities. Not only does learning to grow food teach us about food itself but it also builds partnerships between people while promoting care and responsibility.

Today, I'd like to highlight the Boreal Garden Project based out of Leaf Rapids. The project focuses on education and research, seeking to teach children and youth the value and skills of growing local, sustainable food. Three graduate students from universities throughout Canada are working with check—Chuck Stensgard, the project lead, and many youth from northern communities. Some of the youth who work on the—on—are apprentices on this project have dropped out of school; however, once they become involved in the project and receive mentorship, many decide to return to school.

In addition to the greenhouses and gardening space in Leaf Rapids, which includes 35 growing beds and over 30 varieties of tomatoes, the project also worked with 24 different communities. The Boreal Gardening Project provides resources for northern schools and teachers who would like to teach their students the importance of growing food. In fact, the project organizes the strawberry train north, where students can sign up to receive strawberry plants that they are able to take home and care for. Students order strawberries and representatives from the school pick them up at organized drop spots.

This amazing project is really helping our communities to become engaged in the growing process but more always needs to be done. Mr. Speaker, the Boreal Gardening Project is about kids. It's about teaching kids how to grow food and giving them responsibility and the confidence to grow food themselves.

I'd like to thank all the students and communities throughout Manitoba who are participating in the Boreal Garden Project. I would also like to extend my thanks to Chuck Stensgard for the dedication and

care he has shown. Together, you are making your communities healthier and greener while also enjoying the fruits and veggies of our labour.

Thank you, Mr. Speaker.

#### **Binscarth Lions Club**

**Mrs. Leanne Rowat (Riding Mountain):** The Binscarth and District Lions Club is made up of a group of hard-working individuals dedicated to serving their community.

Four members of the Binscarth and District Lions were recently recognized for their efforts by the club.

Lion Lawrie Lamoreux was awarded the Melvin Jones Fellowship, an international award in recognition of humanitarian efforts.

Lion Howard Cooper received the Judge Brian Stevenson Canadian award in recognition of outstanding service.

Lion Lorne Miller was awarded the B.J. (Ben) Ward Fellowship, a multi-district award sponsored by the Hearing Foundation in recognition of service.

Stewart Crerar received the Hope Medal, a multiple-district award sponsored by the Medial Assistance Fund of the Lions Foundation of Manitoba and northwest Ontario. It is given to a deserving Lion or community member. He also received a chevron pin to mark 15 years of service with the club.

The club president, Lion Alvin Kingdon, presented the four awards and, in turn, he received a Certificate of Appreciation on behalf of the club from the Lions Club International for making the largest donation in district 5M-13.

The Binscarth and District Lions Club was founded in 1986, and since that time they have donated over \$460,000 to the community. Among the benefactors of these funds have been the curling and skating rink, fire department, drop-in centre, memorial hall and the nearby community of Waywayseecappo. The Binscarth Lions Club host the pancake breakfast and sunset wiener roast on Canada Day, the annual seniors supper, a community auction and the weekly bingo among others.

Mr. Speaker, I would like to ask the members of this Assembly to join me in congratulating the members of the Binscarth and District Lions Club on their dedication to serving their community.

Thank you, Mr. Speaker.

#### **Icelandic Festival–Islendingadagurinn**

**Hon. Peter Bjornson (Minister of Entrepreneurship, Training and Trade):** Mr. Speaker, I am proud to represent a community with a rich cultural history. This weekend, Gimli, the heart of New Iceland, will host Islendingadagurinn, more commonly known as the Icelandic Festival of Manitoba.

Icelandic Festival is the second largest–longest running ethnic celebration in North America. Commemorating its 124th year, the festival will take place this coming long weekend, August 2nd to 5th. The family-centred event works to promote and sustain interest and understanding in Icelandic culture and heritage.

Throughout the weekend, the Icelandic Festival invites guests to participate in a variety of activities and events including pancake breakfasts, traditional Icelandic food at Amma's kitchen, sport competitions and races, art displays, Viking Village warfare tactics and demonstrations, cultural and historical Icelandic displays, midway rides, a fantastic parade, fireworks and live music.

On the Monday afternoon of every Islendingadagurinn, there is a traditional program where the Fjallkona and dignitaries Iceland and Canada speak. The 2013 Icelandic Festival of Manitoba Fjallkona is Maxine Ingalls from Hecla. The Fjallkona, or Lady of the Mountain, characterizes Iceland as a woman who is adorned with pride and beauty, and she presides over the traditional program as the mother of Iceland and all Icelanders are her children. And during this year's traditional program, Mr. Speaker, I am proud to have the honour of being chosen to do the toast to Iceland.

Made possible by the hard work of many volunteers, Islendingadagurinn seeks to promote the community's heritage and its culture. And during this time Gimli becomes a hub of excitement, drawing in tens of thousands of visitors from all over the province as well as dignitaries and visitors from Iceland and around the world

The festival is about bringing family and communities together, showing that our histories and our roots can have a great impact on our lives and that sharing our heritage can bring us happiness, pride and joy.

And, Mr. Speaker, I'd like to thank all those who have in the past and continue to do so this year, make this festival a tremendous success. I'd also like to encourage all members of the Legislative Assembly to join me this weekend and learn about the history and culture of the Icelandic people of Manitoba. I'd like to welcome you to unleash your inner Viking.

Pakka pér and thank you, Mr. Speaker.

#### **Age-Friendly Milestone Award**

**Mr. Ralph Eichler (Lakeside):** On June 25th, I joined members of the Stonewall Age-Friendly community who travelled to the provincial Legislature to receive the Age-Friendly Milestone Award. This program recognizes and rewards communities that have shown dedication in promotion and development of age-friendly initiatives and recognizes achievements in becoming an age-friendly community.

The first Age-Friendly Stonewall Advisory Committee was formed in 2008 and active until 2011 under the leadership of Joyce Rose. The committee was recently reformed in June of 2012 with the help and leadership of a new chairperson, Joie Van Dongen. The RM of Rockwood also joined the initiative at this time. They are now collaboratively working to make community more age friendly. The advisory committee consists of seniors and council representatives from the community, Stonewall and District Handivan Service, South Interlake Seniors Resource, chamber of commerce, Interlake-Eastman regional health authority and South Interlake 55 Plus seniors centre.

While embracing the spirit of Manitoba's age-friendly initiative, they have contributed to enhancing the health, independence and well-being of all Manitoba seniors, all of which promote healthy aging. Their age-friendly action plan includes housing, outdoor spaces and buildings, transportation, respect and social inclusion, communication information, employment opportunities, community support and health services, to name a few. The latest initiative that group has undertaken is the recent paving of the town's old railroad so it can be a better walking path.

\* (14:50)

Mr. Speaker, I would like to congratulate the town of Stonewall on receiving this award and commend this group on their commitment to make the community a safer, better place to live, learn and play for all people.

Thank you, Mr. Speaker.

#### **Manitoba Hydro—Confidential Document Release**

**Mr. Ron Schuler (St. Paul):** In October of 2012, Manitoba Hydro confirmed that a top-secret information in relation to Wuskwatim, Keeyask, Conawapa and Bipole III had been leaked. They went on to say, Manitoba Hydro's confirmed that a highly sensitive internal document has been distributed to unauthorized sources outside the corporation. Mr. Speaker, we asked over 21 questions of the minister responsible, the NDP member for Kildonan (Mr. Chomiak), and have yet to receive a proper answer.

The letter went on to say the potential impacts of the unauthorized release of this information are ultimately detrimental to both Manitoba Hydro and its First Nation partners in proceeding with the above projects. And we asked 21 questions of the NDP member for Kildonan and have yet to receive an appropriate answer.

In fact, on July 24th, 2013, an official spokesperson from Manitoba Hydro said, about the top-secret document, it does pose a serious risk in terms of our competitors. Schneider said, it would allow even our existing partners to look at information on which we base our pricing and say either, we got a pretty good deal out of these guys, or, gee, there's money on the table. We've asked 21 questions about this top-secret document, and, to date, Mr. Speaker, we have yet to receive an appropriate answer. In fact, the same day as the official spokesperson gave an answer, we got another document saying the pricing information is now dated and would be of limited value to an unintended recipient.

Mr. Speaker, under the NDP member for Kildonan, this issue has become muddled, it's become confused, and out of 21 questions, this Legislature has yet to receive an appropriate explanation or an appropriate answer. And I think it's about time that this NDP government come forthcoming, or is there intention, like their senior member of the NDP said, that their intention is to privatize Manitoba Hydro? That's their hidden agenda. It's time the NDP member for Kildonan, minister responsible, gets up and answers those questions.

Thank you, Mr. Speaker.

**Mr. Speaker:** Grievances. No grievances.

**ORDERS OF THE DAY***(Continued)***GOVERNMENT BUSINESS****House Business**

**Hon. Jennifer Howard (Government House Leader):** Pursuant to rule 31(8), I'm announcing that the private members' resolution to be considered next Tuesday will be one put forward by the honourable member for Radisson (Mr. Jha). The title of the resolution is "Supporting Malala's Mission."

**Mr. Speaker:** It has been announced that, pursuant to rule 31(8), that the private members' resolution to be considered next Tuesday will be the one brought forward by the honourable member for Radisson, and the title of the resolution is "Supporting Malala's Mission."

**Ms. Howard:** Would you please call for debate on second readings Bill 10, Bill 16, Bill 21 and Bill 18.

**Mr. Speaker:** Now we'll call for continued debate on Bill 10, Bill 16, Bill 21, followed by Bill 18.

**DEBATE ON SECOND READINGS**

**Mr. Speaker:** Starting with Bill 10, The Correctional Services Amendment Act, standing in the name of the honourable member for Brandon West.

**Bill 10—The Correctional Services Amendment Act**

**Mr. Reg Helwer (Brandon West):** Pleased to rise today to speak to Bill 10, The Correctional Services Amendment Act.

And it's always interesting when we get legislation in the House to legalize something the government's already doing. Let me think now. There was something else like—that we were talking about. Bill 20, isn't that something that Bill 20 has that same type of regard? They're collecting the PST and they're not going to have the referendum. Anyway, this is indeed what this bill does seem to speak to.

The government has been recording conversations of inmates, apparently, for a few years now, and now this bill will indeed make that legal. So we do indeed look to things of this nature in terms of improving our system in law and order in Manitoba, in our justice system. And it is indeed something that I do believe down the road would protect Manitobans, or provide some protection for

Manitobans, if, indeed, there is communication that the government is concerned about in terms of breaking laws or starting to plan gang activities, that type of thing.

I think it's all well intentioned, Mr. Speaker, but there are, you know, some cautions on this, I believe. It's nonetheless, there are—we are talking about recording inmates, and these are inmates that have been convicted of a crime; there's no doubt about that. But they are talking to people outside of the prison system that may or may not have been convicted in a crime; presumably, outside the prison system, they have not been convicted. They are free, and they are talking to these individuals. And I guess the government's perspective on this is that, well, they may be talking about planning a crime. So we want to listen to their conversations. We want to track their emails. We want to see their communications on Facebook. And those intentions are interesting. But we have someone that's convicted speaking to someone that is—has not been convicted, and that's where the troubling part comes in here. Where do we infringe on individuals' rights and freedoms? And I know that from the—if you look at it from the perspective of people outside the corrections system that are not familiar with it, you know, we look at and think, well, these may be innocent people. But, if you're in the justice system, in the corrections system, obviously, you look at it from a different perspective and you want to protect Manitobans in a better way, and that is, indeed, the intent of this bill.

But much like the intent of this bill, we saw things happen in the United States recently that you may have heard about, and that had to do with something called PRISM where the government was snooping on Americans, and this has been quite a controversy down there. And I think the way that I'd draw this—to compare it to what would be happening here is you may have friends, relatives in the United States, and when you call them their conversations with you may be recorded. So that would be something similar here to this situation we're talking about with the prisons. You're the innocent party. You're not the American, but your conversation with an American may be recorded.

And depends on how you feel about that. If it's going to prevent a terrorist attack, I'm all for that where I think you could—that is definitely defensible, but the question is where do you cross that boundary. And that is where this problem came in is that people were concerned about the large corporations that

were being, I guess, co-opted or forced by the government to do it. You saw the reference to a number of these names in the media—I think, Google and some of the other companies that were co-operating with the government—and that was a concern in the privacy of Americans. And just like that there is a concern about the privacy of Manitobans and others in this regard with this particular bill.

As I said, the intent is clear, I think, and the intent is something we could defend in terms of making a better justice system. It's just that there are some grey areas here that maybe aren't well laid out in this bill and that's something that the government will have to deal with, because, certainly, when you saw the controversy that this type of thing created in the United States, I don't want to see that type of controversy created here, but there is that potential for that.

And in terms of research of the PRISM system, I see here that research also shows that prisoners' sense of perpetually being watched contributes to their anxiety. And, if you're watching their every move and you're recording their every thought in commuter-computer communication or on the phone, that, indeed, will contribute to that anxiety and inability to form bonds, a loss of 'idual' initiative.

And those are all things that, yes, we see that they are removed from you when you are convicted of a crime and you're in prison, but we do want to rehabilitate these individuals so they are able to participate in the community again. And the things of this type of thing, the authoritarian nature of this, as we see in countries such as China and Iran and just in speaking of trauma and such, that they are followed, tracked, monitored all the way along. That is, indeed, something I don't believe Manitobans and Canadians would agree with and, certainly, what Americans started to become offended with when they did not know if they were being recorded and tracked. They did not know what the government was going to do with that information. They started to become suspicious of everything and it infringes upon their freedoms.

Now, it's—certainly, when you look at what some people post on Facebook, they don't always have a lot of regard for other people in terms of what is being seen out there and understanding how long that information is now in the public sphere. And, if you are a young individual that may be out taking pictures of the time—the enjoyable times you've had

out with friends and posting that on the Internet on Facebook on Instagram and other types of things, that's something you share with friends and you may not understand that that picture is now out there in perpetuity and when you go for a job interview something like that might come up. So same type of thing that these types of things are going to be out there in perpetuity and they may come up down the road.

\* (15:00)

So there is a great concern also—and I don't believe it is well detailed in this bill—in terms of how you're going to manage this data. And I've spoken in the House previously about data management and the size that some of these files start to become. So not only do you have to store this data, but you also have to find a way to analyze it. There is a great volume of information that comes out of a telephone call, that comes out of Internet communications, that comes out of Facebook. It's just a volume there that someone somewhere has to sit down and analyze. And maybe the government is not going to analyze each and every conversation, each and every Internet discussion, each and every email communication, but they have the availability to do that in this. And, in this regard, are they going to store all that, and where are they planning to store it?

So, if you're planning to store that somewhere, you have to have data services available. So not only do you have the data services available for that volume of data, but you also have to be able to back it up. And there has been some discussion about how this type of thing would get backed up, and I believe one of the conversations was that, well, we back it up on CDs at this point and DVDs. And the thing about those, Mr. Speaker, is, first of all, they're portable. They need to be secured in some manner, as do the computers they are backed up from, and that security needs to be assured, need to make sure that they don't go floating off the site. But there is also another problem to backing up data on DVDs and CDs, and that is that they degrade. They actually do have dropouts, and these aren't dropouts like we saw in the Nixon tapes that were created by a secretary's foot. These were, indeed, dropouts that—because the magnetic particles are no longer properly aligned and then you lose that portion of the recording.

So data security, again, Mr. Speaker, is a big part of this. What are you going to do with that, where are you going to do it, and how much is that going to cost in the end, because—understandably, there is

going to be a cost attached to this, and the bill does not speak to any of that. No analysis that I see anywhere in here in terms of the cost to the public, the cost to Manitoba, the cost to corrections services on how all this is going to be done, because when you look at data services, certainly the costs have come down over the years. When I look at the cost of what I—the price of what I used to pay for a few megabytes of storage, what it was several years ago as opposed to the terabytes of storage that you can get now, that we look at—you can get a couple terabytes of storage for as little as a hundred or a hundred and fifty dollars. Certainly, a terabyte wasn't even discussed as a storage mechanism or a storage measurement a few years ago.

So the cost of storage, indeed, has come down, but so has the portability. That two-terabyte storage that I spoke of is in a very small drive, Mr. Speaker, and the security of that will become critical, I believe. You are availing the correction service to record this information. It is unique. It is something that is not the privileged communication that an inmate may have with their lawyer. Indeed, that does cover that off, and I think that's a question of how that's all going to come to pass, but, nonetheless, they need to have a plan to deal with. But, nonetheless, that information, everyone's information, should remain private in terms of—if the intent is, of the government, to look at that information, they need to make sure it's secure.

So they need to make sure that the computers they're stored on, the data services are secure if we're on site. If the data services are off site, is that data centre secure? And that's something that I don't see addressed in here at all on where this storage would occur. If that data services is, indeed, what has been known to become known as the cloud of data services, then that, again, you need to make sure that that data service is secure and that only people that are supposed to have access do indeed have access to that information. The further you remove data from the site, the more challenges there are in making sure that that data is secure. So we don't want to have everybody having access to this data, Mr. Speaker. This is something that this bill covers with and in terms of who has the right to do this recording and that is the government, of course, but not everyone should have access to it.

So I need—I think there needs to be some thought put into how that data will be handled, where it will be handled, how it will be backed up, and how long will it be kept. Is this something that will be kept

forever? Is this something that, perhaps if the inmates serves their time and they're released from the corrections facility, is that something that's destroyed at that time or is there a statute of limitations on how long this data would be secure? Is there a statute on how long you would retain this data? And if you don't retain it forever, well, then there's the question of somewhere down the road is that—if that person does, indeed, create—have another occurrence where he has a conflict, shall we say, with the justice system, will that communication be available to be brought back in as part of his trial? Is that something that would be admissible? Those are all questions, I think, that need to be dealt with and may not be dealt with in the area of this particular legislation. That may be something that would have to be dealt with in a court of law, and I'm sure there would be all kinds of opinions on which way that would go and what kind of direction and appeals, and so all those things are for legal minds, Mr. Speaker, one of which I am certainly not qualified to comment very much further on anything of that nature.

But let's go back to the United States a little bit and the angst and the concern that this concern—that this PRISM system did create amongst individuals in the United States and, indeed, we also see that they're—that it came to the forefront when Edward Snowden left with some of the data and some of the information.

And so there you're talking about the National Security Agency in the United States. Most of us would believe that they are a secure organization, and Mr. Snowden was someone that was working on a contract basis, I believe, and took some of the data because he didn't feel it was right or for whatever reasons. That has all yet to come out in the news and whether he'll ever be taken to trial, I'm not sure. We know he spent some time in various airports around the world, I think, most recently in Moscow, spent several days there trying to figure out where he was going to get asylum. But it is troubling that someone of that nature could take data from a supposedly secure site such as the NSA and leak it to the world.

Now, certainly, what his—what he had as terms of data may be more important than some of the data we might see in this recording, but it might not. It's all—the data that you record is all important to that individual. So we can't say that his particular data was more or less important than anything we might see here. Certainly, if we recorded something, the government recorded something here and it

prevented a crime, then, easily you can go back and say, well, see, it was all worth it. And it's all there, that we want to make sure that we prevent the crimes from occurring, that we make sure that victims are dealt with in appropriate method. But, when we look at this type of recording that happened in the United States and the breach of security that occurred there, I do question whether we have the ability in Manitoba to maintain the security in our data services. So there are some concerns there in terms of how all that is going to be dealt with.

And we now know that some of this happened at, perhaps, the highest levels. It's not certain whether the President officially knew that this was happening, but many of his officials did and there was clear intent on how they wanted to go ahead with that, how those communications are being recorded, who they were being recorded, was it legal at all as this law, this particular bill, does seem to try to make legal in this regard and those are all things that we'll have to deal with as we move along with this.

\* (15:10)

So, indeed, there's value in monitoring this communication between the inmates and those who are on the outside. Questions of liability there, I'm sure, in terms of what you can use that information for. If the individual that is not on the inside of the prison but on the outside, is made well aware that they may be recorded, like you are when you call in to any service line and what that recording may be used for, then perhaps that's a way that some of those issues can be dealt with.

And I'm not sure what the disclaimer's going to be on the recording when this communication is there. Does the individual that seeks to communicate with the inmate, is there a disclaimer that'll go at the start of the communication, say that these recordings may be recorded and anything that is in-unlawful may be used in a prosecution? Those are all things that I think will have to be dealt with, Mr. Speaker, and we'll see how that all works out.

So obviously this is a tool, I believe, that the government can use to deal with gangs. And we know that is an issue in Manitoba, Mr. Speaker. We know that certainly when we look at the prison system in Manitoba, the gangs, I believe, or people that are supposed to be members of this particular gang or that one, are—they try to be segregated so that we don't have wars within the prison.

But, when we do that also, Mr. Speaker, we do create an education system, unwittingly. And that is the dangerous side, not the good education system that we want to rehabilitate these prisoners, but that is the education of the gang system within our correction institutions that we do have concern about.

You—as I heard from one police officer, it's kind of like poodles and put-pit bulls, Mr. Speaker. You may have someone that's on the fringes of the gang—and that would be the poodle, I guess—and when you convict that poodle and you put them in with the pit bulls in the prison system, you don't often get more poodles, I guess is what he's saying; you'll get more pit bulls. So that is a dangerous thing that we do see.

But, if it does have a method of dealing with that, if that allows us to deal with the gang situation in a better way, then certainly we can see that this particular act would have some uses if there are able to deal with some of the other issues.

So, as I mentioned, the data storage I think is quite a big one there. I am not sure that the government really understands the cost of that side of this bill. It is something that could be quite substantial and then what do you do with it all? You have the data out there; does that mean you have to create a whole another department to try to analyze that data? Or do you write computer programs to go through and look for particular words? All of those things can be done, Mr. Speaker, but the method does have to be analyzed and discussed and a process in there.

I know there are computer programs out there now that are presently looking at data communications in the US; they are not small programs. I do know some of the people that have been involved in those and they look for keywords, Mr. Speaker, and then when they find one, that particular communication is targeted and someone has to review it.

So, if that's the process they're going to go through here, that may be one avenue but then again where do you find that expertise? Do you hire it out—hire that expertise? Do you have it in-house? Do you go on contract with somebody? And all those types of things are things that need to be thought of in this regard, Mr. Speaker.

So where do we get the people to do all that? Do you hire out? Do you take people off of the front line of correction services to listen to the



communications? I don't think that would be a useful thing to do, if we're taking corrections staff away from the front lines; certainly not something that this government, I believe, would want to see happen, given the overcrowding we presently have in our prison system, Mr. Speaker. I don't know that that would be an environment that would be a good thing to do.

I guess the other question that we have here, a large percentage of our prison population in Manitoba is on remand. And, presumably if you're on remand, you have not been yet convicted of that crime and you still have access to the telephone, the Internet and that type of thing; I would presume that this bill does not cover those individuals because it's meant to be with an inmate and another person, not someone that has not yet been convicted of a crime.

So, in that regard, Mr. Speaker, how do we deal with that segregation? This is the inmate phone, this is the person-that's-there-on-remand phone; this is the inmate computer, this is the remand computer. I'm not sure that all those details have been thought out, because, if you're recording all of the data and then analyzing afterwards, you're going to get people that are there on remand and you're going to get people that are there on—as an inmate. And those are the types of things that I don't know that the government really wants to get into the legality of that. If you were in a court trial and there was evidence that the government had recorded an individual that was on remand but not convicted of that crime, I have a suspicion that that may be grounds for either a dismissal or an appeal, certainly, in that regard. And I think we have enough challenges getting people through the system that we don't want to create more avenues of appeal than we already have. So, indeed, there are some concerns in how all this process would happen and what would happen all the way down there.

So, you know, I guess what I'm looking at is that our corrections system in Manitoba is not in the greatest of shape. The NDP have had a lot of challenges in dealing with this system. The overcrowding is an issue that we've seen time and time again, and as many as 64 per cent of those inmates are on remand. So they are plugging the system, shall we say, and we haven't been able to move them through efficiently. So maybe this is one of the issues we need to deal with in terms of how we're moving people through the system as opposed to just focusing on, well, let's record their data and we'll throw some money at that, and we really don't

have an idea of what the budget's going to be for this process or where it's going to end up.

I do think it is bit—a bit of a, well, not a bit of a blank cheque. This is a large blank cheque because of the data storage requirements, because of the data analysis, and how you would come to terms with a budget for that particular type of a bill is something that will be a challenge for this government. And I can easily see that it's just something that could balloon like the government's deficit has done and could be a large drag on the corrections system, whereas it may be better to put our scarce resources into the front line of corrections and in moving people through the court system as opposed to recording the types of things that we may or may not be able to deal with down the road. Because if you don't deal with these things quickly, Mr. Speaker, then they mount up and it is not long before you can't listen to them all. If you record one day's data and you say, you know what, I'm going to look at it tomorrow, that's not just for one individual, that's for all the individuals that are in the corrections system.

So that is a large amount of data, and how you sift through that data to find something that's credible is, indeed, going to be costly. It's going to be time consuming and it is going to take staff, and where do we find those staff? Where do we hire them? Do we contract out again, as we spoke about, Mr. Speaker? It's all questions that I think need to be asked in this bill. You know, a dollar number attached to this one. If you put a very small budget attached to this one, the question is is it worth doing at all? Is it worth to bring legislation in if you're not really going to use it, even though somewhere down the road it may have some good intent?

And as I understand, the government is doing this now, so it's even correcting something that they're doing, allowing it to be legal. But if you can't accommodate the absolute volume of data and the analysis that's necessary for this particular data, you know, you have to have a plan and I'm not sure that we always see that this government may not have plans when they move forward on things of this nature. I look at things that I've—I know in the commercial world, in business world, that I've dealt with things of this nature. There was a supermarket chain that was going to start on a loyalty 'progran,' and I'm sure—program—and I'm sure you have cards in your wallet, Mr. Speaker, as a member of particular loyalty programs—and they track your purchases. So this was quite a while ago, and this particular supermarket decided they were going to

test the loyalty program. So they were going to do it in one facility, one facility only, and they started up this program.

\* (15:20)

And after about a week of collecting data on what people bought, their servers were absolutely overwhelmed and they had to shut down that side of the program. In the meantime, they'd launched it with great fanfare that, you know, you were going to get rewards for being a frequent shopper or something of that nature, but they couldn't possibly track all the data. There was just too much detail in there, Mr. Speaker, and absolutely overwhelmed everything, and they had to shut it all down, reconfigure the entire system and then launch it within another year with proper backup and 'procker'—proper background so that they could, indeed, follow through on the intent of the program, and produce rewards for the individuals.

Indeed, we saw a recent purchase here, I think, Mr. Speaker; Loblaws purchased Shoppers Drug Mart. And one of the major attractions to purchase Shoppers was their loyalty program and the data that that entailed. It is apparently a well-run program and creates a great amount of data that they're able to track the shoppers on and reward them. And that was what attracted Loblaws to purchase Shoppers, so that they could deal with that data in some of their other stores and roll it out there.

So, Mr. Speaker, that's a little different side of the world what—from what we're doing there, but it does speak to the volume of data that could be created from legislation of this type. How we're going to deal with that data, where it'll be stored safely, where it'll be stay—stored securely and who will have access to that data— and I think that a little more detail there would be useful so that, you know, not everybody has access to this data. Will there be a court challenge in terms of who can have access to this data, or is it limited only to corrections services? You know, is there something that could withstand a court challenge there, so that someone down the road, either in terms of, maybe, looking to defend a client that might be recorded in one of these transactions or in—defend a client that may have been recorded inadvertently, is that communication availed to—available to them or is it secure from them? And are we sure that we've covered everything off in this bill, to make sure that we're not dealing with court challenges down the road? Because I don't believe that court challenges is

something that this government may necessarily want to be spending its resources on.

So, the intent of the bill, Mr. Speaker, I can understand and I can see that it does make sense. If it's going to prevent a crime and it's going to protect victims, then it all—great. I—but I do have some questions and concerns about the costs and the data and how that communication will be used. So, I'm sure there's others that have items to say on this particular bill, so I'll allow them to continue, and thank you for your time.

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, what to—comment about some of the helpful points brought forward by the member from Brandon West, and also to rise to speak on this bill which deals with the ability of—to record and intercept inmate communications. In addition to the comments which the member from Brandon West and the concerns that he raised with regard to handling of data, I have a couple of issues that I'd like to talk about specifically.

Mr. Speaker, one is that, in this bill, there is, in 42(1), the facility head of a custodial facility may, without individualized suspicion, cause inmate communications to be recorded or intercepted in accordance with the regulations.

Now, what's particularly of interest or of concern, here, is this sentence: without individualized suspicion. And what this would mean, then, is if some—the facility head of a custodial facility has any concerns about the safety or security of the custodial facility—for example, that would be an area—then the head of the facility could immediately begin intercepting not just one or two individuals who might be under suspicion, but everybody in the institution, because this can be done without any individualized suspicion. And I suspect that the way that this, you know, hopefully, you know, would be applied more narrowly than this, but if you, in fact, end up intercepting every communication from everyone in the facility, that not only are you going to generate large amounts of data which are going to be difficult to analyze, but you're also going to be in a situation where increasingly you may have the concern about the extent to which you are intercepting communications by and with inmates in a—under some suspicion of a safety issue which can be a very broad issue. And I think it would be smart for the Minister of Justice (Mr. Swan) in looking at this to have put this in a framework that is a little bit narrower instead of

being as broad and potentially all-encompassing as it is, because if you're not careful you're going to have the head of a correctional facility, you know, monitoring everybody all the time because he's concerned about safety.

And, I mean, notwithstanding that there is and may be a general, legitimate concerns about safety, that it seems to me that the intelligent use of this approach would be to use it much more narrowly than that and much more carefully than that. And I think it's up to the Minister of Justice (Mr. Swan) to, you know, make sure that this is used well and appropriately rather than extended to in ways that will gather huge amounts of communications, but with—on very little, perhaps, suspicion of concern.

I would think, in addition to this, that there is the reverse concern here that the power to intercept and record communication does not apply to privileged communication. Well, is the—there going to be an approach in which inmates say, well, this is a privileged communication, therefore, you can't record it. And how do we know that it's a privileged communication? What's the boundaries of that? What is the—going to be the criteria for what's a privileged communication and how do we know that the inmate, you know, has the opportunity to, you know, notify people that the appropriate person, that this is a privileged communication therefore it can't be intercepted and therefore the interception is to be turned off? I think this is a legitimate concern that that process has to be there.

And it also suggests to me that it's going to be very important that when an inmate is admitted to a correctional facility that there be very careful information provided to the inmate about what the policies are, what the approach is, that any communication could be intercepted and that if it's a privileged communication that there has to be some notification so the interceptors are turned off. What are the rules? How is this going to be made operational? And I think this is actually an important issue which the Minister of Justice should be looking into quite carefully.

Mr. Speaker, having said those few remarks, I look forward to this bill going to committee and I look forward to further discussion coming out of the results of people who have presented at committee stage. Thank you.

\* (15:30)

**Mr. Speaker:** Is the House ready for the question?

**Some Honourable Members:** Question.

**Mr. Speaker:** The question before the House is second reading of Bill 10, The Correctional Services Amendment Act.

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

We'll now proceed with Bill 16, The Department of Justice Amendment Act, standing in the name of the honourable member for Brandon West.

### **Bill 16—The Department of Justice Amendment Act**

**Mr. Reg Helwer (Brandon West):** Mr. Speaker, I'm pleased to rise to put a few words on the record with regard to Bill 16, The Department of Justice Amendment Act, and, as I understand it, this bill will amend the act, The Department of Justice Amendment Act, so that a court may find that a person who's not able to obtain legal aid is indeed entitled to government-funded legal aid, legal representation.

So there's a number of questions that come up with respect to this, Mr. Speaker, and, indeed, it all does come down to legal aid. I've spoken to a number of people in that environment and people that have tried to access it, and my understanding is that there is difficulty in that environment in terms that this government has not seen to change the threshold in legal aid for a number of years, I'm told, since 1999, and that what is happening is that people are not being able to access the court system in Manitoba because they don't have the adequate funds.

And, indeed, that is my understanding a little bit of the law, is that we're not supposed to, you know, prevent justice from being done in terms of this regard because you don't have access to justice, and indeed this is limiting people's access to justice in Manitoba.

So the government in this regard, I believe, is going to try to deal with this in this particular bill so that they can enable lawyers to be paid in another method.

And I understand some of those issues are called Rowbotham applications, and applications by where a person receives public funding for a court-appointed counsel, even if they are not eligible for legal aid under certain circumstances, and the judge determines essentially that, without counsel, their constitutional rights would, indeed, be likely be

violated. So that is what we're speaking of earlier, Mr. Speaker, and the access to justice.

So now these Rowbotham applications, I understand, are generally granted in order to ensure that principles of fundamental justice are upheld and specifically that accused individuals are afforded a fair trial. So, when we look at these particular applications, Mr. Speaker, I understand that there are certain conditions that need to be met in order for a Rowbotham application to be successful. The accused must have applied for and been denied legal aid, and we have spoken to a number of individuals that that has indeed been the case, and I understand within the legal aid system there is an allocation of resources, in terms of whether it's criminal or family or that type of thing, and where those resources are going to go. And another area is that the accused is unable to pay for private counsel to represent the individual and that the accused's rights to a fair trial would be infringed if government-funded legal counsel is indeed not appointed.

So what this bill seems to plan to do is to tie the payment rates for lawyers appointed under a Rowbotham application to the thresholds for Legal Aid lawyers. So—I—and a question, Mr. Speaker, is if you have the legal aid process that has been enacted for a number of years and in operation, people understand that process, why there is a need to go to a different step rather than using the legal aid system. So this bill changes the process a little bit, and it will take some understanding of people to know that it is available and that they can access it and where they can make those applications in that process, whereas now they do seem to understand the legal aid system. It's—it is not always cut and dried, but, indeed, it has been enacted for a number of years, so that process is there and, in terms of why we are, again, introducing another process—is there not something we could just have done through the legal aid system?

So, when we look at this particular type of bill, Mr. Speaker, we know that judges are not able to force the government to expend money in this way, but, indeed, they can hold up some proceedings and effectively forcing the 'department' of Justice to appoint and pay for the defence counsel. So I understand the government looking at what's happening now and seeing that more and more Rowbotham applications are being applied for and, indeed, granted and that making this particular type of legislation seemingly necessary. So going this route instead of the legal aid route is what the government has decided to go. So really why don't

we—we want to make sure is that people do, indeed, have access to justice and that is the real issue, I think, that's being addressed in this particular type of legislation.

And part of the bigger problem, though, as I spoke earlier, Mr. Speaker, is that the legislation is indicative of a much bigger problem, the problem being of an inadequate legal aid threshold and underfunding of the legal aid system by this provincial government. You know, they talk about justice, but then we look at some of the numbers that are out there in the corrections system and they are quite large, alarmingly so, I believe. And, indeed, I can look at some of these numbers, and we did get some numbers in from the Minister of Justice (Mr. Swan) during Estimates. We look at the Agassiz Youth Centre, for instance, has a custody population of 117, a rated capacity of 148. So they're doing okay.

The Brandon correctional institution is, you know, they—the population there has had some challenges and, indeed, there were some altercations there. I believe a riot occurred. So now, currently, we have 330 people in somewhere that—so they're over capacity by about 130 per cent and, indeed, that causes pressure on the corrections staff that there are potential conflicts that they're dealing with every day. And the pressure there and the morale not just at Brandon, of course, but in other correctional facilities in Manitoba has to be under pressure when we look at these types of numbers that are out there in Manitoba's population.

Dauphin, I know that the minister had spoken about building a new correctional facility there, but they're over 134 per cent over capacity. And he could not answer questions in Estimates in terms of the size of the proposed correction—new correctional facility up there or the cost or, you know, who would be there. So those are all things that are a little up in the air and those questions were not answerable, apparently, by the minister and his staff in Estimates. They've made the announcement they're going to do this, but not sure how big it's going to be, how many it'll hold, who will work there. They have an idea, I think, of where it's going to be, because they have a site selection, but, indeed, couldn't even address the cost of that particular site.

Headingley, as we know, has been a challenge, Mr. Speaker, and substantial numbers there, over 800, so 147 per cent of rated capacity. Indeed, that is a troubling number there and something that, when

we look at these numbers that we're seeing in Manitoba—as I mentioned earlier, the remand numbers are the ones that are often driving this population. And the court system here, I think, tries to deal with some of those numbers in getting them through the system, but what we find and what this bill tries to address is access to that court system so that the individuals, indeed, do have access to the system in Manitoba.

So we see in this legislation, as I said, that that may deal with a few of those issues, that there may be funding available for some of those individuals that are on remand to get access to Manitoba's justice system, but there is still a big block in the way that we deal with corrections in Manitoba, Mr. Speaker, and moving people through the court system. So to have that number of people sitting on remand is just, well, obviously, a difficulty for our justice system, a difficulty for corrections staff and causes pressure on the system and conflict throughout it, I'm sure.

\*(15:40)

So will this go any way to dealing with some of that? Possibly. Indeed, there may be some avenues that they missed—they—this may help move people through the justice system. But, when we look at the number of individuals that are in the justice system, Mr. Speaker—well over 2,000, 2,600—you know, that's going to take a lot of this to solve that problem, and I'm not sure that the bill really deals with much more than probably just a few cases because when we look at the legal aid that has not changed in Manitoba, in order for someone to claim legal aid here today, the guidelines are—of—on eligibility are from about 14—or from \$14,000 in annual income for one individual, to \$37,000 for a family of six or more, for the range of \$16,000 to \$39,000 for those who exceed the guidelines but cannot afford to repay the legal aid fees monthly in a reasonable period of time.

So those thresholds have been there, Mr. Speaker, for a number of years and, indeed, it's out of step with other provinces. It's impossible for people—seemingly more impossible for people to meet these thresholds as we move along. And, of course, there are many people in this area of annual income that cannot afford private legal counsel but no longer qualify for legal aid, and this NDP government has not changed that. So there is this never-never land, or grey area, in Manitoba Corrections and the justice system that people are caught in, and I can certainly understand that it is a very dangerous place to be.

It is probably a very depressing place to be when you don't see any real out, when you can't afford a lawyer, and Legal Aid has turned you down.

So this bill will speak to that a little bit, but the question of how many people it would in deal—indeed, deal with, and as most of the bills here, Mr. Speaker, of course, we don't know what the cost is going to be for this. And what is the impact going to be on the Corrections budget? What's the—or the court budget, I should say, the Justice budget, and where is that going to show up?

So when we look at other jurisdictions, some are better than Manitoba. You know, the—BC, British Columbia threshold is higher by, well, over \$3,700. So even that is a—is a pretty good increase on—in terms of what you're allowed to earn and much more for a family of six. Ontario, the thresholds are \$18,000 and \$43,000, respectably, and we see that Québec has, indeed, indexed their legal aid rates.

So I'm a little concerned, Mr. Speaker, that we are creating another fund outside of the—or enabling another fund—it's already there—outside of the legal aid structure that is understood, and for what it does, works well in Manitoba, although, as I said, it is underfunded. And if you create another bill of this nature, you're going to have to fund it. As we know with most funding, there's going to be some administration, and that administration already exists in the legal aid system. So would it not be better to use existing administration rather than create new? But this government seems to like a make-work policy, so we're going to create new positions, I imagine, in this, and they'll administer it.

But we have the legal aid system that we certainly could be using, I think, in this regard, Mr. Speaker, and making sure that accessibility to the courts becomes a priority for this government. It is something that we see is a problem, certainly, with our remand numbers are out there. But this, I don't know that it will go a great way to dealing with those numbers. It'll create another system, another structure, and if Legal Aid were better funded, Manitobans would not have to resort to this type of a bill. They would not have to resort to a Rowbotham application, and the NDP, indeed, want us to believe this bill will increase access to the justice system, so we need to see what those dollars are going to be that will be put into this type of a system. How many will—what'll the dollars be? Where will they come from, and how are they going to be administered so that we can have a better idea if there will be success

in that regard or, indeed, should we just have done it through the current system?

So, indeed, what we've—we'd seen here is—we could look at the legal aid system, broaden the mandate somewhat to include a wider coverage of services such as more in family law and, indeed, modernizing the rate structure and eligibility thresholds. But, indeed, this way, the government decided they're going to fund lawyers for people that can't afford them, only if the court really tells them to and go through that process. So I can see the intent. It is well intended, but maybe not the direction that we need to go to create a whole another environment that's going to move along here.

So, when we look at the type of applications that we've seen here for people when they demonstrate this application process, they must demonstrate that they've applied for and been denied legal aid and a Rowbotham application, they're unable to pay for our counsel and, again, that they're right for fair trial would be infringed if the state funding is denied. So that's what we see here, and in some cases the judges have said that the applicant must exhaust all legal—all avenues or even going so far as to appeal the denial of legal aid.

Now, for some of these individuals that's pretty extreme. We are talking about people that don't have a great amount of money available, that are working in probably not one but two or three jobs trying to make the ends meet and now they're trying to deal with how're they going to deal with legal aid or other applications and the paperwork and the lawyers and probably systems that are unfamiliar to them. So, again, as we see here further that the applicant's final circumstances must be extraordinary and, indeed, difficult does not just suffice. They must be—they must provide detailed financial evidence of their circumstances and they must provide evidence of their attempts to get legal aid or to obtain representation.

And I see they must also demonstrate efforts to save money in order to retain legal counsel, prudence with expenses, planning of finances to enable payment of legal fees, efforts to raise funds by earning additional income and evidence that they've all—made all reasonable effort to use their assets to raise funds. I think, Mr. Speaker, I can see what may happen in this regard in that there's going to be a cookie-cutter approach. Now, not everybody is the same, but they are—you're going to see lawyers that have been successful in certain regard and they'll

know that this is—these are the numbers that you have to use, this is the process you have to go through in order to get access to this system. And I think it'll be pretty clear, going down the road, that there are people that will have success in this area and others that may not be able to access the type of funding that is spoken about in this particular act. And all the power to them if they can figure out how to work government regulations and legislation, then, that's the way it's going to work. But for particular individuals who are looking for the representation it is a very complex system and very complex in how they would access the money that might be available through this particular act as opposed to one that they may have been more familiar with in legal aid.

So what I see here is that the government's not necessarily interested in greater access for Manitobans who can't afford counsel, because we see that legal aid does not have nearly as many restrictions and because legal aid is mostly out of the reach of most people that bills like this are really unnecessary. If we had proper funding in that legal aid system, perhaps this bill wouldn't be necessary. It might not be so critical and then we wouldn't muddy the waters again with somewhere that people can go to try to get funding for a particular issue they're dealing with and, you know, will try through Legal Aid and then we have to get turned down there and we have to make sure that we cover up all those areas and we have to make sure that we can't get access to funding elsewhere and then we can have maybe access through this particular bill that a particular lawyer may or may not know how to deal with and we'll go again and is that just not delay the system and delay the time that people have spent on remand. If the intent is moving people through the system quickly so that we have appropriate level of justice and we don't have justice denied, I'm not sure that this particular bill will accelerate the system at all because you go through the legal aid process and the time it takes to go through that and turn down there and then you have another process here.

\* (15:50)

So, again, it's just delaying time that people are on remand, delaying and contributing to the population—the overcrowding that we're dealing with in our corrections system. And, in terms of that, dealing with issues that are making it much more complex for staff and much more controversial—much more chances of an interaction, a dangerous one, taking place in our system that we have there

now. So that, Mr. Speaker, I don't think that this may necessarily fix those problems.

When we look at access to systems all over Manitoba that this government has talked about doing, we see that the NDP have changed basic services, the circuit—quote—courts have closed in a number of areas and they've drawn them all into different geographic areas.

So what I'm hearing now from people in terms of those new courts is—the existing circuit courts—is that instead of having a few people travelling, now everybody is travelling. So that, indeed, what is happening in some of the courts is they will schedule several cases to come up, Mr. Speaker, in the hopes that one may actually go through the day. Because chances are that—well, you've got the judge there. Will you have the prosecutor? Will you have the defence attorney? Will you have the individual that's accused? And will you have anybody else in there that needs to come in, perhaps an RCMP officer or other witnesses? Do you have everybody in place for that one particular case to go all the way through to its culmination? Or do you start with one case and find that an individual—a critical individual is missing, so then you have to hold that case over again for the next time. Call the next case. See if you have individuals there. And, indeed, that is some of the things that are happening.

And I'm sure that those issues will eventually be ironed out, but we are seeing more people travelling to access those courts, as opposed to being done in their local area. Sometimes it's easier to move the judge, Mr. Speaker, then to move everybody else—the mountain type of thing. So—but this is the way that we're having to deal with these now. And, as people learn the system, it may work out. But, again, it's something new for people and that is what we see in this legislation, is it's something that the government is using as a stop-gap measure to try to deal with issues that are out there, and perhaps not really dealing with the particular problem—so, a band-aid solution dealing with a symptom, but not really dealing with the issue.

So we do agree that there are times where we need to look at things like this, and reform of the legal system is a necessary—a necessity. Is this the type of reform that we need to work at, Mr. Speaker, or is it just one particular little band-aid for an area, I think, more likely?

We know that Manitoba and Winnipeg have long been known as the murder capital of Canada,

the violent crime capital of Canada. And in terms of getting people through the justice system, when the general population looks at the reports of court cases, there's the question there: is their justice serving—system serving them properly? When someone is released because they spent—the judge says we didn't get access to timely justice so, therefore, there's grounds for, you know, releasing you, the justice—the population says, wait a minute, that's not the type of justice that I expect as a Manitoban. And certainly when we looked at victims of crime, that doesn't help the victims of crime. They have to be able to—if you are a witness in a crime, then you have to be able to, and available for, testifying, and sometimes more than once, in a pretrial or—and in a current trial.

So those are issues, Mr. Speaker, that may drive people away from our justice system. And does that make it a better system? I don't believe so. We need to deal with those particular issues, as opposed to just single issues like this. Everything—you always hope that everything will help. But, in this regard, could we have not used just the existing system, as opposed to creating a whole new process, or legalizing an existing ad hoc process, I guess, is what we're seeing here?

So, Mr. Speaker, I guess we do have questions about this particular legislation. I'm sure we'll hear more and more as it goes along.

But, indeed, we do kind of wonder if it's really going to help the backlog in Manitoba Justice. Is it really going to help deal with any particular issues in the court system, in the corrections system, where we see all this overcapacity? And the intent, I think, it's kind of there to cover off something that already exists, and to make it perhaps more clear to the Minister of Justice (Mr. Swan) on how this would all work out but perhaps less clear to the individuals that may have to afford themselves of this particular legislation.

So we want to make sure, Mr. Speaker, that we're dealing with all the issues correctly and dealing with some of the other issues. Will this help the overcrowding in our prison population? I think that would be wonderful if that happened, but I don't have a lot of faith, really, that this is going to deal with some of the numbers that I've—I'm seeing here in Milner Ridge, for instance, over by 110 per cent; or The Pas, over by 122 per cent; and, indeed, even the newest correctional centre, the Women's Correctional Centre that was, you know, touted as this government as a solution and we know that the

money there was—spent there was substantial, and it's already over by 121 per cent in terms of population.

And then we see the distressing images and the news items coming out of the justice system in northern Manitoba where people are incarcerated with chains in gymnasiums. Is that, indeed, the type of a justice system that we deserve to be proud of in Manitoba, Mr. Speaker? I don't think so. Those are types of—the types of images that are very troubling for Manitobans to see. It is the type of thing that we might expect to see out of a Third World country, perhaps, in terms how individuals are being dealt with and incarcerated. I'm not sure that—I'd hesitate even to call that an incarceration, where you're chained to the floor of a gymnasium change room. And I understand that there's lots of issues at play in that particular environment and in those events that transpired there.

But, Mr. Speaker, at the end of the day, it's the individuals that we're dealing with, and how we deal with them, I think, 'speal'—speaks a lot in terms of ourselves and whether we have respect for our justice system. Those are the types of images and stories that cause people to have a lack of respect for the justice system and question it. And will this bill do anything in terms of creating a better justice system? I think the government certainly hopes it'll be a band-aid solution.

And it may be just that, a band-aid solution but not really dealing with the critical issues that are in the justice system, the overcrowding, the people that are on remand and the inability, seemingly, to move through our justice system so that people have a right to appropriate representation and that they have a right to appropriate counsel and a right to a defence and a right to justice that is not only timely but, you know, deals with the particular issues of their life, Mr. Speaker.

Because, you know, we want to deal with these individuals in a respectful manner as we can, but make sure that when they get into the system they have access to programs that will allow them to improve themselves, that will allow them to be released into the community and be then seen to be an active part of the community as opposed to somebody that is a little more dangerous. We always get the devastating stories that we see out there, Mr. Speaker, of people that have released and then reoffend. And I think that's, you know, a pretty sad statement on our system and when that happens, obviously there's been a failure. We have not been

successful in our remediation attempts with that individual. So will this bill deal with any of that and accelerate people through the system so they have better access to services?

\* (16:00)

So I think with that, I have—I know there are other people that want to speak to this bill, so I'll allow them to do so, and thank you for your time, Mr. Speaker.

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, I want to begin by saying a few words about the people who work with Legal Aid and the important role that they have; people who are lawyers and others in Legal Aid who deal with people who are not able to afford to have legal representation—they are often struggling from a financial point of view, which is why they're approaching Legal Aid, and indeed the lawyers who work there work often with people who have very difficult circumstances.

I remember, for example, a conversation or discussion that was held at one of the forums that we had on the Child and Family Services, and we had there presenting at this forum a lawyer from Legal Aid who talked about representing a client who had been in Child and Family Services, and this client had had approximately 20 different placements, and, out of those 20 placements, as I recall, only two of those were good placements—places that she was comfortable living and felt like a reasonable and a good home. And, certainly, when you have individuals who go through this sort of circumstance, who are put in the care of a whole variety of people and move from one place to another, you have individuals who are starting out with a very difficult circumstance in life and who very often have low self-esteem because they feel rejected by one foster home after another.

And, in the system that we have in Child and Family Services, where children have tended to be transferred very quickly, there is a sense of rejection of instability and, sadly, in the past, this has meant that all too often we have, as Justice Sinclair pointed out in the Aboriginal Justice Inquiry, a—almost a treadmill which goes from Child and Family Services to troubled youth to the justice system, and he was not the first one to point this out. As I recall, at the Kimelman inquiry also pointed out that too many children from the Child and Family Services' experiences end up in the justice system, and because, by and large, these are people who are not well off, who are of low income, then they end up



being helped by Legal Aid lawyers. And so we have to acknowledge and thank the lawyers and others who work at Legal Aid for the important work they do to defend and protect and to help those who are disadvantaged, often marginalized, and to try and make sure that they are at least treated as fairly as they possibly can be by the justice system.

Now my understanding of this bill, which the Minister of Justice (Mr. Swan) has brought forward, is that it is an attempt to fill in the gaps where there are individuals who one would ordinarily expect to be covered under legal aid are not able to be covered for one reason or another and to provide a mechanism to ensure that that coverage is present. One would've thought if the legal aid system had been working really well, that you wouldn't need this measure at all, because the people who need to be covered would be able to receive the services they need. But, apparently—and, indeed, I have heard of cases like this from time to time, where people who should be able to get help are not able to get help from Legal Aid for one reason or another, and so that filling this gap seems to be a reasonable thing to do, and I look forward to hearing at the committee stage from presentations and to have a further discussion on this matter. It hopefully is a pretty small window of people who are not able to get help from Legal Aid, but to the extent that this can help those—and it may be a useful measure.

So I thank, Mr. Speaker, for the opportunity to say a few words and I will let my other members of the Legislature speak further on this matter. Thank you.

**Mr. Kelvin Goertzen (Steinbach):** Yes, thank you, Mr. Speaker, and it's a pleasure to speak this afternoon and on this bill.

And I want to echo some of the comments that have already been made by my colleague from Brandon West and also the Leader of the Liberal Party, the member for River Heights (Mr. Gerrard), regarding the good work that the staff in our Legal Aid department do. And it's not easy work; in fact it's hard work, it's difficult work.

And I know I've had the opportunity to talk to a number of them who work in Legal Aid, and they deal with very difficult situations. And I know for them it's not only the difficulty of the cases that they deal with, which are often very emotional cases and often involve people who have a difficult time representing not only their own interests in court but

sometimes have a difficult time transmitting their own views on issues.

And it's tough and it can be difficult sometimes for those within the department, and that's magnified by the fact, Mr. Speaker, that there's a lack of resources, that it's a situation where there are far, far more cases than there are individual lawyers and paralegals and those within the department to actually help.

And I know that that's frustrating for many of them because, you know, when you talk to people who go into legal aid, it is an extraordinarily difficult area of law to practise; it's very different than even prosecutors or certainly those who are at the private bar, Mr. Speaker. But they do it for all the right reasons. They do it because they have a real heart to help people; they want to be in the situation where they can help those who may be least able to help themselves through the legal process.

So they go into it with all these really, really good motivations in terms of helping people in their time of legal need, Mr. Speaker, and yet they find that they have a difficult time accessing the resources or the time. And so they often grow frustrated as their clients grow frustrated as well by their lack of ability to dedicate the time and the resources that they might like to, to individual cases.

So I give them tremendous credit, all those who work in Legal Aid, lawyers and the support staff as well, Mr. Speaker, for the work that they do and ensuring that those who aren't able to afford the legal system aren't taken advantage because of that, that this is the way to level the playing field to ensure that those who should be represented in court and not have to self-represent, because we know that ultimately that is, for many people, the route they end up going. If they're not able to access legal aid and yet they don't have the means to find a legal representation, they self-represent.

And that's difficult on a number of different levels. It's difficult, of course, for the individual who is doing the self-representation within court because it's a very foreign sort of environment; the language that's used within the court system, the different rules that are involved in the court system, Mr. Speaker, are very different. And it's not easy often to do that.

Now the judges who are within the court system, I know they make special effort to help those who are self-representing to make sure that they're getting a fair shake, as it were, Mr. Speaker, a fair trial. But

it's not easy because that often slows the court process down. And we heard comments from the member for Brandon West (Mr. Helwer) about how the court system is already in Manitoba bogged down and he's absolutely right.

And so, when you have those who are self-representing within the court system, it puts an added onus on the judge or the judicial justice or the magistrate, whomever is in charge of that proceeding, to ensure that the individual who is self-representing understands what it is that they are agreeing to or not agreeing to, ensuring that the rules are still being followed but helping them to some extent along with that, Mr. Speaker. And so that is, that's the consequence of having a legal aid system that is either not robust or that doesn't have the proper access.

\* (16:10)

Now I've heard the Attorney General (Mr. Swan), this one and previous ones, talk about federal responsibility and the federal funding for legal aid. And it's not that there isn't an issue in regarding funding, Mr. Speaker. There always is—there is always issues when it comes to funding on a number of different levels.

But, of course, we also know that the current federal government has provided more funds to this provincial government than any federal government in the history of Manitoba. That would include, of course, transfer payments and then equalization payments where—which are provided by other provinces, Mr. Speaker, through that formula that we have within our Canadian system. So it's not as though the government doesn't have money; they certainly do have money. They've got a lot of resources from the federal government, so it's always a little strange when the Attorney General or the various ministers stand up and they cry poor and they cry poverty as a result of what they feel is inadequate treatment by the federal government. In fact, they should be thanking every day the federal government for the resources that are provided to the Province. They'd only have to look back to the 1990s where we saw the federal Liberal government drastically cut the transfer payments to the Province of Manitoba, and they would know full well that they're fortunate to have the kind of support they've got. So, when it comes to legal aid, I think that the minister has to consider that.

And I heard some good comments from the member for Brandon West as well regarding the

issue of remand and the remand system that we have here, particularly in the province of Manitoba. And it's shocking when you tour the different facilities that we have, the jail facilities and correctional centres and remand centres that we have here in the province of Manitoba. Now, when you go to the Remand Centre, of course, you are expecting that the people there are on remand, and that, of course, isn't—that's what the facility was built for. That's not a surprise that people who are there would be there because they are awaiting trial. But it is particularly shocking when you go through the jails in Manitoba and you find out that 60 or 70 per cent or sometimes higher of the population of those who you believe would be sentenced to the facility are, in fact, awaiting trial. They're on a remand sentence, so they're—they've not actually had their full day in court, Mr. Speaker.

Now, of course, there are good reasons sometimes why people are remanded into custody, why they're not released before they're able to go to trial. Often they're considered to be a risk to the community. They're a risk, whether it's a flight risk or just a risk to society in general. They are denied—they're denied bail, and so they're held in custody until their trial happens. And then those are valid reasons and those are good reasons.

But the problem happened, Mr. Speaker, is when these individuals have to wait and wait and wait and wait for trial and they sit in remand and they clog up the jail system. They cause a lot of problems, obviously, for those who are working within our correctional facilities. Our—the good men and women who are guards within the system—a very tough job—not a job that I personally would aspire to, but I—they're important people who do this work. This is difficult work that they do and it takes a special kind of person. And I've said in the past when I've had the opportunity in my former critic role to tour the jails in Manitoba that it's a tough thing. It's not an easy thing, and I always felt, when I was leaving the facilities, whether they're youth centres or otherwise, you know, you have a sort of a sense of relief when you walk on the other side of the bars and you get back in your car and you go home, because it is somewhat of a tense atmosphere. I mean, it's a difficult—it can be a difficult environment and I think it can be difficult for many of the men and women, but I think, in many ways, some of them are called to that.

And I know many of the people who work in our correction facilities—they have a real heart for people,

and they're there because they think, in their own way, that they can make a difference, not only in making Manitoba safe, but also perhaps in helping those who are within the facilities to find a better way when they're released, to find a better way within the path of their own life, because they are in provincial institutions and so we know that they're going to be released in less than two years. So, at some point, they're going to be coming back into our community. They're going to be our neighbours, and they're going to be there in that regard, and so those who are working within the facilities really can make a difference. They can make an important difference by being on the front lines within the correctional centres.

But the issue of remand is a very serious one, and I know, when I talk to those men and women who are officers, are jail officers, correctional officers within the facilities, this is a concern for them. And they talk about how the overcrowding makes their job more difficult. They talk about how the overcrowding makes programming almost impossible, because a lot of the programming space is ultimately used up to house men and women in these facilities. And so they will often talk about how remand is—and the culture of remand that we have built up under this NDP government is a detriment to reducing recidivism.

And we know recidivism in Manitoba is among the worst rates in the country. Now, the government tried to change how recidivism is measured. They were not interested in actually making a difference in terms of reducing recidivism, reducing the re-offence rate of offenders. They either weren't interested or they had no idea about how to reduce the re-offence rate, so instead they used a sleight of hand and they've changed how it was calculated. They changed the formula on how recidivism was calculated. Because prior to this, before the change, we knew that about 70 per cent of those who were leaving the provincial jails were charged with another offence within two years. Seventy per cent of those who were leaving provincial facilities—these would—typically would be adult males—the statistics would show it'd be higher—much higher for youth.

But 70 per cent of the adult males who were leaving provincial facilities were charged with another offence within two years. That's a horrendous rate. And the government knew that it was a horrendous rate, so they changed their calculation. They changed it to—they would look two years after somebody'd left the jail, not to see if they

were charged, but to see if they were convicted. Well, of course, the rate dropped considerably because there were many people who had already been charged, but they just hadn't been convicted because their court system is so slow.

And so they were able to, by a sleight of hand, reduce the recidivism rate by 30 or 40 per cent, not because there were less people committing crimes when they left jail within two years, but our court system is so slow they couldn't work their way through the court system. So they changed the formula from checking to see who had been charged with a new offence after two years to see who had been convicted of a new offence after two years. And, by that, they put up the mission-accomplished sign and said they'd achieved something great, but they'd actually achieved nothing; they hadn't actually protected Manitobans. There were no less victims as a result of that sleight of hand that changed the formula. It was simply a government propaganda exercise because the government wasn't willing to actually make a difference in terms of reducing crime in Manitoba.

And so, when we look at the remand issue and we look at how many individuals are sitting in our prison system on remand, I remember the former attorney general, the member for Kildonan (Mr. Chomiak), standing up and saying how if the federal government would change the two-for-one credit system, that it would significantly reduce remand. There'd be—and I supported him, and I supported the federal government in terms of reducing or eliminating the two-for-one credit. That was brought in as a result of a court decision, I believe, Mr. Speaker, where individuals, who were in remand but were not actually sentenced, were able to get two days for every day they spent in remand taken off of their sentence when they were eventually sentenced after their trial. And the attorney general of the day, the member for Kildonan, said, if we can do away with that, we're going to reduce the—greatly, the number of people on remand because he said that there was a motivation for those who were accused on remand to extend their remand time so they could get the two-for-one credit and reduce their sentence.

Now, I argued at the time that we needed to get rid of the two-for-one sentencing credit because it wasn't fair. It simply wasn't a fair thing to do. It wasn't right, and it's not what Canadians or Manitobans expected. So I agreed with the attorney general of the day, the member for Kildonan at the time. But what I disagreed with him is I didn't think

it would have the significant impact on remand that he did because there was always a motivation; there is always a motivation, whether it—those who are on the defence bar—and it's not to speak ill of my friends on the defence bar, or those who are accused—there's always a motivation for them to extend their time on remand and to delay their trial, because the longer trials can go on, the witnesses, the memory becomes less clear, there's more time in between. There's a lot of different reasons why a person might want to extend their time on remand, not just a two-for-one sentence, and I think that's been borne out. I think that's been borne out. It's been two years, I believe, now, since the two-for-one credit was eliminated by the federal Conservative government, yet we still see these very, very high remand numbers. I think they've been reduced only marginally at most. And the argument is that this government doesn't ever look within their own context and the things that they can do to ensure that those who are on remand have less time on remand and they're not clogging up the jail system.

And, certainly, one of the things that they could do would be to speed up trials, Mr. Speaker. And I've had this discussion with numerous attorney generals in the past about how do we get people to trial quicker. How do we get people to trial more—in a more expeditions way, which helps everybody, helps everybody in the system, it helps the court system, it helps those out argue—they might not argue, but I would argue it helps those who are accused, and it certainly helps the lawyers that are involved and all the—those who are involved in the court system.

\* (16:20)

How do we speed that up? And so, I mean, one of the reasons that I brought up the issue of supernumerary judges a couple of years ago, part-time judges, was we were having situations where judges were having to leave cases and it would hold up the case for whatever reason, but the supernumerary or part-time judges are experienced judges who have retired from full-time service on the bench and can go in and step into those cases and continue on. You can continue to have the trial go on, Mr. Speaker, and I argue that having enough of them that would make—be able to fill in to these trials would make a difference.

Now, the government dragged their heels on that for about six years. After about six years after saying they thought it was a good idea, they dragged and dragged and dragged and didn't want to do it. They

didn't want to bring in these supernumerary judges. And, when they finally did, they brought it in on a very piecemeal basis, just a small number. So we don't see from this government an awful lot of effort in terms of trying to get trials to go faster. They talk about award-winning programs and front-end projects and different sorts of things, but it doesn't actually show results in the number of trials that are happening more quickly, and it doesn't show results in the number of people who are on remand.

And we don't see that same sort of willingness to reform even the legal aid system, and I remember arguing with the, I think now, former former attorney general, the member for St. Johns (Mr. Mackintosh), on the issue of whether or not those who are gang members should be able to select their own lawyer, as opposed to having one appointed to them by Legal Aid. And we had that discussion and he was very reluctant to change. He thought there were all sorts of issues and constitutional issues, and I said I don't believe that it is a constitutional right for an individual who qualifies for legal aid—I mean, there's questions about whether, you know, certain individuals are qualified for legal aid, but if they qualify for legal aid, I don't believe that they should have the right to select their own lawyer.

And, ultimately, that worked its way through the court system and the court agreed with that position, that those who are in legal aid and are accused of gang crimes, like the Hells Angels or Bandidos, or the different high-end biker gangs that we're aware of, that they don't have the right to select their own lawyer. They may, and again it's arguable, but they may have the right to legal aid, but they don't have the right to select their own lawyer. They have to take the lawyer that's appointed to them because it was costing the Province of Manitoba millions of dollars to have very high-end lawyers appointed, very specialized lawyers appointed, to defend some of these individuals. And so I made that argument to the government. They were very reluctant to make that change, but, ultimately, Mr. Speaker, as a result of a court case, they recognized that, in fact, there is no constitutional right to be able to select your own lawyer when you are within legal aid.

Now, there are different legal aid systems within the country. There are some that have staff lawyers within the department of government that are legal aid lawyers; there are some that are completely private bar and you essentially get a voucher or something like that to go and hire a private lawyer for legal aid. And then there are some that have a

hybrid system, Mr. Speaker, and I think we essentially operate off of something of a hybrid system. But I would argue with the government that they often haven't looked enough at how we can improve our legal aid system, how we could make it a better system. They get dragged into these things more because of necessity or public shame, and that was certainly the case with the biker gangs where the biker gangs were getting sort of top-end defence lawyers that me and you and others, if we ever were accused of crimes, wouldn't be able to hire. And they were getting that on the public dime, and yet they didn't want to make that change. And so I was disappointed that the government doesn't want to more quickly come into the future when it comes to legal aid, when it comes to other issues within the justice system.

I hope, Mr. Speaker, that as we look at other reforms within the justice system that they'll be more proactive and not reactive, not wait for things to blow up in the media, not wait for there to be some sort of a public explosion on issues, but I'm not optimistic because that's not been the track record of this government. It's not been something that they have shown to be overly proactive on, that it's not willing to move on things more quickly.

So, when we look at the justice system as this bill is related to, I would hope that the government would continue to know that we are not going to be silent on these issues, that we're not going to be quiet on these issues. We know that people want to see more proactive approaches to crime. And I look at, even more recently, when the government, and I've heard this Attorney General, the member for Minto (Mr. Swan), stand up and he trumpets different crime statistics and different things that he says are showing that there's been an improvement in the justice system, but what he doesn't recognize, Mr. Speaker, is a lot of what we see, and it's unfortunate that we see it, is that a lot of people are reporting crimes anymore.

In fact, when you look at victimization surveys, which are surveys that call individuals more randomly, like any other sort of poll or survey, and ask whether or not they've been a victim of crime, and then identify that crime, what you find is that there are people, probably 33, 40 per cent of the crimes that are happening in many cases, aren't being reported. That people are—they'll identify when you do polling in victimization surveys. And it's used fairly broadly in other jurisdictions. You'll find that that those individuals who report on the phone that

they've been a victim of crime, but they actually don't go and report it to the police, because they become frustrated with the system. They become frustrated with the system, so they take themselves out of a system that they've become frustrated with.

So we know that there are certain kinds of crimes that are generally under-reported, Mr. Speaker, and often that's a property crime. A lot of people won't report property crimes anymore, because they look at the justice system that we have, and they go, well, nothing's going to happen, there's really no point. If they don't have to do it for an insurance reason or those sort of reasons, they just decide not to report it. It's not worth their while anymore to report.

As the justice system becomes less accessible, we see that also impacts crime reporting. I remember a former police officer telling me a story about a community police office that was in their particular jurisdiction at the time, and it was closed down. And they found that when that community police office was closed down, property crime, the next year, went down 35 per cent. And they couldn't figure it out, you know, why the removal of a community police office would actually reduce property crime. And it turned out, of course, property crime hadn't been reduced, but it was much more difficult to report that crime. Now you had to go somewhere else to report the crime, downtown, perhaps, or somewhere further away. And so the justice system became less accessible. People weren't able to drive just a few minutes to a community police office and report the property crime. And so, when they checked around the neighbourhood and did some surveys, they found a lot of people just said, you know, I'm not going to report it. Before, when it was just down the street, maybe I'd go and make a report and hope they'd catch the individual, but I've become kind of frustrated—I'm going to waste half an hour of my time, and I don't think anything is going to happen anyway. I'm not going to do it.

And so there's often these unintended, sort of, consequences with these things, and, statistically, things look better than they are. So I would encourage the Attorney General, the member for Minto, not to wave the victory flag, the mission-accomplished sign, too quickly or too proudly, because there are often reasons why they're seeing these certain trends, and to look more closely.

I remember talking to him a couple years ago about looking at doing a victimization survey in the

province of Manitoba. They survey everything else. As I go through the different department Estimates, Mr. Speaker, I see lots of money—public money that's going to the different polling companies in the province of Manitoba. They do a good job at what they do. But the government polls all sorts of things in terms of policy and ideas and different sorts of things.

But, if they would do a victimization survey out of the Department of Justice, or wherever, I think they'd find some very interesting results. I think they would find that the amount of unreported crime is quite substantial. We see those kind of surveys done by the Winnipeg Police Service at a certain level. But for the Province to take that up and to do a victimization survey every year, for example, they would get a much better sense of the kind of crime that's actually happening because it would also capture, not just the reported crime, but the unreported crime.

So that is certainly a suggestion that I will leave with the Attorney General (Mr. Swan). And I've left it with him before, and I hope that he considers it in the future. But it's a way to be proactive and to be thinking more proactively in relation to crime.

So, with those comments, Mr. Speaker, I think we are looking forward to this bill to go to committee. We'll hear from, I'm sure, Manitobans who have an interest in this bill. Hopefully, the government goes with an open mind when it goes to committee.

We know that, in relation to other bills, we've had ministers say they're not going to listen to anybody and they've already made up their minds. So I hope the Attorney General doesn't have his—that same sort of feeling. But we're willing to let this bill go because the Attorney General hasn't said that. I don't think the Attorney General has said that he's closed minded. And so, because he's not closed minded, we are certainly willing to let it go to committee to hear from Manitobans. And that would be a good lesson for other ministers who have said that they are closed minded.

Thank you very much, Mr. Speaker.

**Mr. Speaker:** Is there any further debate on Bill 16?

Is the House ready for the question?

**Some Honourable Members:** Question.

**Mr. Speaker:** The question before the House is second reading of Bill 16, The Department of Justice Amendment Act.

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

\* (16:30)

We'll now proceed with second reading of Bill 21, The Highway Traffic Amendment Act (Impoundment of Vehicles—Ignition-Interlock Program), standing in the name of the honourable member for Brandon West.

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

**Mr. Reg Helwer (Brandon West):** I'm pleased to rise in the House today to speak about Bill 21, the highway traffic amendment act, also known as the impoundment of vehicles Ignition Interlock Program. I'd try the French today, Mr. Speaker, but given the amount of speaking I've done today, it might not be a good thing.

So, indeed, we've seen the Ignition Interlock Program be a part of Manitoba's process of drunk driving, I guess you want to call it, Mr. Speaker, or way of dealing with it. And this is a method that the government has used to deal with this issue. It is, in the end, I guess, we know that this—there are people that, when we try to deal with addictions, they may not be—find programs are accessible or they may not find that the programs work for them. And then, in that regard, they are, indeed, repeat offenders that we often see come through here. And the tragedies that can occur when drinking and driving are mixed is something we hear about time and time again. So it's imperative that we really want to prevent these tragedies from occurring.

So there are programs out there to deal with some of the issues. They don't deal with—every individual doesn't always—it doesn't always work with them, those particular programs. So, in some ways, this is a way of dealing with, I guess, more of the symptom than dealing with the issue of driving while intoxicated. So it does allow people to use the ignition-interlock system to prove that they have not been drinking. And, if they use the system and it works—obviously, it'll work—they are allowed to drive their vehicle.

*Mr. Tom Nevakshonoff, Deputy Speaker, in the Chair*

So this particular bill that we see coming in now, we find that it may be also necessary for an individual to drive an employer's vehicle, because we don't want to prevent an individual from making their way in the world and making a living. So, but, on the other side, should an employer have to put the ignition-interlock system in their company vehicles? And that would, indeed, not be a good method that we would want to see it happen. It's expensive, for one thing. And it's the individual that may be a valued employee, probably is, that the employer wants to continue to have available to the company. But the individual needs to be able to drive the company vehicles.

So it's not fair that the company would have to put an ignition-interlock system on their vehicles, nor that the offender would have to put it on company vehicles and pay for it. And often, I know, in our company, for instance, we have a number of vehicles out there. I've pretty much lost count at this point. There are hundreds of numbered vehicles. We have, I'm sure, at least a hundred half-ton trucks and several other three-tons and sprayers and everything of that nature. So it's not always the case in this regard that an employee that has this particular issue would be driving the same vehicle even. He may be driving a half-ton in the morning out to a sprayer in the field, operating that sprayer during the day, and then, perhaps, bringing the tender truck back in. So, indeed, that would—this would allow that individual to operate the company vehicles without any real problems in that regard as long as, obviously, there's a trust there that's extended to the employee.

And I know, from having a number of staff that have had issues, that if you can take somebody that has an addiction, and you can get them to deal with that issue and you can employ them, they are very productive employees, because if you think of the time it takes in talking to some addicts, what they spend the majority of their day doing—when they're going through the addiction process, they spend the majority of their day making sure that they have enough of their drug of choice available for that day so that they can make it through the day. And that's what they're expending their efforts on.

So, if you can take the effort it takes to make sure that they've got their drug of choice, if you can take all that ambition and you can funnel it into something productive—like a business, like a family, anything of that nature—imagine how productive that individual would be, and they are.

If you can take these individuals and you can enable them to be part of a productive environment, they are very hard workers and some of the most productive I've ever run into. They would, you know, make it—make anybody else really—be blush at their ability to work hard and to work long hours and to be very effective when everything works all together.

So we don't want to remove the ability of an individual to work, and I think that is something that this bill would enable. It's certainly an attempt to deal with a very serious problem in Manitoba, which is, of course, drinking and driving.

And we saw—there have been a distressing amount of cases at 4,000—over 4,000 cases in 2011, cases of impaired driving in Manitoba. And this is simply too high. And we need to find a better way of dealing with it.

You know, the impaired injury causing death, 14 people were charged with that, and that is, indeed, a large number.

So, when we see the problems that impaired driving cause, we need to do deal—we need to deal with it in an appropriate method and find a way that it will move people ahead and will change their behaviour.

Certainly, I know I'm sure you see in the youth of today, they think of things much differently than I might have at their age; where there were people that had a drink and got in a vehicle and drove or perhaps even drank while they were driving. And now when I see in the youth that we have in Manitoba that that's just not happening, and we've tried to foster that in our own family, as we've had people attaining the age of 18 and they're able to 'lebal'—legally drink, making sure that what we did as parents was behaviour that we wanted them to model. So that, indeed, if we were out at a bar or a dinner where we were drinking, that someone else drove home, and, in fact, it might indeed be one of those children that has a driver's licence. But those are behaviours that we tried to model for them, and in sir—in terms of their friends, we certainly see that they don't even think of driving after they've had a drink.

Of course, there are always those individuals that do, and those are the people that we need to deal with in this regard and that this bill will try to deal with in a certain area.

So lots of programs out there I know that have had some effect. The Mothers Against Drunk

Driving is an organization that has had success in drawing attention to this.

You know, we—but the thing is, we not only deal with alcohol, we also deal with other intoxicants and other drugs that can have an effect on how you operate a motor vehicle. And those are things that all—we all need to reflect on how that would be a part of our lives and how we can control that, not necessarily the access but how we control people's behaviour after they have used a particular drug or an alcohol—or alcohol or something of that nature.

So the methods that we've used, I think, in the school systems and in other areas of this nature are things that have had some success. We certainly see clearer thought out there on the process.

And, indeed, when I have been part of Operation Red Nose, I have been pleasantly supply-surprised, I must say, by the use of that program in the Brandon area. I know it's been extended to Shilo during the Christmas season and New Year's season.

And, when you are out there with Operation Red Nose, driving people home, and they're getting their vehicle home, and seeing how happy they are with the program—especially at about two or three in the morning, people are very, very witty at that time of the morning if they've been in the bar for a more—for a while.

\* (16:40)

And been some interesting conversations I've had as we've been driving people home. And I do remember, indeed, one vehicle I was driving home with some young men, and he had a stereo there that had graphics going across the screen and I said, oh, I said, it looks like a very nice stereo. Yes, do you want to hear it? Then he cranks it up and the bass is going and I thought my eyes were vibrating. I said, it's okay, it's okay. I could hardly see to drive, so I don't—it's one of those distractions—maybe when we talk about cellphone distractions, the stereo indeed might be something else you need to deal with.

*Mr. Speaker in the Chair*

So lots of different experiences driving for Operation Red Nose and very pleased to see the uptake on that program and how successful it has been in certain areas. You know, I know that when you're working there it's a late night and it takes a toll on you the next day, but indeed there's a measure of success that you can see that you've gotten people

home safely. And that is indeed one program that has been successful.

So this particular bill, the change in the Ignition Interlock Program, will allow people, I think, to work and to create some value for the economy and is something that will go a ways to making sure that they are a productive part of our economy and that's—is a great, great thing because one of the things you do lose when you lose your licence because of impaired driving is you do lose some of your freedom and you do lose an ability to be productive. So this will enable people when they are working out in the economy to be able to drive those vehicles as long as they are not impaired, and that's something that companies do work with and many companies, I know, have programs in order to deal with individuals. They are all very discreet because this is a type of an environment—a human resources problem; where you're dealing with particular individuals that have a substance-abuse problem or an alcohol problem, you do need to be very discreet.

I know in dealing with a lot of these individuals they think that they are the only ones that know of their problem and you have to keep it that way, but also what I have found is that everybody else knows and until the individual tells them, of course, it's not public knowledge. But the more people know, then the more supports are available and the more people will be aware of these issues, and indeed those types of supports go a long ways to making sure people are successful in dealing with their addictions and in dealing with substance abuse and alcohol. And those are all issues that we need to deal with, and having support not only of your family but of your employer and of staff at the place of work are all very important in working towards people being successful in their own particular environment.

So those are things, I think, Mr. Speaker, that we see dealt with in this legislation, and it is an issue that has extended—a piece of legislation that extends many things that are being done now and makes it work probably a little better in the environment in which people are operating. So that can go a ways to having some success, and, if it allows at least one individual to be successfully employed and maintain their employment and deal with their addiction, then I think you probably had—at least one success can be a great thing, and if that's prevented a death in the province, obviously that is something that is immeasurable. But we need to deal with these things at this level so that people have these opportunities in their lives and indeed can work for people because,



as I've said, once you take some of these people that have an addiction and you're able to help them deal with that and channel their efforts into a more productive world, a more productive environment, they are very productive staff, very productive employees, and that shows up indeed in their family as well.

So, if they have a greater self-esteem, that is all part of one of the issues they're—that they often are dealing with, and it is a challenge every day, Mr. Speaker, I know they deal with. So we want to make sure that we enable them to be successful as opposed to putting barriers in their way—in their way. So I think this is one particular bill that may deal with some of those barriers and enable people to be successful in their lives.

So at that point there may be others that wish to deal with this, so I'll let them get up and speak to it if they wish. But, other than that, it is generally something that we see a positive process that they're moving ahead with this. Obviously, there's other issues we need to deal with in the addictions area, but we can't deal with all those in one particular bill and it's a whole group of things that need to deal with people's addiction.

So, thank you, Mr. Speaker.

**Mr. Kelvin Goertzen (Steinbach):** Yes, I also want to put a few words on the record with regards to this bill. I want to thank my colleague from Brandon West for his well-reasoned-and-thought-out comments as well regarding this bill.

I want to echo some of the congratulations and our thanks as an Assembly to those groups who are combatting drinking and driving, whether that's mothers against drunk drivers or the various safe grad committees that happen at the time of graduations or the various companies, including the companies who produce alcohol and spirits who do and promote designated driver programs and the various establishments who have designated driver programs as well. All those efforts are important and all of those efforts, I think, contribute to what we hope will be a reduction in drinking and driving. I know that I think many of us, if we haven't been personally touched with the experience of somebody who has either been drinking and driving or somebody who has been the victim of somebody who was, have heard many cases and certainly many tragic cases often.

There is, I think, a much greater awareness or perception than there was maybe 30 years ago about the dangers of drinking and driving, and so that's to our credit, I think, and to the credit of young people who, I think, in many ways take the initiative on this. And I've always been proud to see young people who get involved with their own anti-drinking-and-driving programs at the school level. I mentioned already the safe grads that happen throughout our schools in Manitoba that are obviously driven partially by parents and those who are on the grad committees but also most often by students. And I know that students have a much greater awareness than when I was in high school about this and that perceptions and things have changed in the last many years, and that's good. And that's a credit to our students; it's a credit to our teachers; and it's a credit to all those involved.

I mentioned Mothers Against Drunk Driving, and certainly they have an annual program and I suspect other programs as well. I'm most familiar with the Red Ribbon Campaign where they have little donation booths around different places, and you can donate whatever you feel appropriate to give and you can take a red ribbon and tie it on to your antenna on your vehicle, and that's a reminder not to drink and drive. Not every vehicle has antennas anymore, so I guess you can tie it to your keychain or whatever you think is a way to remind you that drinking and driving, of course, is something that is not only dangerous during the holiday season but throughout the year. And I've participated in that campaign both by purchasing a ribbon and by helping in my community to have these boxes and these ribbons distributed throughout the community, and it's always well received and it's something that people recognize. It's something that we must continue to be 'vigilant' about and to not stop.

Now this particular bill is—would be put into the category of a reactive bill in the sense that it deals with somebody after they have already been caught and convicted of drinking and driving, and so there is value to that. Of course, we know we want to ensure that there are things that are there to ensure that those who are caught drinking and driving won't do that again, that it won't be a repeat offence for them, but we also need to look at the more proactive approach. And we have looked at things such as how do we ensure that we are increasing the chance of somebody getting caught because everybody I speak to who's involved with, whether it's MADD or different sorts of organizations like that, say that the

greatest deterrent to drinking and driving is increasing the chance of somebody getting caught, and why we haven't been as successful as we wish we were when it comes to drinking and driving is because most individuals, whether they're young people or not, don't believe that the chances of them getting caught drinking and driving are very high. And so, when they don't think that the risk of them getting caught is high, there isn't that sort of deterrent.

\* (16:50)

Now, I've certainly mentioned this in the House before about ensuring that we have a robust traffic officers, whether that is in the city of Winnipeg or whether that's in rural Manitoba. I know when you talk about photo radar—and we've had that debate about photo radar in this Assembly before and the pros and cons of photo radar—and certainly one of the things that police officers always say is that they don't want photo radar to become a replacement for officers, and then that's not just because they're trying to protect their territory.

And sometimes people get confused and they misconstrue the motivation of officers when they say that photo radar shouldn't be relied on too heavily, but why they say that is because photo radar doesn't do a lot of things that police officers do. We know, actually, that when you look, statistically, one of the greatest ways that crime is reduced in certain jurisdictions is if you have a significant traffic officer force. And that's not because you're just trying to reduce speeding, but, when police officers are making those pull-overs for people who are speeding or different sorts of things, they find out a lot of other things. And that's where ultimately they end up finding people who have outstanding warrants, those who might be—have alcohol or other things in their vehicle that they shouldn't have. And that's the most likely way—often the most proactive form of police—policing is through that traffic services.

And so we've seen in other jurisdictions that when they increase traffic services, of course, you have a deterrent effect by having more visual police-officer presence, but, as those traffic officers, for example, go about and do their job in terms of traffic enforcement, they find a lot of other things that lead them to other serious crimes.

And one of the things that photo radar, of course, doesn't do is it doesn't do that. Photo radar doesn't pull over somebody and find out that they have an outstanding warrant. Photo radar doesn't pull

somebody over and find out that they're drinking and driving. Photo radar doesn't do any of those things, so it doesn't provide that same sort of deterrent. So that's not to speak against photo radar; that's to say that photo radar should not be a replacement for those individual officers who can, in fact, have more of a deterrent effect.

And, if we really want to tackle drinking and driving, ultimately, it'll have to be more about how do we deter people from drinking and driving in the first place and not simply about how do we punish them after the fact. There is a deterrent element to having punishment after the fact. There's no doubt about that, and I've certainly spoken about that in many other cases or other issues of law enforcement that there is an issue where there is deterrence that that can be preventative on many crimes. But we certainly know, statistically, that if you truly want to reduce drinking and driving, you have to increase the chances of an individual getting caught, so they make that calculation before they are going out about the likelihood of them having to face those consequences. Because, ultimately, if they don't feel there's any likelihood of them having to face the consequences, whether that's vehicle immobilizers and any other sort of punishment for drinking and driving, they're not likely to be deterred because they don't believe they're ever going to have to face that.

Mr. Speaker, we know that's not unusual. We see that in different kinds of crime. It's one of the reasons youth crime is so high. And it was always my argument about the imposition of the Young Offenders Act is that those young people who were savvy enough—and most of them were and they learned pretty quickly about what their rights are or what their rights aren't—they realized very quickly that, under the Young Offenders Act—the old Young Offenders Act, that there wasn't really a deterrent, and there were lots of off ramps to get out of things. And so they never really believed that they were going to have to face any sort of true meaningful consequences for those actions, and so it didn't prove to be a deterrent.

And so we need to ensure that, in fact, there are some consequences for certain things, so I'm not opposed, from that perspective—this particular piece of legislation—because consequences are important both as satisfaction for those who may have been victimized and that's not unimportant that there is—it's not only that justice is served but is seen to be served, but also for the perspective that it can be something of a deterrent. But the true deterrent is the

belief that you might actually have to face that particular punishment.

And so we need to ensure that we have those officers out there. I was certainly critical—as others were on this side of the House—when the provincial government decided to sit on federal funding for officers for about two years. We had federal funding for officers and I—the exact number escapes me. I think it was about 35 officers that the federal government was funding for the Province for police officers, and this government sat on that funding for more than two years.

Now, it was apparent why they were doing it, Mr. Speaker. They were doing that because they were waiting to be closer to an election. They were waiting to—so that they could announce an additional 35 or whatever the number was for officers at that time, so they could try to take some electoral credit for that, but they did that at the detriment of safety. They put politics ahead of safety. Those 35 officers or so could've been out on the streets in rural Manitoba and the city of Winnipeg, out already doing a job and deterring people from committing crimes.

So it took the mayor of the City of Winnipeg, I believe, to come forward and say, you know, where is this money? Where is this money for these officers that the federal government had committed two years before and that hadn't flowed? And the Attorney General, or the current Attorney General, the member for Minto (Mr. Swan), at that time, you know, he stammered and he hummed and he hawed and said, well, yes, you know, we've got the money but there's all sorts of issues about this or that. And other jurisdictions and other parts of Canada had already flowed the money. They'd announced the officers that were being planned.

And it became apparent why the Attorney General was holding on to that money for officers. He was holding on to the money because they simply wanted to be closer to an election period, so he could announce these officers that he wasn't funding, that was being funded by the federal government, and try to take credit for that, Mr. Speaker. It was obvious to us, certainly, and I think it became more obvious to many in the public.

But, ultimately, that was a problem, because the problem is those officers could have been a deterrent. Those officers proved to be a deterrent for crime in many different ways. They proved to be—whether they're traffic officers, of course, they can then be out

and doing those sort of things that I mentioned earlier, and very proactive sort of police work, Mr. Speaker. If they're investigators, if they're able to go into an investigative unit, they then take the pressure off of other officers within the police force who don't have to do the investigation.

A lot of the work, when it comes to law enforcement, is the follow-up. So you have officers who are out there, they come across a crime, it becomes their file—I'm talking more in a rural context, I suppose, Mr. Speaker—they assume that file and then it's up to them to go up and do the follow-up investigation. They've got to go and talk to the witnesses and the neighbours and the people who were victimized at that particular time, and it's up to them to do all of the follow-up.

And so some communities, as they get larger, they create investigative units. Often it's only two or three officers, but then the investigation of the different crimes is then assigned to them.

So the officers who are first on the scene and sort of do the initial assessment can hand that off, some of that work, to the investigation unit, and the other officers can go about doing their patrolling and doing the more proactive policing that we think we—that many people assume the police officers are doing, because quite often what we see police officers—they may be driving around a community, but often they're out there doing investigation, they're following up with witnesses or following up on different sorts of things. They're not actually doing the kind of proactive police work that we would want our police officers to be doing.

And so, to see the Attorney General, the member for Minto, sit on those funds for two years and to not flow those funds for two years, was concerning. It was concerning because it spoke to the motivation of this government and what was most important. And what wasn't most important was getting those officers trained and on the street—because there was a time lag, of course, Mr. Speaker—getting those officers trained and on the street and preventing crime and protecting individuals in our community. What was most important to them was trying to time the announcement for the greatest benefit prior to the two thousand and—election campaign.

And I appreciated Mayor Katz coming out and making a strong statement about the fact that the government was sitting on the money. He ultimately shamed them into flowing federal funds, Mr. Speaker. It's pretty bad when the mayor of a city has

to shame the Province to flow federal funds that have already been committed. But that's the situation we had because the Province was so determined not to allow those funds to come forward until it was more beneficial for them when it comes to an election.

So that, in many ways, has been their approach to crime, Mr. Speaker. And it's been an unfortunate approach to crime. And so I hope that, when it comes to this bill, or other bills, that there'll be a new way of looking at things, that there'll be a new approach from the government, that they'll be a little bit more proactive and realize that whether it's drinking or driving or other sort of criminal offences, how you really drive down that crime rate is increasing the chances of somebody being caught.

And the knowledge that you are more likely to get caught can be very effective. It's very effective when it comes to drinking and driving; and,

conversely, if you don't believe you're going to get caught, then any consequence that comes after that is of minimal impact because nobody believes you're ever going to face that consequence.

So I hope that the government considers that, and I look forward, as this bill ends up going to committee, to hear from the various presenters who will have different ideas. And we look forward to an open mind when this bill actually goes to committee.

Thank you very much, Mr. Speaker.

**Mr. Speaker:** The hour being 5 p.m.—pardon me. When this matter is again before the House, the debate will remain open.

The hour being 5 p.m., this House is adjourned and stands adjourned until 1:30 p.m. tomorrow afternoon.



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