

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

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

*Published under the  
authority of  
The Honourable George Hickes  
Speaker*

**Vol. LXII No. 52B - 1:30 p.m., Thursday, May 27, 2010**

ISSN 0542-5492

**MANITOBA LEGISLATIVE ASSEMBLY**  
**Thirty-Ninth Legislature**

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

LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, May 27, 2010

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

**ROUTINE PROCEEDINGS**

**INTRODUCTION OF BILLS**

**Bill 234—The Consumer Protection  
Amendment Act (Gift Cards)**

**Mr. David Faurschou (Portage la Prairie):** I move, seconded by the honourable member for Minnedosa (Mrs. Rowat), that Bill 234, The Consumer Protection Amendment Act (Gift Cards), be now read a first time.

*Motion presented.*

**Mr. Faurschou:** Indeed, it is a pleasure to introduce this bill for first reading. This bill amends The Consumer Protection Act to prohibit fees on gift cards, including cards issued by malls, except fees for replacing or customizing a card or if a card is—was free. A person who is charged a fee in—is—in violation of the act is entitled to request refund of the fee within three years. The bill also prohibits expiry dates on gift cards except in limited circumstances and sets out the information to be given to consumers about using the card. Thank you.

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

**PETITIONS**

**Multiple Myeloma Treatments**

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

These are the reasons for this petition:

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

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

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

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

We petition the Legislative Assembly of Manitoba as follows:

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

And this is signed by M. Sellers, C. Sobreiro, C. Fonteyne and many, many others, Mr. Speaker.

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

**Waste-Water Ejector Systems**

**Mr. Leonard Derkach (Russell):** I wish to present the following petition to the Legislative Assembly.

And these are the reasons for this petition:

Manitobans are deeply committed to protecting the environment, and they want to be assured that the provincial environmental policies are based on sound science.

In early 2009, the provincial government announced that it was reviewing the Onsite Wastewater Management Systems Regulation under The Environment Act.

Affected Manitobans, including property owners and municipal governments, provided considerable feedback to the provincial government on the impact of the proposed changes, only to have their input ignored.

The updated regulation includes a prohibition on the installation of new waste-water ejectors and the elimination of existing waste-water ejectors at the time of any property transfer.

Questions have been raised about the lack of scientific basis and these—to these—for these changes, as a Manitoba Conservation official stated in October 8th, 2009, edition of the *Manitoba Co-operator*, "Have we done a specific study? No."

These regulatory changes will have a significant financial impact on all affected Manitobans.

We petition the Legislative Assembly of Manitoba as follows:

To request the Minister of Conservation to consider immediately placing the recent changes to the Onsite Wastewater Management Systems Regulation under The Environment Act on hold until such time that a review can take place to ensure that they are based on sound science.

To request the Minister of Conservation to consider implementing the prohibition on waste-water ejector systems on a case-by-case basis as determined by environmental need in ecologically sensitive areas.

To request the Minister of Conservation to consider offering financial incentives to help affected Manitoba property owners adapt to these regulatory changes.

And this petition, Mr. Speaker, is signed by J.W.A. Michasiw, S. Menzies, L. Hogg and many, many others.

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

And these are the reasons for this petition:

There—Manitobans are deeply committed to protecting the environment, and they want to be assured that provincial environmental policies are based on sound science.

In early 2009, the provincial government announced that it was reviewing the Onsite Wastewater Management Systems Regulation under The Environment Act.

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To request the Minister of Conservation to consider implementing the prohibition on waste-water ejector systems on a case-by-case basis as determined by environmental need in ecologically sensitive areas.

To request the Minister of Conservation to consider offering financial incentives to help affected Manitoba property owners adapt to these regulatory changes.

And, Mr. Speaker, this petition has been signed by C. Huff, M. Elder, D. Griffith and many, many other Manitobans.

#### **PTH 16 and PTH 5 North—Traffic Signals**

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

And these are the reasons for this petition:

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

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

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

We petition the Legislative Assembly of Manitoba as follows:

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

This petition is signed by P. Gillies, A. Gillies, D. Richardson and many, many other fine Manitobans.

### Introduction of Guests

**Mr. Speaker:** Order. Prior to oral questions, I'd like to draw attention of honourable members to the public gallery where we have with us from the—a grade 9 class from Forrest School, whose school is in the constituency of the honourable member for Minnedosa (Mrs. Rowat).

And also in the public gallery we have from Red River College Language Training Centre, we have 10 adult education students under the direction of Ms. Alice Landry. This school is located in the constituency of the honourable Minister of Labour and Immigration (Ms. Howard).

And also in the public gallery we have from Kelvin High School, we have 27 grade 9 students under the direction of Mr. Raymond Sokalski. This school is located in the constituency of the honourable member for River Heights (Mr. Gerrard).

\*(13:40)

And also in the public gallery we have from Melita School, we have 24 grade 6 students under the direction of Ms. Blythe Smitka. This school is located in the constituency of the honourable member for Arthur-Virden (Mr. Maguire).

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

## ORAL QUESTIONS

### Gang Violence Reduction Strategy

**Mr. Hugh McFadyen (Leader of the Official Opposition):** Mr. Speaker, over the past 48 hours, four young people ranging in age from eight to 16 have been shot here in the city of Winnipeg, one of them fatally.

Last summer, following the shooting at the wedding social, the government was warned at the time of the need to increase the size of the city's gang unit.

I want to ask the Premier why that warning wasn't heeded, why they didn't take action to prevent some of the violence that we're seeing today in Winnipeg.

**Hon. Greg Selinger (Premier):** Mr. Speaker, these shootings are unacceptable to the community, to us

in this Legislature. Our budget put an extra 13 police officers on the street for Winnipeg. We've put money into the helicopter program, and we've also, for the first time ever, funded a cadet program in the city of Winnipeg.

I'm letting the Legislature know that this morning the Minister of Justice (Mr. Swan) spoke with the chief of police and I spoke with the mayor, and there will be an increased police presence in the West End as well as a greater presence for the gang suppression unit which is organized by the City of Winnipeg police department. And we're very grateful that they have decided to act on that quickly and we're pleased that we were able to supply them with some of the resources that will allow that to happen.

**Mr. McFadyen:** The trouble, Mr. Speaker, is that we've had nine annual announcements of a similar nature made by this NDP government and each one of them has failed. We had—the most recent was the Justice Minister's expenditures to buy ads—anti-gang ads—on *Desperate Housewives*.

So we've seen these announcements from this NDP government time and time again. It's not working. He was warned after the shooting last year of the need for a doubling in the size of the gang unit of 25 additional officers. They didn't heed that warning. Now, today, in the midst of damage control, they're talking about shuffling officers from one duty to another. It's not the way to go. We don't need more last-minute photo ops, Mr. Speaker.

What we needed was a commitment to dealing with the problem. Why wasn't that problem tackled when they were warned a year ago?

**Mr. Selinger:** Again, Mr. Speaker, we allocated an additional 13 police officers in our budget this year. Members opposite voted against it, as is their common practice. The reality is we did that. We also put 1.3 million aside for the helicopter program, and we also provided resources for 30 new cadets to be in the city of Winnipeg.

The chief of police, on his own initiative, has moved to provide additional police presence in the West End, including additional gang suppression members of the police force. We're glad they have done that. We are working closely with them to continue to have a presence of police officers where it is most needed to provide public security and safety so these kinds of incidents could be suppressed.

**Mr. McFadyen:** Mr. Speaker, they received money from the federal government to increase the size of the police service. The prior Minister of Justice said that he would add 30—three zero—new officers. That didn't happen. The money went somewhere else. They reneged on that promise and now they're making new promises today as we see a situation where bullets are flying in the West End.

We have innocent bystanders who are being put at risk. We have vehicles with shots being fired through their windows of innocent bystanders. We have four young people who've been shot, one of them fatally.

We're not interested in any more spin. People are not interested in any more money being redirected from the federal government to other areas.

Why, Mr. Speaker, have they failed in this area and how can they be counted on to actually deal with it going forward?

**Mr. Selinger:** There have been an additional 64 officers funded by the Province since '07. In 2009, Project Divide targeted the Hells Angels and the Zig Zag gang; 30 people were arrested as a result of that. In '06, Project Defence arrested 13 people. In '07, 18 individuals were charged.

The reality is our organized gang task force, which we have increased funding for, has been effective in taking organized criminals off the street. The reality is there are new dynamics occurring out there in this particular neighbourhood, which is why additional officers have to be allocated to that area to suppress this activity. We are glad that is occurring. We will work closely with the chief of police and the City to ensure that public safety is addressed immediately in areas where there are high risks, and we're glad to do that and we're glad to support that.

### **Gang Violence Reduction Strategy**

**Mr. Kelvin Goertzen (Steinbach):** Mr. Speaker, four children—four children—have been shot in the last 48 hours, and the Premier says that their strategies have been effective. What a low bar of success. Two of these children, aged 10 and age eight, were in their own homes—were in their own homes—when they were shot. The police have long predicted that this was going to be a violent summer. It's only May and this unprecedented violence has started again.

The police came and they said we need 25 additional members for our gang unit. They didn't get them. The police said that warrants aren't being executed at night. That hasn't changed. The police said that we need rigorous enforcement of probation, and that hasn't happened.

Why has this minister done nothing? Is he prepared to sit by as another bloody summer goes by, Mr. Speaker?

**Hon. Andrew Swan (Minister of Justice and Attorney General):** Well, Mr. Speaker, for those of us who live and work and play in the West End of Winnipeg, there's sadness, there's concern for their victims and for their families, and, frankly, there's anger that a small number of people in our city are taking risks and endangering other people in our community. And, certainly, illegal guns are a big part of that problem that has escalated the issue in Winnipeg, as it has in Vancouver, as it has in Edmonton, in Calgary, in Toronto and Mississauga, and other cities across the province.

This morning I spoke with Chief McCaskill. I'm very pleased that the Winnipeg Police Service is greatly engaged in this. Chief McCaskill has promised additional resources. Suppression is the immediate goal right now to make sure people in the West End and across the city feel safe.

**Mr. Goertzen:** I know that this minister is relatively new to the job, but we can't afford any more on-the-job training. We need serious action. All he has done since he's been Minister of Justice is advertise on *Desperate Housewives* and hand out Slurpees to high-risk offenders.

Last year, his predecessor, who's chirping from his seat right now, put in a program to monitor intensively 50—50—gang members out of a known 3,000 gang members in the city of Winnipeg. Either that has been ineffective as predicted, or it's just scratching the surface of the problem.

Why won't this Minister of Justice take the title, his own title, seriously and, sure, not run for political cover? We know they run for political cover every summer. But listen to the police; give them the resources so they can investigate, saturate—

**Mr. Speaker:** Order.

**Mr. Swan:** And, certainly, we can speak about police, and we can speak about the ongoing efforts this government has made every year to ensure there

are more police officers on the streets of Winnipeg to do their job to keep us safe.

**Some Honourable Members:** Oh, oh.

**Mr. Speaker:** Order. Let's have a little decorum here. We have a lot of—[interjection] We have—order. We have a lot of students up in the gallery that have come from quite a ways to come hear the question and answer period. Let's try and set a good example to them, please. Let's have some decorum in the House here.

The honourable minister has the floor.

**Mr. Swan:** Thank you. And the member should know that there are 93 more police officers in Winnipeg, protecting neighbourhoods like mine, and I can tell you again, that Chief McCaskill is taking this very seriously. He is appreciative of the resources the Province of Manitoba has given to the City of Winnipeg to allow the police to respond, and that is one piece of the puzzle. There is also the prevention side and, once again, the member opposite wants to put down efforts by this government to prevent young people from getting involved in gangs in the first place.

This government believes in providing alternatives so kids don't get involved in gangs and don't do dangerous things on our streets. We believe in policing. We believe in tougher penalties. We also believe in dealing with the entire community at making it safer.

**Mr. Goertzen:** Prevention, how about preventing some of these gang members from walking around the streets with machine guns? It was reported today. How about preventing that, Mr. Speaker?

We know what their prevention plan is: put some ads on *The Price is Right* so that people who are staying at home can see it, put out some Slurpees so some young offenders—that's their prevention strategy.

We know—we know—that the police are out there every day doing their best that they can, but they don't have the support. They came to this government. They said they needed 25 additional officers for the gang unit. They didn't get them. They said they're not getting the support to get the warrants out quickly. They said that there isn't enough probation enforcement. That's not happening.

\* (13:50)

All this minister does is talk every year, and the violence gets worse every year—

**Some Honourable Members:** Oh, oh.

**Mr. Speaker:** Order. I'm going to once again ask for some decorum and co-operation from members. Like I said earlier, we have a lot of students here that come from a long ways and I think we should be, of all people, setting a good example to our guests in the gallery. I know there's some hard feelings back and forth, but let's do it as a collective group, please. Let's co-operate and let's give the courtesy of our guests to hear the questions and the answers.

**Mr. Goertzen:** I will ask the minister very simply: He was given fair warning by the police and by others. Why did he fail to act on those warnings that has now put Manitobans' and Winnipeggers' safety at risk? Why didn't you act, Mr. Minister? You had the chance.

**Mr. Swan:** Mr. Speaker, every year this government brings in its crime prevention strategy, including the budget, and every year the members opposite vote against more police officers to protect our neighbourhoods. Every year they vote against—

**Some Honourable Members:** Oh, oh.

**Mr. Speaker:** Order. I think we're not doing a very good job here. You know, look, we have guests here and I know the issues are—the members are very passionate about the issues, but let's show a little respect to our guest and let's show respect to one another here. It's time for oral questions and we need to hear the questions and we need to hear the answers. I'm asking once again for co-operation of all honourable members, please.

The honourable Attorney General has the floor.

**Mr. Swan:** And indeed, every time those members across the way have the choice, they vote against more Crown attorneys. They vote against more support for Crown attorneys. They vote against more probation officers. They vote against more corrections officers.

And beyond that, they vote against and they belittle every effort to prevent crime in the first place. Crime prevention just doesn't start when somebody's arrested. It starts in the community. We get it and they don't, Mr. Speaker.

### **Manitoba Hydro Bipole III Impact on Mining**

**Mr. Rick Borotsik (Brandon West):** Mr. Speaker, this week celebrates Mining Week in the province. Yesterday the Minister of Innovation, Energy and Mines identified, and rightfully so, the importance of mining in our economy. What he didn't mention was the unnecessary risk the west-side bipole transmission line presents to present and, most disturbingly, to the future potential of mining in Manitoba.

The Mining Association has recently sent a letter to the Manitoba Hydro addressing their grave concerns. Those concerns include a direct conflict with provincial land-use policy, the impact on future exploration using airborne geophysics, and even a more serious concern, Mr. Speaker, that is the concern over the safe use of explosives.

Has the minister seen the letter and has he expressed his concerns to the Premier (Mr. Selinger), who is driving this foolish west-side line?

**Hon. Dave Chomiak (Minister of Innovation, Energy and Mines):** Mr. Speaker, I'm very pleased that the—a question has come up about one of the most significant drivers in our economy and one of the most growing industries.

As we pointed out yesterday, Lalor mine is the—is considered one of the greatest finds in Canada in the last few years, Mr. Speaker, and that means jobs for people in northern Manitoba. That means jobs for people in Manitoba and that means providing the minerals for all of the products there—as the economy bounce back, commodity prices rise, provide for more activity.

Mr. Speaker, and it also provides—we can do both. We can both protect the environment and we can have mining. We don't have to have the Tories who have an only one-track mine—mind, no—only can go in one direction. We can protect the environment and mine at the same time.

**Mr. Borotsik:** Well, Mr. Speaker, I guess the minister hasn't seen the letter.

The Minister of Innovation, Energy and Mines may not be too concerned about squandering \$1.75 billion. The minister is obviously not concerned about the devastating impact on agriculture. The minister does not care about building the line on a flood plain, but maybe—just

maybe, Mr. Speaker, jeopardizing centuries of mining potential might catch his attention.

The Flin Flon-Snow Lake greenstone belt and the Thompson nickel belt are areas of high mineral potential. A high-voltage transmission line conflicts with mineral exploration and mineral development. The minister and his government is in direct conflict with their own land-use policies.

Will he not stand up as an advocate for mining or will he willingly throw the mining industry under the bus because of a flawed political ideology?

**Mr. Chomiak:** Mr. Speaker, I'm very pleased that we were involved with discussions between both the Mining Association and Manitoba Hydro, and the Mining Association expressed great interest at the fact that Hydro had discussed with them the various options with respect to the bipole.

But to go back to the premise, Mr. Speaker, of the member's question. When you have a closed mind, as members do, on terms of the east side and you forget the fact that that northern boreal forest may be the last contiguous boreal forest in the world—they'll be available for generations after generations. Their grandchildren and their grandchildren and grandchildren will very much regret the fact that we won't have access to one of the most pristine last sites like that in the world. The members have to think a little bit about the future. We can mine, Mr. Speaker, and we have one—

**Mr. Speaker:** Order.

**Mr. Borotsik:** Mr. Speaker, we are thinking about the future. We're thinking about the future of mining in this province. Future mining sites are identified by airborne geophysics. A direct current transmission line would create a 3-kilometre dead zone, and airborne geophysics won't work due to interference. To make things simple for the minister, it can be compared to putting a light bulb in front of a camera when you are taking a picture. The lines will interfere with the airborne geophysics and will be impossible to identify new deposits. The worst possible impact is that high-voltage transmission lines interferes with the safe use of explosives. Employees are put at risk.

So let's recap: conflicts with land use impedes future exploration, impedes existing blasting operations.

If the minister wants the mining industry to succeed, why is he not insisting that the Bipole III be



developed on the east side of the province? Why is he putting the boreal forest ahead of his responsibility with mining in this province?

**Mr. Chomiak:** Yes, Mr. Speaker, did you note that the member contradicted himself between question 1 and question 3? I don't know if you noticed that he talked about mining on the east side and then he talked about a bipole on the east side, and then he talked about hydro-electric interfering with the bipole.

Mr. Speaker, you have to build a bipole. We know that. Now he's saying we're not going to build any bipole, which is exactly what the Tories didn't do when they were in office. They did not build a bipole for reliability. We are well aware—we're well aware of the geophysics. In fact, the new generation Z technology will allow that process to go down 1,500 metres. And we are doing geo-exploring, and we are doing exploration prior to any line being built.

And their stuff about 1.5 billion is so wrong. Money hasn't been spent. Their amount is wrong, Mr. Speaker, and all they're doing is fearmongering, because they have no issues to raise. And he contradicted himself in the first place.

### **Education System Teacher Workload Report**

**Mr. Cliff Cullen (Turtle Mountain):** Well, Mr. Speaker, the study on teacher workload reports an intensification of workloads on teachers, principals and clinicians. The study also points out a lack of resources in dealing with special needs students. A report states, and I quote: Teachers feel that there is neither adequate support nor adequate resources with which to deliver programming that is consistent with Bill 13. And Bill 13 was proclaimed by this government back in 2005, which says all students should receive an appropriate education.

I ask the minister: Why has she failed to provide the resources necessary for their own legislation?

**Hon. Nancy Allan (Minister of Education):** Mr. Speaker, I am pleased to be part of a government that has an excellent working relationship with the Manitoba Teachers' Society, and we're pleased that they have done this comprehensive report in regards to how teachers are feeling across this province.

We will continue to work with the Manitoba Teachers' Society in regards to the recommendations in this report. I'd just like to remind members opposite that we have increased funding to special

needs students by over 50 percent since we got into government. And every budget we increased those funds, the opposition voted against it.

**Mr. Cullen:** Well, Mr. Speaker, the number of level 2 and 3 of special needs children have increased by 106 percent over the last seven years. A report says wait lists for speech and language pathologists are measured in years or months, not weeks. And I want to quote from the report, the comments by one of our teachers in Manitoba, and she said that there are not enough supports for special needs. The school says that we can't fund until assessed, and we can't assess until age nine or a child is at the bottom of a two-year list or the list is so long that we won't put a child on it. I am on my own.

Mr. Speaker, why has the minister failed to deliver these important services to our children?

\*(14:00)

**Ms. Allan:** Well, Mr. Speaker, once again we have increased funding to school divisions all across this province. Particularly this year, we were very proud of our funding announcement in light of the economic times, but we will continue to work with teachers across this province in regards to the report.

And I'd just like to remind members opposite that in the 2007 election campaign, the Leader of the Opposition (Mr. McFadyen) said he didn't think that we needed to increase funding to schools because enrolment was dropping, Mr. Speaker. We have made consistent increases in funding to school divisions across this province. That's our record and we will continue to do that.

**Mr. Cullen:** Well, Mr. Speaker, the report card is in and the results aren't very favourable.

In 2002, the department commissioned a study on class size and composition. That report recommended the government develop a multiyear plan to implement class size at the kindergarten to grade 4 levels in the range of 17 to 22 students. It appears the government did not act on that report.

Now, this new report on teacher workload calls for the development of a formula for an appropriate class size taking into account student composition. Will the minister be addressing this recommendation?

**Ms. Allan:** Well, I think it's important, Mr. Speaker, to look at some research behind this.

This week we saw a Stats Canada report come out that said that Manitoba has the best teacher ratio of any jurisdiction in Canada. And we believe one of the reasons for that is because of the consistent sustainable funding that we've provided for school divisions across this province.

As I said earlier, we will continue to work with the Manitoba Teachers' Society because we have an excellent working relationship with them, which is in sharp contrast to what was going on in the '90s when they were in government and firing teachers.

### **Education System Teacher Workload Report**

**Mr. Hugh McFadyen (Leader of the Official Opposition):** I think it's regrettable that the minister, in her responses, makes no reference whatsoever to what's happening with students in Manitoba. She certainly talks about her concern about others but not students in Manitoba which should be her priority.

So I want to ask the Premier: In light of the minister's disappointing responses, how is it that we can see reports of diminished quality of education for students, as teachers don't have the time to dedicate to individual students in their classrooms as the size and complexity of those classrooms increases, how is it that they achieve the remarkable double play of increasing spending and reducing quality?

**Hon. Greg Selinger (Premier):** Mr. Speaker, the reality is Manitoba's teacher-student ratio is one of the ones that's improving in this country and is the best in western Canada at 13.9. If it would have been funded by the members opposite, it would have been going up and there would have been more problems in the classroom because the Leader of the Opposition made it very clear he thinks the education budget won't have to increase much because enrolment numbers are flat or decreasing.

In case the member hasn't heard, we have a Provincial Nominee Program; we're bringing more people to Manitoba. We have more young families in Manitoba. We have more children in schools and we have increased the funding to the schools, including a greater than 50 percent increase in funding to children with special needs.

**Mr. McFadyen:** I want to echo this praise for the minister—for the member for River East (Mrs. Mitchelson) for introducing the Provincial Nominee Program, for the initiative, and the member for River East deserves the credit for that.

Mr. Speaker, the problem is that the facts coming out of the school system today are that the size and the complexity of classes, particularly in Winnipeg, but in other communities as well, is increasing and teachers are feeling as though they don't have the time or energy to dedicate to many of the students in their classrooms today.

I want to ask the minister: How is it that they've managed to so significantly increase spending and, yet, continuously reduce the quality of education that our kids require, which they need in an increasingly complex world. Why so little attention to what our kids are learning? Why so much attention to how much money they can spend?

**Mr. Selinger:** Mr. Speaker, there is attention being paid to getting results. The results for high school graduation have gone from 72.4 percent to 80.9. The number of young people completing high school has gone up under this government. This represents 1,500 more students who have graduated from high school.

That's because this minister and this government have invested in education and we have improved the formula for more resources for special education teachers, more support for professional development. These things are making a difference and the members opposite, not surprisingly, oppose it, vote against it and actually say they don't even think it's necessary.

**Mr. McFadyen:** Well, what we think is necessary, Mr. Speaker, is increasing the quality of education within our school system, and we'll vote for any initiative that increases quality and is fair to taxpayers in Manitoba.

What they've done is the opposite: unfair to taxpayers, unfair to students, because that's not who they give priority to when they make policy, that's not the NDP way to care about taxpayers or students.

They are more interested in other priorities and I want to ask the Premier how it is that he can stand up in the House today and brag about graduation rates when we've got the lowest graduation rates in Canada. We've got national test scores that have been either flat or declining, and in the revolving door of education, failed Education ministers, the current minister seems to be no better than her four or five predecessors. We're losing track 10 years into this government whether it's four or five.

I want to ask the Premier: Will he acknowledge that they're failing students in Manitoba and will he commit today to doing better?

**Mr. Selinger:** We will do better starting right now by correcting the record. Stats Canada report indicated very clearly that we've had the largest increase of any jurisdiction in the number of students graduating.

It's also the fact that the lowest increase in taxation has been in this province of Manitoba. It's also a fact that the increase in graduates has gone from 72-and-change to over 80 percent which has been a direction—a trend of increasing graduates in the right direction, over 1,500.

The education formula that we have put out has provided more equalization so school divisions have more equitable access to resources. It has provided more money for special education and the pupil-teacher ratio is the lowest in western Canada.

I remember their approach to quality education in the '90s, lay off teachers, kick children out of school. Not a good approach, Mr. Speaker. We take—we are making a difference.

#### **Maintenance Enforcement Program Enforcement Concerns**

**Mrs. Bonnie Mitchelson (River East):** Mr. Speaker, and in 2007 this NDP government passed legislation that would supposedly strengthen maintenance and support payments and track down individuals across our borders that were not making support payments for their children.

Despite many attempts through Maintenance Enforcement, for many years Christa Mahood has not received support payments for her son. It's been three years since the legislation was passed and almost 10 years that Christa has been waiting for support payments.

Why is the Minister of Justice not able to provide Christa with the support she rightly deserves?

**Hon. Andrew Swan (Minister of Justice and Attorney General):** Mr. Speaker, of course, the Maintenance Enforcement Program enforces orders here in Manitoba. Also, through agreements with other jurisdictions, it enforces orders from other jurisdictions and also will pursue individuals living elsewhere. The difficulty is if there's an individual who is evading paying support, if they aren't

employed, if there isn't income, there's only so much the Maintenance Enforcement Program can do.

If I had more particulars from the member we could see if there is some other step that can be taken. It may be that there's simply a problem having the payor—*[interjection]* Well, the members opposite don't understand—the members opposite perhaps don't understand that support can only be pursued under the Maintenance Enforcement Program if there is income that can be received.

I need to know more facts of the case, but I'm quite prepared to sit down with the member for River East and talk about that, and let's put all the facts on the table, Mr. Speaker.

**Mrs. Mitchelson:** Mr. Speaker, but the member for Springfield (Mr. Schuler) has written many letters, as has Christa Mahood, to the ministers and to the Department of Justice, and there has been no response, and no—certainly no support for Christa Mahood.

Mr. Speaker, in September 2008—

**Some Honourable Members:** Oh, oh.

**Mr. Speaker:** Order. I can't hear you. There's members behind you that are talking and I can't hear because it carries over onto your mike. So I'm going to ask members to please give the honourable member the courtesy for her question to be heard, please.

**Mrs. Mitchelson:** Thank you, Mr. Speaker, and in September of 2008 the former minister of Justice indicated in a letter that had been sent to Christa Mahood, regarding Christa Mahood, that her maintenance issues, and I quote: It is hoped that her concerns have been fully addressed. End of quote.

\* (14:10)

Well, Mr. Speaker, it's two years after that letter from the former minister, and Christa Mahood has not received her support payments. Can the minister today explain why?

**Mr. Swan:** Well, Mr. Speaker, there's approximately 15,000 files with the Maintenance Enforcement Program and, again, those are files within Manitoba. And, from what the member has said, it sounds like this is an individual where the payor is living outside of the province of Manitoba. It may be that the branch has to rely on an equivalent Maintenance Enforcement branch elsewhere in the country or elsewhere in North America, and I—again, I'm happy

to talk about details with the member for River East after.

Members need to understand, though, the Maintenance Enforcement Program can only work by garnishing, by seizing, by taking other steps where an individual has income that can be found. And, unfortunately, there are individuals who find ways to try to avoid paying support to spouses and to children. It is disappointing. It's frustrating. That's why the Maintenance Enforcement Program in Manitoba has some of the strongest tools. I can't speak for the co-operation they get in other provinces.

**Mrs. Mitchelson:** Well, Mr. Speaker, in 2007, this government passed legislation that it touted as being that—the panacea and promised to fix the issues that Christa Mahood and many others are facing through Maintenance Enforcement, and they're still waiting for results.

Christa does want some answers, and, Mr. Speaker, she is in the gallery today. And I would ask the Minister of Justice to meet with her after question period, deal with the issues that have been presented, because she calls time after time, gets a busy signal, can't get through to Maintenance Enforcement. If she does happen to get through, she gets a message at the end that indicates that something completely different from what is happening in her circuit—circumstances is taking place.

Will he meet with her today and address her issues?

**Mr. Swan:** And, certainly, I know, for individuals who are entitled to support, it is frustrating. It is difficult to make ends meet when support isn't coming.

If the individual has more details, if she has information on employment or other assets, yes, she should come down to my office following question period, and I expect we'll be able to arrange a meeting with one of my officials at Maintenance Enforcement, and let's take that information. If, indeed, we know that the individual is now employed, then the Maintenance Enforcement Program here in Manitoba will do everything within its power to go after that individual. If we require the co-operation of another program, we'll do the best we can.

There also is legislation in front of this Chamber to further strengthen the Maintenance Enforcement Program. I am looking forward to working with my

colleagues on both sides of the House to make that a reality.

But, yes, if there's more information, I would like to see it, Mr. Speaker.

### **Burntwood Regional Health Authority Quality of Medical Care Review**

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, I've recently been actively calling for major improvements in the quality of health care delivered in the Burntwood Regional Health Authority, the BRHA. There are a number of unfilled medical positions that are impacting the care that more than 46,000 people are receiving, and there are a number of individual cases that back up the fact that there are serious problems in the BRHA.

I asked the Premier (Mr. Selinger) last week if he'd call an investigation into what's happening and do a review of the organization. He didn't answer.

Will the Premier today agree that there are serious problems in the BRHA and agree that the health and well-being of the 46,000 Manitobans in the BRHA warrants a full review?

**Hon. Theresa Oswald (Minister of Health):** And I thank the member for the question.

We know that individuals living in the north within the Burntwood Regional Health Authority, as in all of Manitoba, deserve the best possible care.

I can let the member know that lots of work has been done on the issue of family medicine. Currently, 16.6 out of 18 family doctor EFTs in Burntwood have been filled. Two new family physicians have signed offers, are expected to start in August, Mr. Speaker.

Last year, Burntwood worked very hard to sponsor five family physicians through the International Medical Graduate Licensure program. They're all working now in Burntwood. They've retained them and, due to the improved family doctor supply and the implementation of advanced access, the time to see a doctor has been virtually eliminated.

They're going to continue to work on that, Mr. Speaker.

**Mr. Gerrard:** Mr. Speaker, today the number of doctors there is still less than it has been and the government is not listening to those who call for major improvements in the BRHA. They're refusing to conduct this review, and perhaps they don't fully understand the serious problems and they don't want

egg on their face. Based on some of these developments today, I think the government may have something to hide.

Mr. Speaker, I learned just a few hours ago that the BRHA has banned for life a Thompson-based journalist from attending BRHA public meetings due to criticisms that he's made and his call for big improvements in the BRHA.

Is the Premier (Mr. Selinger) or the Minister of Health trying to hide the problems in the BRHA? And why has this journalist been banned from public meetings?

**Ms. Oswald:** In fact, Mr. Speaker, the BRHA board meetings are televised for all the public to view. Further, I can tell you that Burntwood has 24 full-time physicians and, indeed, uses a number of locum specialists.

I want to say to the member that when serious concerns are raised—either by citizens or by other individuals, members of this House—concerning patient care, we take those allegations very seriously. They need to be investigated, perhaps through a critical incident review, perhaps by the College of Physicians and Surgeons. We want as much information as possible on these issues.

I'd further remind the member that all regional health authorities were subject to an external review some two years ago.

**Mr. Gerrard:** And the problems at the BRHA continue even after the review was done, because it wasn't done adequately. There clearly needs to be major improvements both in the quality of health care and in the financial accountability.

And I ask the Minister of Health why—if she can explain why a journalist has been refused entry into the board meeting, a public meeting, of the BRHA. This is breaking a long tradition of democracy in this province. Certainly, this is not acceptable.

Why does the minister bringing down such draconian actions in the health-care delivery in this province?

**Ms. Oswald:** And again, I'll reiterate for the member that the Burntwood Regional Health Authority is one of two, I believe, Mr. Speaker—I believe Brandon is the other regional health authority that televises their meetings.

I know that in any regional health authority, Mr. Speaker, if there are—*[interjection]* It might have

been my imagination; I thought the member wanted an answer. I can tell you that certainly any allegations that come forward concerning patient care are taken very seriously.

On the issue of this specific journalist, I'm very pleased to investigate the circumstances. I can say for the record I believe in freedom of the press.

### **Neighbourhoods Alive! Expansion**

**Mr. Matt Wiebe (Concordia):** Mr. Speaker, in 2000 this government recognized that effective and lasting community revitalization comes directly from the community itself and created the Neighbourhoods Alive! program.

Neighbourhoods Alive! supports local ideas, goals and dreams with funding and planning assistance and provides neighbourhoods with the support they need to build safer and more liveable communities for their residents.

Could the minister please inform the House about the Neighbourhoods Alive! announcement she made earlier today and talk about the positive ways it will affect the neighbourhood of Elmwood?

**Hon. Kerri Irvin-Ross (Minister responsible for Neighbourhoods Alive!):** Over the last 10 years we have seen the impact of Neighbourhoods Alive! over a number of communities across this province, and today I was proud to be joined by the MLA from Concordia to announce the expansion of Neighbourhoods Alive!

This expansion will be for the Elmwood community, with the focus on the Chalmers area. What Neighbourhoods Alive! will do will bring together the community partners around health, social services, as well as environmental, and address the issues that are facing that community and make a difference socially and economically.

I'm really looking forward to—on June 10th, there's going to be a consultation where we will hear about the vision for the Elmwood community, and we will work alongside them to implement that.

\* (14:20)

### **Flood-Damaged Farmland Financial Compensation Eligibility**

**Mr. Stuart Briese (Ste. Rose):** Mr. Speaker, the northern part of the Westlake area of Manitoba was impacted by the same weather anomalies as the Interlake throughout 2008 and 2009. The damage in

the area was serious enough to qualify for disaster financial assistance.

Mr. Speaker, I ask: Why did the region qualify for disaster financial assistance and not qualify for the recently announced AgriRecovery program?

**Hon. Stan Struthers (Minister of Agriculture, Food and Rural Initiatives):** As I've explained to this particular member and other members opposite, the AgriRecovery program is a joint venture between our government here and the Conservative government in Ottawa. We approached the Conservative government in Ottawa, saying that there was a great need in the northern Interlake area of our province. We made it very clear that many farmers in that area had lost not one, but two—two in a row—opportunities to harvest a crop.

Mr. Speaker, that's not good news in farm country. So we asked the federal government to participate with us and put together the details of the program. I was glad that they did. They worked with us on that, and we were able to make the announcement that we do.

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

## MEMBERS' STATEMENTS

### River East Optimist Club

**Mr. Matt Wiebe (Concordia):** Mr. Speaker, I rise today to recognize the important work of the River East Optimist Club in the various communities of northeast Winnipeg. The River East Optimist Club, like other member clubs of Optimists International, is dedicated to bringing out the best in kids through community projects intended to educate, entertain and enrich our youth. Across the world, more than six million kids benefit from the more than 65,000 Optimist club-sponsored activities. The range of activities offered by Optimist clubs worldwide is staggering. Scholarships, sports tournaments, academic contests, community revitalization projects and awareness campaigns is only a sample of what is being sponsored, offered or hosted each year.

The River East Optimist Club, which meets every two weeks at the East Elmwood Community Club has a dynamic and active—has been an active and dynamic chapter of Optimists International since 1982. Recently, I was fortunate to join the River East Optimist Club for more—for one of their fundraising and outreach nights at the East Elmwood Community Centre. The well-attended event featured a home-cooked Mexican theme feast

and an informative presentation about the club and the work that it does. Good company and fun games lasted into the night. It was a chance to both connect with other concerned members of the community and contribute to the dialogue of best ways to help those in need.

Mr. Speaker, what struck me most about the evening was the passion and commitment that the group has for the children of the community. The group works incredibly hard to raise money in creative ways, and then works equally hard to ensure that the money reaches children with a variety of needs. Their commitment to community building serves as an example for us all.

I want to thank the members of the River East Optimist Club for their hard work towards making our community a better place to live. I would especially like to recognize Amanda Young, the club's fantastic current president, and the rest of the committed members who make the club so successful. Your hard work and commitment to youth and to our community is an important asset to the people of Concordia and beyond. Thank you.

### Albert Deleau

**Mrs. Leanne Rowat (Minnedosa):** It's with great pride that I rise today to honour a constituent of mine, Albert Deleau, of Souris. Earlier this month, this amazing gentleman was inducted into the Manitoba Softball Hall of Fame.

Ab's love for the sport first started when he was six years old, excelling at it through his high school years. He has often said that the reason he attended school was so that he could play baseball at recess. As a young man, he played hardball and was an exceptional athletic. I remember his daughter, Val, sharing stories of Ab's fitness and agility, stories that included unfulfilled interests, from professional baseball teams in his early years, to winning spirit-sprint races well into this 70s against his children and grandchildren.

Ab returned to fastball in the 1960s, organizing and playing with the Deleau Ruffies Fastball Team. Bob, his son, also played on this team, displaying the same skill and competitive qualities as his father. Together, these two were a strong force to be reckoned with within the league play.

Ab not only had an impressive and successful career as a player, he also excelled as a coach. From 1976 to 1982, he coached the Souris Blues women's softball team. With Ab at the helm of Blues'

experience—with Ab at the helm, the Blues experienced some of their best years and were inducted into the Softball Hall of Fame in 2006.

As a player, Ab has five Manitoba Society of Seniors games gold medals, a Canadian Senior Games gold medal. In addition, in 1986, Ab was a third baseman and catcher for the Arizona 70s squad, that won both the World Senior Softball Championship and World Series title in the same season. Since Ab began spending his winters in the south, he won five Slo-Pitch World Series rings. Both Ab and his wife of 66 years, Claris, enjoyed these winter trips, logging over 40,000 miles, making many tournaments, or, as I should say, winning many tournaments.

My family came to know Ab and Claris through, what else, but baseball. When we first arrived in Souris, we started playing on a slo-pitch team, and, of course, Ab and Claris attended all the games. My children came to know them as Grandpa and Grandma Deleau. What better way is there to teach children the value of fair play, competitiveness and team spirit than on a ball diamond. Right, Ab?

Mr. Speaker, Ab is now 88 years old and he continues to be an inspiration to all of us. He is a prime example of the benefit one gets from leading an active lifestyle. He is a man of few words but I do understand that his acceptance speech at the Hall of Fame induction was perfect: short, with very few but funny stories, and a big sincere thank-you.

I invite all members in this House to join me in congratulating Ab Deleau for his induction into the Manitoba Softball Hall of Fame and for his lifelong dedication to sport in Manitoba. Thank you.

#### **Promoting Aboriginal Student Success Conference**

**Mr. Gregory Dewar (Selkirk):** Recently my community of Selkirk hosted a 10th Annual Promoting Aboriginal Students Success conference. An important event brought together Aboriginal students from surrounding communities to embrace the key to success, which is education.

The conference, which was titled Dream, Believe, Achieve, attracted over 200 students engaged with keynote speakers about Aboriginal youth leadership. The intent of the conference was to promote dialogue about the values of education and post-secondary studies.

Aboriginal students who have attained outstanding personal achievements in a variety of areas, including academics, music and sports, received special gold medallions at the event.

In addition to honouring the award recipients, the conference was—also hosted performances by Inuit singers, hoop dancers, fiddlers and drum groups. After the ceremony, students were able to visit several educational booths set up by provincial educational facilities like Red River College, University of Winnipeg and the University of Manitoba.

Former Winnipeg Blue Bomber and Lord Selkirk high school grad, Troy Westwood, also spoke at the conference about being a successful role model for Aboriginal youth.

Without this conference, many of these students would not have the opportunity to hear the success stories of other Aboriginals or recognize them for their achievements.

I'd like to thank the elders, the organizers, board members, staff of participating schools and the many volunteers who helped make this event possible. Their work has helped many Aboriginal youth find inspiration to succeed over the past 10 years. Thank you.

#### **Friends of the Harte Trail**

**Mrs. Myrna Driedger (Charleswood):** I rise today to congratulate the Friends of the Harte Trail on receiving the Mayor's Volunteer Service Award for the environment.

This group from Charleswood was honoured for their work to preserve a rail-to-trail project that has been ongoing for many years. It is fitting that they would be recognized this year as they celebrate their 10th anniversary as the Friends of the Harte Trail.

Much work was also done in the years leading up to the formal organization of this group. The volunteers of Friends of the Harte Trail have been pioneers in environmental protection, conservation and education. Just over a decade ago, this determined group of volunteers set out to preserve a valuable strip of land originally known as the Grand Trunk Pacific Railway. The strip of land was slated for rail—pardon me, this strip of land was slated for a roadway development, but the volunteers worked hard to protect the land in its natural state. Their efforts were successful, and over the years they

continued to volunteer their time and vision into developing Winnipeg's first rail-to-trail conversions.

Along with protecting the land from development, they have planted countless native Manitoba trees and shrubs, developed a native prairie garden and worked closely with the City of Winnipeg's naturalists office to ensure expansion of the trail in the most environmentally friendly way possible.

The Harte Trail, now also part of the national Trans Canada Trail, is the spine in a network of trails in southwest Winnipeg. It provides an educational opportunity second to none on the wonders of nature and the positive impact a group of caring volunteers can have on a community.

Other points of interest along the Harte Trail include the Thundering Bison Trail, the Preston Trail, the Assiniboine Forest Trail, and the Van Roon Prairie Garden.

This group of volunteers has dedicated much time and energy to conserve the trail as well as promote its use. I was delighted to hear that they won the Mayor's Volunteer Award for environmental action and feel that it is well deserved that this group of dedicated volunteers is recognized for their efforts.

On June 5th, International Trail Day will be celebrated with the opening of the new part of the trail extending from Elmhurst to Shaftesbury.

I would like to congratulate current president, Lois Caron; past presidents Hilary Hanson, Don Seymour, and Sandi d'Amico; founder of the Friends of the Harte Trail, Jan Hasiuk; and all the members of the Friends of the Harte Trail for years of service to the community on behalf of all the residents of Charleswood. Thank you to the volunteers of the Harte Trail.

Thank you, Mr. Speaker.

\*(14:30)

#### **Maples Collegiate Unity Walk**

**Mr. Mohinder Saran (The Maples):** On May 19th, I had the great privilege of taking part in the 15th annual Unity March, as did my colleague the member for Burrows (Mr. Martindale). This march is organized by Unity Group at Maples Collegiate and was inaugurated in 1995. Students participate in

a 12-kilometre walk from Maples Collegiate to the Legislature, holding placards and signs that illustrated a commitment to the noble ideals of peace, equality, love and harmony.

The history of the march is one which demonstrates both the engagement of today's youth and the power of organized protest. Fifteen years ago, a federal politician made racist remarks about East Indian people. Students at Maples Collegiate rightly took offence and sent a letter, to which they received a generic reply. These students' anger was acknowledged by staff at the school who pointed the students to the change in American civil rights affected by the public protest of the 1960s.

Today, the Unity Group at Maples Collegiate has a strong membership and is involved in the school and community groups in a number of different ways. Beyond the Unity March, the group marks the Day to Eliminate Racism and the day commemorating the signing of the Universal Declaration of Human Rights.

Mr. Speaker, I am proud to have marched together with students from all different backgrounds. As their elected member of the Legislature, I try to further an agenda sensitive to the slights which still often mark—often mark the lives of visible minorities. I encourage the students to continue to work towards their vision of a completely just society, and I thank them for hosting another wonderful march.

Thank you, Mr. Speaker.

#### **ORDERS OF THE DAY (Continued)**

#### **GOVERNMENT BUSINESS**

#### **House Business**

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

**Hon. Bill Blaikie (Government House Leader):** The House business for today will be—we'll proceed to the second reading of bills, starting with Bill 32 and Bill 17 and 7, 13, 14, 19, 25, 28, 30 and 36, as the case may be.

**Mr. Speaker:** In House business for this afternoon, will be second readings, and we'll do it in this order: We'll start off with Bill 32, 17, 7, 13, 14, 19, 25, 28, 30 and 36.



## SECOND READINGS

### Bill 32—The Protection for Persons in Care Amendment Act

**Mr. Speaker:** So now I'm going to call second reading of Bill 32, The Protection for Persons in Care Amendment Act.

**Hon. Theresa Oswald (Minister of Health):** I move that Bill 32, The Protection for Persons in Care Amendment Act; Loi modifiant la Loi sur la protection des personnes recevant des soins, be now read a second time and be referred to a committee of this House.

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

**An Honourable Member:** Second it.

**Ms. Oswald:** Oh, didn't I say "seconded by"?

**An Honourable Member:** No, you didn't.

**Ms. Oswald:** I beg your pardon.

I move, seconded by the Minister of Innovation, Energy and Mines (Mr. Chomiak)—[*interjection*]

And do the whole thing again? Heaven forbid. [*interjection*] Okay, thank you.

**Mr. Speaker:** It's been moved by the honourable Minister for Health, seconded by the honourable Minister of Innovation, Energy and Mines, that Bill 32, The Protection for Persons in Care Amendment Act, be now read a second time and be referred to a committee of this House.

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

**Ms. Oswald:** It's my privilege to speak a little further to this proposed act. We know the sick, frail and elderly are among the most vulnerable members of our society, without question and, regrettably, Mr. Speaker, they can be among the more likely to be victims of abuse, whether that abuse be physical, sexual, mental, emotional or financial.

We know that to promote patient safety in Manitoba's health-care system, we proclaimed The Protection for Persons in Care Act in 2001, and this legislation created a formal process for reporting, investigating and resolving suspected or potential abuse.

Now, Mr. Speaker, currently the act provides a mandate to the Protection for Persons in Care Office to investigate adult hospital in-patients, residents of

personal care homes and Selkirk Mental Health Centre. As a matter of fact, children are covered in all settings by The Child and Family Services Act, which is why they are not explicitly named here.

These proposed amendments to The Protections for Persons in Care Act will expand the mandate of the office to receive and investigate suspected or potential abuse for adult patients receiving care in emergency rooms and urgent care, and for seniors attending geriatric day hospital programs. This amendment also includes the ability to add additional out-patient programs through regulation to support our plans to further expand the mandate of the office in future.

It's also important for me to put on the record today, Mr. Speaker, that the office has played a very important role in improving the safety of patients and personal care home residents since it was established nine years ago. While the large majority of investigations involve alleged abuse between patients or residents, this still offers an opportunity to learn from what's happened, to make changes in the facility and to prevent their reoccurrence.

We believe that this measured expansion to the mandate of the office is going to be very important for the continued protection of patients here in Manitoba. We know that their safety is paramount and we believe that making the amendment to the act will go a long way to assist in our ability to investigate any allegations of abuse and, ultimately, keep our patients safe here in Manitoba.

Thank you, Mr. Speaker.

**Mr. Kevin Lamoureux (Inkster):** Mr. Speaker, I would ask for leave if it would be possible to ask the minister a question pertaining to her bill.

**Mr. Speaker:** Honourable member wish to entertain a question to Bill 32? The honourable minister, yes or no?

**Ms. Oswald:** Mr. Speaker, I gave a briefing to the leader of the member's party. So I would suggest not at this time. We can talk privately.

**Mr. Speaker:** The answer, there's no leave.

Okay, so the honourable member for Inkster to speak to the bill?

**Mr. Lamoureux:** Yes, please.

Yes, Mr. Speaker, I did have a question, and I appreciate the fact that the Minister of Health did provide a briefing to the Leader of the Liberal Party

in regards to it. Unfortunately, for a number of different reasons, quite often both myself and the leader are unable to make the same briefings, and what often happens is that in reviewing a bill personally there's a number of things that come up.

I listened to what the Minister of Health (Ms. Oswald) had to say in regards to Bill 32, and she didn't answer or address the issue that I thought was a very important issue, Mr. Speaker, in regards to Bill 32, because—and we're going to spend some time just talking about our seniors and the abuse that's out there in our communities, and I think it's important to note many of the different forms of abuse that are there. But, you know, the question is, in essence, related to other types of facilities in Manitoba, and this bill is dealing with the reporting of abuse, and it sets out facilities where that may occur and where there's an obligation to report.

I was curious in terms of hearing from the minister as regards to institutions of a smaller nature, like, for example, a group home. Quite often through group homes we see wonderful levels of care being provided to our loved ones. And I think that when you think about it going forward into the future, that the potential for those smaller group-home type of settings does have the potential to really provide a wonderful service to our seniors going forward. And that's why I think it would have been interesting to hear the minister respond to how those types of homes, whether it's today or going forward, would be taken into consideration. Or would we anticipate that at some point in time that we'll be amending the same legislation a year from now because the government never thought about that as a potential amendment?

\* (14:40)

And, you know, I would suggest to the Minister of Health that that is maybe something that she could give some consideration to once we go into the committee stage. Because there is a process that we have to go through, and, you know, when we look at the process to date—you know, Bill 32, Mr. Speaker, was, actually, relatively introduced. And I don't have it in front of me, but it was something that was introduced, I believe, just in the last couple of weeks. So we really haven't had the opportunity to be able to consult with others and see what they might have to say on it, and only because of the busy time, as we're into a session, that I was not able to make the meeting that the minister was pointing out. So I didn't really get the opportunity to ask that question,

and, if this bill deals with it—but I don't believe it does—if it does, well, then I would be pleased to see that. But I suspect that it does not, and, as such, I think that the Minister of Health should have some of her departmental officials give it serious considerations.

And, Mr. Speaker, you know, that's just something that comes to my mind. You know, there's different types of institutions that provide care for our elderly in society, and we need to ensure that there's checks that are put into place at all the different levels. You know, we can, I'm sure, all relate to stories, and some of those stories have made national headlines of abuse that has taken place. You know, it wasn't that long ago that I can recall watching a—I believe it was a CBC documentary, it's possible it was in CTV, but I'm pretty sure it was a CBC story, where—it was an incident that was occurring in the British—in British Columbia and in a care facility where there were very serious allegations that were being made, and nothing really came of those allegations. And then there was an investigation, and it was quite significant in terms of the abuse that was being—that was taking place in that particular facility.

And I believe, if memory serves me correct, that there was a great deal of attention given to a wide number of different types of institutions and I think it even went well beyond the province of British Columbia. And that's where we found out that there was, indeed, significant reports of abuse. And, quite often, I think that those reports had maybe not been given the attention that they should have been given, Mr. Speaker, and I do find that that is indeed unfortunate, because, you know, as a government we do have a responsibility to protect those individuals in the best ways that we can in terms of being able to provide safe environments.

You know, we often talk in terms of our children as our greatest valuable resource. It's our future, and those—you know, that innocence that's with our children and how the role that government needs to play. And equally, I would argue, Mr. Speaker, at the other end of the age spectrum, you will find that there is, again, a need for us to address the issues that our seniors are, in fact, facing.

And one of the things that we have seen evolve over time is that the level of independent living has actually increased quite dramatically, and that's a positive thing. You know, we see more and more seniors staying in their homes at older ages, which is

a great thing. I remember back when I was first elected, Mr. Speaker, I would go to Fred Douglas Lodge, and the types of activities that they would have at Fred Douglas and many of the seniors that were there were quite different in terms of the level of acuteness and their medical conditions back then than what they are today. Today there's a much higher need for health care and direct service. And I attribute that to the fact that, to a certain degree over the last 20 years, we have seen more seniors being able to stay in their homes for a longer period of time, and if you can provide better quality home service, home care service, then it, in essence, enables the senior to remain in their homes and that's a good thing. It's a good thing for the senior to be in their home environment. It's good also for the taxpayer, Mr. Speaker, because we all know that once you put individuals in these institutions like the personal care homes—that this act is specifically referring to—we know that it's a different type of care that's there and it is also an additional cost at the end of the day. It's far more cost effective and better for the senior if, in fact, we're able to provide the supports necessary that will enable that senior to be able to stay in the home that much longer.

Now, it's wonderful, as I say, that we've been able to evolve in that direction, but you've got to remember that there has been a fairly significant risk involved in doing that because, sadly, as much as we from within this Chamber and others love and care deeply about our parents and our seniors, our grandparents, and so forth, Mr. Speaker, that, sadly, there is a great deal of abuse that is out there, and I think that the government needs to expand the way in which abuse is, in fact, recognized and ultimately reported.

And even when we deal with Bill 32, even though it seems to set its eyes on the larger institutions, one could say to the government, well, what are they really doing to deal with where most of our seniors are today in terms of supports, and that's not in the institutions, and thank God that's the case, Mr. Speaker, but it's in homes, whether it's apartments, condos, houses. It's in homes and—which is a wonderful thing. But to believe that the abuse only occurs in institutions is wrong, and I suspect that there's no MLA inside this Chamber that would say that the only senior abuse that takes place is within our larger institutions. We all recognize that the abuse—and the Minister of Health (Ms. Oswald) made reference to the types of abuse, whether it's

physical, emotional, sexually, financially—serious abuses do take place.

And I think more and more that it is taking place in the homes, in a senior's house or their condominium or whatever environment that they find themselves in, and I ultimately would argue, Mr. Speaker, that that abuse has actually been on the increase. If you were to say to me, how can I substantiate that, the only way I can really substantiate it is by saying the feedback that I receive over the years. I have found that there's been more feedback concerning elder abuse in the homes, and one could attribute it to public awareness or other things. I personally like to think that the primary reason for that increase in elder abuse is because we're seeing more and more elderly people remaining in home environments, in environments in which they're a little bit more vulnerable.

And, even though we're providing supports, I think that we need to do more in regards to assisting, educating about the issue of elder abuse, and when we do that, Mr. Speaker, it's not just saying to the senior in question—you know, it's not just going and, you know, here's a nice, you know, glossy brochure and we'll put it in the extra large font and that's something that's important to do, the larger fonts, I acknowledge that. But that's not good enough.

\* (14:50)

You know, you just don't produce a nice glossy brochure and you say to, you know, someone that's 85 years old and saying, well, you're living in your home, you read this book and you don't have to worry about elder abuse. I think that we need to take the next step. We've got to bring it much, much further than that, Mr. Speaker.

One could ultimately talk about support groups that are out there. We have some wonderful organizations; to name one, Age & Opportunity is an organization that has demonstrated just fabulous results and has enhanced the living of seniors for decades in our province. And, no doubt, if you were to check with organizations, many of these senior organizations, you will, indeed, find that they are very much aware of elder abuse that takes place.

But there's other areas that we need to look at. When we talk about public campaigns or advertising campaigns and reaching out, you know, abuse, or a senior is abused by often quite a variety of types of people and it's not just a particular category. You will have seniors that abuse seniors; you'll have

young children that will abuse seniors; you will have sons and daughters that will abuse their own parents as seniors. There is no doubt, and we need to recognize that, Mr. Speaker. And that's why I say that, you know, when we talk about, well, do we best protect those that are vulnerable and more susceptible to being abused, well, it means more than just talking to the senior and handing them that glossy book.

It's providing information to their children. It's education through advertising. It's working with groups like Age & Opportunity in educating—the more education, the better it is. Because, you know, we all know that 90 percent plus of people are good people that are not abusive and taking advantage of our elderly. But, then, there are times in which, sadly, that it does occur.

You know, I represent an area, Mr. Speaker, where there's issues related to language. You know, Mohinder Singh Pannu who is a dear friend to me, someone I would classify as a family friend, has dealt—and he's a psychiatrist, I believe, by profession. We've had many discussions about seniors and the abuse that seniors have to endure, and in many of the discussions that I've had with him, there is the issue of language that comes up. And we need to recognize that language, ultimately, can be quite the barrier to overcome when it comes to being able to have care or services being provided.

And that's even in these larger facilities or in our hospitals, so that when you talk about, you know, the reporting of abuse in a hospital or in an institution, Mr. Speaker, what we're talking about, in many cases, is an individual's ability to be able to communicate, and we need to, you know, to make people aware of that fact that communication is critically important.

You know, I was at Seven Oaks Hospital a while back, and we were talking about seniors and some of the issues, and it was one of things that was reinforced by Mr. Pannu, that what you need to do is to provide translation. And I know, at the Seven Oaks Hospital, you will find that they're—that they do provide translation where it is necessary.

If you take a look at the make-up of the staffing—so if you need to speak or you have a client that's there that does not have the ability to communicate in English, that there is other ways to be able to communicate, other languages in which one can communicate.

So whether it's Filipino Tagalog or Indo-Punjabi, Ukrainian, Polish—these are languages—and having staff that are able to speak those languages are critically important because that's how you find out in terms of the actual needs. And, you know, Seven Oaks Hospital is a great institution that has been able, I think, to demonstrate some leadership on that issue.

But when you start talking about other institutions—you know, I made reference to the concept of the group homes and seniors and looking forward to the potential that group homes could potentially play in this whole area of providing loving care. Well, you have to take into consideration the client's ability to be able to communicate and—in English and to what degree. You know, when the minister made reference to the types of abuses, you know, it would have been nice to hear of some of those factors that might actually contribute to that abuse.

I would suggest to you, for example, language is one of them. You know, language is critically, critically important. You know, I know my own grandmother on my mother's side was someone in which at one time I had a wonderful—and we all like to think that we have a wonderful relationships with our grandmas, and there was no difference with mine and my grandma. But what I had found is that the older that she got, the more she relied on French, and my brothers and sisters, including myself, couldn't speak French.

So you start to lose that connection because, as she aged and started to get into the late 80s, early 90s prior to her passing, she just spoke French, and it was very difficult to be able to make that communication. And I suspect that if her care providers didn't have the ability to communicate in French, that that would have had a negative impact on the quality of care that she would have had it.

And, Mr. Speaker, as you know, and I've seen you, Mr. Speaker, at numerous different events, in particular, some of our events within the Filipino community where many seniors are, and we've had the privilege of being able to be entertained and hosted and receive wonderful hospitality by many of those seniors, but we'll acknowledge that, you know, that their mother tongue being of Tagalog in most cases, that quite often it is—at times it can be more of a challenge to be able to communicate any sort of, you know, an in-depth discussion that might be related to a health condition or something of that

nature or there's a certain comfort level. I know that that sort of thing does occur.

So, when we talk about abuse, we need to recognize that the ability for the staff of these institutions to be able to communicate becomes critically important. I think that we owe it to our seniors in terms of being able to protect them and do what's right in their best interest. That's why we have the trustees, our Public Trustee. You know, the Public Trustee's office deals with seniors that are in a position in which they're not able to manage their own personal affairs. And sadly, and I've had it, as I'm sure many MLAs have had, where you get a son or a daughter who is very upset with the Public Trustee because they disagree with what's happening. They believe money should be allocated over here or this should be happening or why isn't, you know, my dad getting the haircut that he should be getting or this particular type of service. And we're very dependent on the Public Trustee in terms of making sure that the—to the very best of the ability of the Trustee, that the interests of the client, of the senior, are, in fact, being best served.

But I ask you, Mr. Speaker, what obligation would this bill or other bills that might potentially amend the act in the future, might want to deal with that?

\* (15:00)

And I can appreciate, you know, that one well might say, well, this is two totally different things. I would ultimately suggest to you that it's not that far off, you know, that there could be merit in terms of, if you don't have checks put into place, that there could be issues even related within the Public Trustee's office.

Now, I'm not going to raise the issue of allegations and not be able to table something that clearly proves it. I'm just suggesting to you that—the importance of having checks put into place to ensure that there's accountability for those individuals that have been—have the responsibility of caring for our elderly, and, you know, the personal care homes is something that is highlighted in this particular bill, and I've got a lot of time and patience for, obviously, the seniors, the primary reason why we would have the care facility, but I have an immense amount of respect for a vast majority of those that are providing the care.

I personally would find it difficult because, you know, the demands of providing not only care but

often building a relationship with those seniors so that they feel comfortable in their environment is critically important, and for many of those seniors, once they're put into a personal care home facility, their family—sometimes the intentions are good and sometimes maybe they're not or sometimes it's not—they don't have any family, but quite often, Mr. Speaker, they're there and they're left, and I don't want to use the words, you know, left to pass away, but, sadly, sometimes it would appear that way, and some of the seniors would tell you that, and I find that to be very sad and difficult.

And that's why, you know, we have some outstanding—outstanding—health-care professionals that provide, you know, the loving and caring attitudes that make the difference for many of those seniors, and I don't think that we could give them enough in terms of accolades. We have to support them in the best way that we can, and that means financially; that means by acknowledging their efforts and their contributions to our seniors.

But, having said all of that, we also know that at times you will find bad apples, and those bad apples need to be rooted out, Mr. Speaker, and this is where Bill 32 has the potential to make a difference, and I am not naive enough to believe that once a senior goes into a care facility, whether it's a hospital, a personal care home or whatever other type of environment, that we have nothing to fear, that that senior is going to be well taken care of, because to believe that I think would be doing an injustice to this Legislature, to the seniors, to all those seniors that are in care. I think that we have a responsibility to be diligent and to watch and observe what is taking place in our institutions, and where we can provide and put into place safeguards that will protect the safety of our seniors and provide a higher level of comfort, that we should be doing that. So, you know, but, again, I would emphasize that that is a very small percentage of health-care workers.

I've had discussions with some of the health-care workers and they talk about family members and, you know, it's sad to report that periodically you will get some family members that will visit a parent or maybe it's an aunt or an uncle in a care facility, and what you'll find is that they themselves will be abusive to that person or to the client or to their parent, Mr. Speaker, and it's hard to imagine why or how that would take place. But, again, we need to recognize that that does take place, and it's unfortunate when we see that.

It's good in the sense that we, through many of the different institutions that we have, there are checks that are put into place that provide that extra comfort, level of comfort, knowing that our seniors are, in fact, being taken care of. But I want to take us back outside of those institutions and get the Minister of Health (Ms. Oswald) to recognize how important it is to broaden the scope, Mr. Speaker. And, when I'm talking about broadening the scope, I'm talking about those seniors, through time, that we have said that we want you to remain in your home where there's a better lifestyle for you as opposed to going into an institution—that we need to do more to protect the interests of those seniors.

You know, I find it abhorrent the way in which you'll get individuals that will walk in and financially abuse a senior, knowing full well that they don't need a brand new siding or a brand new roof or brand new windows put in. That sort of abuse, I believe, is rampant out there. And, quite often, they go to seniors because they're easily picked on, and I think government needs to look at ways in which we can minimize that, Mr. Speaker. But that's something that I think that the, in future discussions that maybe we'll get a better chance to talk about.

There needs to emphasize as a—talked about the group homes and the potential that group homes could play. And I want to underline the fact that I believe that we underestimate the importance of group homes. I believe that we underestimate the importance of providing incentives for families to be able to keep their loved ones in their home environment, living with their sons and daughters or nieces and nephews or whatever it might be, Mr. Speaker, that there are things that the government can do.

Thank you, Mr. Speaker.

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, I'd like to put a few words on the record on Bill 32, The Protection for Persons in Care Amendment Act. I want to start by just talking about the overall approach. And although I'm going to indicate that—I mean, we will support this act but, at the same time, I believe that it's an opportunity to sit back and say, look, when you're addressing the concerns of people in care, it's not just a matter of addressing abuses. It's also a matter of setting standards for—positive standards for how people should be looked after in care.

And I received concerns several months ago. For example, for—from a woman whose mother was in a

personal care home. I believe it was actually in the constituency of the MLA for Charleswood. And the interesting thing was that the concerns that were raised were concerns which might not have been considered abuse per se, but were—clearly show kind of a lackadaisical attitude and insensitivity, a lack of caring by the—in the personal care home; problems with the elderly gentleman who was her father. His clothes were constantly being lost, and I think this happened in part when they were taken to be washed and cleaned. And they came back and he ended up with other people's clothes instead of his own clothes. And his own clothes seemed to disappear.

\* (15:10)

I mean, it was not a well-organized situation. It probably is not abuse to end up with somebody else's clothes instead of your own, but it's not what you would expect in terms of the standard of care. That there was a problem in terms of, you know, his glasses being lost, and there was a problem in terms of the respect that was shown. There was a problem in terms of actually actively engaging people who were elderly, and keeping their interest.

My colleague has talked about the importance of language and having people around who are able to speak the language of choice of the individual who's a resident in a personal care home, and the importance of people feeling that they've got ability to have friends and family be able to visit them because they're in a personal care home which is reasonably close to and accessible to members of the family. I've had numerous concerns raised with me, particularly from people in rural areas, that their parent or loved one, friend, is not in a personal care home in their own community but is transported miles, sometimes long distances, away from where they are at home, where they live, to be put in a personal care home.

And this is very disruptive to an elderly person who is used to living in a community, who's used to having their friends and family around them and, all of a sudden, because they've been taken away and put in a personal care home a long distance from where they live, that this is no longer possible. And this may not be considered abuse, but it's certainly not the kind of standard that we would like to see in the care of people who are in personal care homes.

I think it's important to note that when we're talking about seniors, those who are elderly, that these are people who have made a major contribution to Manitoba and to Canada. They deserve our

respect. In individual cultures, Aboriginal culture, tremendous respect for the elders, and so we need to make sure that when we're looking at situations in institutions like personal care homes or in hospitals, that it's not just a matter of avoiding abuse, which is important, but it's also a matter of making sure that we actually have developed and used, you know, standards of care which really provide for optimum living environments for those who are elderly so that they are not so isolated.

It's not infrequent that there are elderly individuals whose hearing is poor, whose eyesight is diminished, who are, for one or more reasons, feeling cut off from people around them and that, you know, these are the sorts of things which we need to be able to do better. Certainly, there is a move in Manitoba, as elsewhere, to have more people what are called aging in place, so that they can be in familiar environments. They can stay as they get, oh, less able to look after themselves, less able to get around; they can stay in one place, rather than having to be transported from one place to another, to environments which are strange or different from what they're used to, where they don't—not able to adjust because the surroundings are not familiar.

I think that the kinds of care that we provide for those who are less well off or less well able to care for themselves is a very important marker of the kind of society that we have, that we are and should be known for the quality of care, the quality of respect, that we give to those who are less well off. And make sure that people who are in personal care homes for reasons of age and their existing ability, that they are respected, cared for and engaged.

I would mention that there certainly are some institutions. I would mention one which has a individual, Roldan Sevillano, who is engaged in helping to make sure that people are—who are there in the personal care home are engaged by things which are fun and enjoyable and entertaining. And that there—it's not just a matter of setting somebody in front of a TV set and saying, well, that's it for today—that there is more that we can and should do and that this is something that is—it may not be—fit the definition of abuse to be—put somebody in front of a TV set and not do very much all day. But it certainly isn't the optimum for people who are in personal care homes.

Now I want to talk a little bit about one aspect of this bill which deals with the extension of this bill to individuals who are receiving services in an

emergent department or urgent care centre of a health facility. And that—I believe that it's important that the government should have a look and make sure that individuals who come into an emergency room, because of the very nature of the type of system which this government has set up, that people don't necessarily go immediately from an emergency room to be admitted. But they may be in observational areas rather than an emergency room. They may be in a hallway rather than an emergency room. And that—certainly, we want to make sure that people, there's not a gap there, that people are not covered.

And I would hope that the government would look very carefully at this and make sure that there's not a situation where somebody comes into an emergency room and is covered under this act and then moves into an observation room, which is not really in a hospital because it's temporary, and they're not admitted. So that they fall through the gaps. And, rather than have that happen, we want to make sure that that kind of a situation, you know, is fully covered.

I think it's also of concern and of some interest to note that under this government, the number of complaints has risen quite dramatically. There were fewer than 600 complaints in 2002 to, now, 1,500 complaints last year. And one would hope that you would have fewer complaints, not more. That there wouldn't be a need to have complaints because things were being looked after well. But, clearly, it's a sign that, you know, this government is not on top of things, that things are not going as well as they should be, that there are more complaints and more problems instead of fewer.

Indeed, you know, one could say that serious complaints, like sexual abuse complaints, jumped from only 42 in 2002 up to 114 last year. And so it's not just frivolous complaints. It's more serious complaints which are increasing significantly in number. And one would expect that there was a much better approach in terms of prevention of these problems so that there would not have to be the complaints. That fits in with what I was talking about earlier on. And that is the need for having standards, for having best practices and not just looking at reporting and dealing with abuse, but trying to make sure that we're preventing the problems and having optimum care in the first place so you don't get the abuse.

\* (15:20)

And therein lies one of the major problems under this government—that time and time again, when we're talking about health-care problems or issues, they've been, you know, front and centre in railing against problems, but they've done very little in terms of preventing the problems in the first place. And that needs to change. It takes a different perspective. In order to do that, it takes a different approach. And, certainly, that's the kind of thing that should be done.

Indeed, one of the striking things is that, last year, of all the 1,500 complaints, only 55 were actually investigated. It's striking and interesting because, back in 2002, although there were fewer complaints, more of them—156—were investigated. And one has to ask, you know, why, in view of the big increase in complaints, why, in terms of the increase in serious complaints, why it is that the number that were actually investigated has gone down? And, surely, the goal of looking at complaints is not just to deal with the individual situation. But the goal should be to understand, you know, the systemic problems and make sure that we are introducing standards and best practices, so that we don't have complaints in the future. And this seems to be a major gap and something which could have been addressed this year, in this amendment, but, surprisingly, is not, and something which one would hope would be dealt with in the future. Because you need to be able to take the complaints that exist and the investigations, recommendations that come from those investigations, and implement a much better situation for people who are in care, whether it is in hospitals, whether it is in personal care homes.

I'll talk for a moment about, you know, one of the problems that can exist, and that would be related to mental health conditions like depression. And we need to ask: Are the government paying attention to making sure that the conditions are such that it's much less likely that depression arises? Because you have the kind of conditions that you would like that are preventive in terms of the development of health issues and health-care problems. Is there—what we know in terms of preventing depression, you know, exercise of one sort, sunlight, nutrition, including things like omega-3 fatty acids that—the issue here is, you know, are these things being actually attended to? Have there been any, you know, best practices standards laid down with regard to what happens in personal care homes, and in hospitals, to make sure that the basic and the fundamentals are being looked after, and not just that we're taking forward and

examining complaints and that we're listing complaints, and not doing, it appears, as many investigations?

The development, then, of new standards and best practices so that we have fewer problems in the future, surely, should be a major goal. And, hopefully, in the future, that we will see much a move—much more of a move in this direction to make sure that the quality of care in institutions improves, that people are respected when they're in care, that they are treated with dignity and that it is, yes, a matter of eliminating abuses and protecting people, but it's also a significant factor in terms of making sure that people who are in institutions also have—are treated with the basic and fundamental dignity and respect, and engagement and quality of life that they should be. And that the participation of family and community members, who are able to speak the same language and make people feel comfortable in these environments, is a very important part of this.

We have moved to emphasize, as we should, increased home care and, you know, wouldn't it be wonderful if a lot more of the people who are in institutions, whether in hospitals or in personal care homes, could actually be looked after in their own homes with their own families? It's a wish, a hope, a dream. But it's happening in certain areas, much more in palliative care. We're certainly doing better in this area, making sure that people have an opportunity to be with their loved ones at the end of their days, and be in familiar home environments to the extent that that's possible. And I've seen circumstances where, increasingly, it can be and should be possible for people to be supported in, oh, home environments, or partly in home environments and partly in institutions, so that in fact people have a better overall standard of care and standard of living, and that they're able to live in an environment which is a positive environment and provides the kind of dignity in care that we would all like for our loved ones.

So, Mr. Speaker, as I bring my comments to a close here, I would speak to members in the Legislature and say, you know, let us not just look at how we deal with abuse. Let us make sure that we are learning from this, that we are developing much more and improved best practices and standards for care around the province, that those best practices and care involve the respect and engagement, and sensitivity to language and community, and availability of friends and family which are so



important, and that these are things which we need to be considering as well as what's being considered in this legislation. And, hopefully, as we move forward, we'll be able to address these issues and not just be concerned about penalizing when things don't go wrong, but making sure that we're actually doing it right so that we don't get abuses and have problems of how people are treated in care in the first place. Thank you.

### House Business

**Hon. Dave Chomiak (Deputy Government House Leader):** Mr. Speaker, on behalf of the House leader, on House business, I'd just like to indicate to the House that the order of bills, as the House leader indicated, will remain the same, except that Bill 17 will be taken off of the roster, and then we'll proceed through Bill 7 and through the bills as laid out by the Government House Leader (Mr. Blaikie).

**Mr. Speaker:** Okay, we will deal with bill—continue dealing with bill—[*interjection*] Order, please. We will continue dealing with Bill 32, and once that's completed we will not deal with Bill 17. We will go on to Bill 7, 13, 14, 19, 25, 28, 30 and 36, in that order.

\* \* \*

**Mr. Speaker:** Okay, so now we will continue dealing with Bill 32.

**Mrs. Myrna Driedger (Charleswood):** Mr. Speaker, I move, seconded by the member of Lac du Bonnet, that debate be adjourned.

*Motion agreed to.*

### Bill 7—The Highway Traffic Amendment Act (Suspending Drivers' Licences of Drug Traffickers)

**Mr. Speaker:** Now I will call Bill No. 7, The Highway Traffic Amendment Act (Suspending Drivers' Licences of Drug Traffickers).

**Hon. Andrew Swan (Minister of Justice and Attorney General):** Mr. Speaker, I move, seconded by the Minister of Innovation, Energy and Mines (Mr. Chomiak), that Bill 7, The Highway Traffic Amendment Act (Suspending Drivers' Licences of Drug Traffickers); Loi modifiant le Code de la route (suspension de permis de conduire en cas d'infractions se rapportant au trafic de drogues), be now read a second time and be referred to a committee of this House.

*Motion presented.*

\* (15:30)

**Mr. Swan:** Mr. Speaker, I'm pleased to present this bill to the Legislature. There's some important points I'd like to bring to the attention of honourable members.

That the Province of Manitoba is responsible for the regulation of driver's licences. This responsibility includes the right to suspend or revoke a licence when that licence is used for criminal purposes such as the trafficking in illegal drugs. Information from law enforcement indicates that motor vehicles are integral to drug trafficking activity in Manitoba at every level of that trade.

Law enforcement officials in Manitoba already have several means at their disposal to combat the use of motor vehicles in drug trafficking. Federal laws such as the Criminal Code and the Controlled Drugs and Substances Act do allow the Crown to pursue forfeiture of motor vehicles used in drug trafficking. As well, our government has introduced The Criminal Property Forfeiture Act and recently created the new Criminal Property Forfeiture Unit. These crime prevention measures were already enhancing our ability to forfeit motor vehicles from drug traffickers. However, there is more that can be done to limit drug traffickers' ability to use motor vehicles for their criminal activity.

Mr. Speaker, the bill before us today provides for a driver's licence suspension for persons who are convicted of drug trafficking when a motor vehicle was driven in the course of committing the offence. The suspensions range from one year for a first conviction, five years for a second conviction, 10 years for a third conviction and lifetime for four or more convictions within 10 years.

*Ms. Marilyn Brick, Deputy Speaker, in the Chair*

Madam Deputy Speaker, this has several benefits. As mentioned it denies driving privileges to persons who abuse those privileges for criminal purposes. It creates one more obstacle to continue drug trafficking that the trafficker must try to work around.

For example, at present drug traffickers can use rented vehicles in order to avoid vehicle forfeiture. In order to rent a motor vehicle a person must present a valid driver's licence and with the suspended driver's licence a drug trafficker will not be able to rent that vehicle.

Madam Deputy Speaker, this bill will also assist police in the detection of crime. A drug trafficker with a suspended licence may resort to using their own vehicle. If the vehicle is spotted in traffic by police officers that gives an opportunity for a quick check of that licence plate which would reveal the registered owner of the vehicle has a suspended licence. This gives police the ability to stop the vehicle and, provided there's reasonable and probable grounds to search, may lead to the detection of criminal activity.

Madam Deputy Speaker, I look forward to this bill moving ahead to the committee stage so I'll conclude my remarks at this point. I look forward to the support of all members in this House in having the bill passed. Thank you.

**Mr. Kevin Lamoureux (Inkster):** Madam Deputy Speaker, I do have a few thoughts that I'd like to share with the minister in regards to this particular bill.

Madam Deputy Speaker, you know, I have found over the years that the government has a very interesting approach to trying to combat crime in the province of Manitoba. The current Minister of Family Services (Mr. Mackintosh), I thought, was probably the best in terms of talk and press releases. And, you know, if—I tell you on paper you would think that the government was doing a heck of a good job in terms of just the number of press releases that they issued out.

The problem is is that if you followed through on the press releases, and if you'd take a look at the reality of crime today in the province of Manitoba, you would find that the government has actually done a very poor job in protecting the citizens of our province. You know, legislation—and it's easy to, you know, to bring forward the legislation as the government has done, but in many ways even with legislation passed they haven't been successful in terms of really utilizing the tools in an number of incidences that would've had the desired impact that the government was hoping to be able to achieve.

There's no doubt the government has recognized that the public as a whole is concerned about crime. There's no doubt about that. What I have found, Madam Deputy Speaker, in the doors that I knock on or the people that I talk to, and you say to them, what is your biggest concern, and more often than not, quite often they will say health care, health care is my biggest concern.

Then it's kind of a toss up—sometimes it's education, sometimes it's crime. But what I have found is no matter what the first priority or concern seems to be, if crime is not their first it seems to be the second. And everyone seems to be concerned about crime in the province of Manitoba. And, you know, no doubt, there's a number of reasons for that. But, you know, the government, I believe, has recognized the fact that everyone is concerned about crime, but their actions to date have not really been able to—they have not been able to demonstrate that they have the ability to be able to deal with the issue of crime in the province of Manitoba. That's when one would say, well, talk is cheap.

And, you know, it's interesting because I've had discussions, whether it's on radio with government members or inside the Chamber, inside the Estimates process, in public meetings, and I have found that the government really has not been that effective.

And, you know, the government will often say, well, you know, the Liberal Party opposes—and I'll use it as an example—additional police. And, you know, I remember having a discussion about police and the need for police. And, you know, there was, you know, when you talk about the delivery of justice within the province of Manitoba, the police are just one component to it, Madam Deputy Speaker. And, you know, in the context of the discussion that I had at that particular time, I emphasized how important it was to get more probation officers and that it's more than just police; we need more probation officers. Well, the government, in its wisdom and spin, decided to try to give the impression, well, the Liberals oppose having more police in the city of Winnipeg. Well, given the government's failure to be able to deal with the issue of making our streets safer, there is an increased demand and need for police. And, you know, I believe that the minister does a bit of a disservice when he tries to give the impression that's just not true.

You know, I would like to think on behalf of the Liberal Party have advocated for a long time in regards to the need for expanding community police offices. And, you know, as community police offices were being closed down in Winnipeg's North End, this government, the member from Kildonan, the member from St. Johns, the member from Burrows, the member—all the members from the North End, did nothing in regards to preventing the closure of community police offices. And I find that very disappointing, that there is no reason why, whether

it's on Main Street or in McPhillips Street, that those community police offices should've remained open.

And, you know, ultimately, the government would say and has said and continues to say—they say it virtually every day in question period—how members of the opposition do not support our police or expanding the police or having different type of safety initiatives or anything, anything that's related to government expenditure. Why? Well, because we voted against the budget. And because we voted against the budget, that means we oppose everything where that \$10 billion is being spent, Madam Deputy Speaker. And that's, in essence, the government argument.

Well, we all know that the now government, at one time, was in opposition, and the record will show that they voted against the budget on numerous occasions. And I suspect that the member from St. Johns, when he voted against the government, he didn't vote against police officers being in the city of Winnipeg. I suspect what he voted on was believing that they could have presented a better budget, and that's the reason why voted in that fashion.

\* (15:40)

Equally, I would argue, today, I vote against the government's budget because I believe that the Liberal Party could present a better budget than what they present. After all, it's not like they set the bar that high. It wouldn't be that tough to beat, in terms of priorities, with this particular government, Madam Deputy Speaker.

So that's why we vote against it. You know, we take a look at the legislation of Bill 7. You know, this is an—this was—it's been pointed out and, you know, it's kind of a mixed message that I'm going to send here, I guess, by saying this, but, you know, we've argued that no one owns a good idea. If an opposition brings forward a good idea and the government chooses to act on it, we see that as a good thing even if they don't want to act on the opposition bill, but, you know, it would be nice if they acted on the opposition bills. But taking an opposition bill and incorporating it into a government bill is the next best thing, and Bill 7 is, in essence, just that.

My understanding is that this bill was a bill that was introduced by the opposition. I believe it was the member from Steinbach that introduced the bill. But I guess the department wanted to get a more comprehensive bill and felt that the opposition's—but

they felt the opposition's bill wasn't going to meet their standard. So, at the end of the day, I understand, and the member from Steinbach says, it's almost a literal photocopy. I—to be honest, I haven't—didn't read the details of his bill, but I suspect that he is likely right, that maybe it is a photocopy of the bill.

And, again, that's why I mean in terms of a mixed message, you know, I—it's good that they've acted on a private member's bill and I would encourage that. You know, it provides good incentive—

**An Honourable Member:** They could have amended that private member's bill.

**Mr. Lamoureux:** —for opposition.

Yeah, but if you really stop to think about it—if you really think about it, as an opposition, if we can just kind of, like, flood this Chamber with ideas, because, obviously, there's a vacuum on the government benches in terms of ideas. So, if we flood the Chamber with ideas in private members' bills, I believe it provides the opportunity for the government then, to do a little bit more for all Manitobans by picking some of those ideas and acting on them.

My preference would be, Madam Deputy Speaker, that they, you know, share and provide some incentive, allow some bills to, in fact, pass, and I do recognize that the government has done that. And I do applaud them on those occasions in which they recognized the value of passing an opposition bill.

This particular bill here is a bill that we've been waiting for, for a long time. In fact, Madam Deputy Speaker, if you look at the status of the bill, Bill 7 was first introduced when it was first brought to the House—you might find this hard to believe because I am actually, outside of the minister, the first one that's been given the opportunity to actually speak to the bill inside this Legislature. The Minister of Justice (Mr. Swan) first spoke to the bill, now get this, back in December of 2009. You know, so that's—you're talking months ago now in which the Minister of Justice first brought this bill to the Chamber.

Now, I realize they've had other priorities. They've had to protect their salaries and that bill was a priority. Day after day, they called that bill. I realize that that was a priority. I realize that they had to bring in their budget. But you know something, Madam Deputy Speaker? If you looked at the

sessions of the past and the tradition of this Legislature, you will find that governments, all governments, would bring a mixture of bills and Estimates and budgets so that bills would be afforded the opportunity to be debated at a much earlier time.

You think about it. Like, the number of bills—we have 30-some bills, and here we are today talking about Bill 7, and we're already towards the end of May and we're scheduled to be out of here by mid-June. You know, I think that if the government was less focussed on protecting their salaries with the BITSA bill, that we probably would have already dealt with this particular bill and this bill would have likely been in committee. In fact, it could have even had third reading and passed, Madam Deputy Speaker. I suspect—

**An Honourable Member:** Well, let's do it today.

**Mr. Lamoureux:** —and I'm open to doing that today. You know, that's one of the reasons why I'm standing up now to be able to speak to the bills, so that I'm on the record, government knows where it is that I'm coming from on this particular bill. It's been a long time in waiting. You know, I've waited since December. Since December. I was thinking I might not get the chance to speak on the bill.

So I'm so glad that I've finally been given the opportunity to be able to say that, yes, we have this bill finally before us and—because, is it a good bill? You know, it's not that complicated of a bill. It's pretty much straight forward, and, oh yes, I understand the bill. And, you know, it's the type of bill that, you know, will see driver's licence being restricted. There's no doubt about that. But, you know, one of the things that we need to recognize is who is it that we're targeting with this bill.

Well, the idea—here's the impression that the government is trying to give the public of Manitoba by this particular bill. The impression is very, very simple: if you deal with drugs and you get a conviction of dealing with drugs and you're in that vehicle, your licence is going to be suspended. Well, Madam Deputy Speaker, sure sounds good. Sounds like you're going to be able to prevent people from dealing with drugs in their vehicles, especially if they get that conviction, because after all, their licence is going to be suspended for one year. One year. Now, where they came up with the idea of one year, well, that's, I guess, somewhat debatable, and we can talk about that. But you know what? If you get caught the second time, it pops up to five years. You get caught the third time, it goes up to 10 years. You get caught

the fourth time, and then you've lost your licence for life, your ability to get your licence for life.

You can't blame the government for not necessarily giving a person a second, third or fourth chance. But, you know, I'm thinking in terms of here you have individuals that are dealing in drugs. Quite often they're growing drugs in their own homes; they're selling drugs; they're destroying families. My gut feeling is that they won't think twice about driving a vehicle if they don't have a driver's licence, Madam Deputy Speaker. You know, it's possible I could be wrong, but I suspect having a driver's licence really doesn't have the desired impact of terms of preventing them from selling drugs and resolving the drug problem that we have in the province of Manitoba.

And, Madam Deputy Speaker, I think that there are other things that could be done and could be emphasized. You know, the forfeiture of a vehicle. You know, we've had legislation that has been brought forward that was a—*[interjection]* Yes, I noticed that, you know. In fact, there was an article—you know, when the government comes out with press releases, right, they expect a certain response from the media, and I'm sure they would have been disappointed with Bruce Owen in the *Winnipeg Free Press*, because there was, you know, there was an article that was printed back in December when the government came out with that nice flashy press release with this wonderful bill that's going to, you know, take a bite out of the drugs being sold in Manitoba. In reality, it won't do that, Madam Deputy Speaker, but it—their headline that they were hoping was going to be something of the nature of: NDP strikes against drug lords, or something of that nature. No doubt, that's the headline they were looking for. Well, a little bit softer of a headline. The headline read "Drug traffickers may face licence suspension," and I note that the member from Steinbach is actually quoted in it. And it says, you know, "Tory justice critic"—can't say your name—"said the bill, to amend the province's Highway Traffic Act, should also include seizing a drug trafficker's vehicle."

\* (15:50)

Now that was something that was incorporated in the member from Steinbach's original bill. So they—the government didn't feel that that would be appropriate to incorporate into the bill, and what they did is they came up with all the arguments and justifications, and we saw the Minister of Justice

(Mr. Swan) refer to that when he was giving his second reading. He gave some justifications as to why he feels that that should not be incorporated into the bill, and, Madam Deputy Speaker, I would suggest to you that that would've had a more of an impact than the suspending of a driver's licence because the vehicle is like money in the bank. That is something that has more value to an 18-year-old, 19-year-old, that's been asked to go and drop off some drugs or to do a dealing with drugs because they don't want to lose their vehicle.

But, instead, the government was wanting just to give the impression that they're really taking a bite out of this whole area of crime in the city of Winnipeg or, in fact, the province of Manitoba, and in reality, as I say, I suspect, Madam Deputy Speaker, you will find that there are very few individuals that are selling drugs that would be using vehicles that would be intimidated by the fact that they might lose their driver's licence for one year. And I suspect that, if you were to canvass the opinions of the public and get a sense in terms of what members of the public would have to say that, you might be surprised. You know, suspension of driver's licence is nothing new. It's been used for many different things, and in the right situation it can actually be very effective.

In fact, Madam Deputy Speaker, the best example of being able to see the effectiveness of suspending a licence is in the drinking of alcohol. You know, there was a time in which it was nothing to be able to see on a Friday, Saturday night, and you go outside some venues and you would see a great deal of alcohol consumption that would've taken place inside these venues, and a person would think nothing in terms of getting behind a wheel of a car and just drive off. And I truly believe that it was a combination of things that ultimately led to turning that attitude around, and a part of it was in regards to suspensions of a driver's licence. But, again, you're talking about apples and oranges when you talk about, you know, an individual who goes to a party or goes to a club versus an individual that's using the selling of drugs as a means of a livelihood or a social behaviour; it's night and day. Suspension of a driver's licence was a very important aspect in being able to make the change.

But I'll tell you what was equally important, Madam Deputy Speaker, and this is something that the minister should take note of, is that it's not only important to say that we're going to take action against those things that will take away from

you—you know, it's important to do that—but equally important is the educational component and dealing with some of those causes. You know, what's enabling, you know, the 17-year-old to hop into a vehicle and sell the drugs? What are you doing to prevent that from happening? And I believe that there's a lot more that can be done, and I know that the Minister of Justice (Mr. Swan) has other legislation that we could be potentially debating this afternoon, and where I'll probably get the opportunity to talk in more detail about that, Madam Deputy Speaker.

But I can tell you that I do believe that there is a need for us to do a whole lot more. And, you know, it's important for the government to take the issue far more seriously. You know, it's almost as if—you know, every year, the government wants to come across as being able to say something powerful as to what they did to deal with the crime issue. And, you know, every year, I suspect, and, you know, if I had the research capabilities and resources, I can tell you it would be interesting to find out, since they've taken office back in 1999, how many justice crime—quote, unquote—crime bills have they been bringing in. And they all seem to be spaced out, so that every year, they can try to give the impression that they're doing something on crime in the city of Winnipeg, Madam Deputy Speaker.

And, you know, what I know is what I see on the streets. Every day I drive around in the North End of Winnipeg, and I can tell you, Madam Deputy Speaker, that there is—appears to be just as much crime today as there was back in 1999, if not more crime. And I'm probably being generous by saying if, not more. I suspect you will find that there likely is more.

And when you talk about the tangible, the tangible differences, and I made reference to it just a few minutes ago, you know. I told you about the community police office. You know, that—the community police office was something that was there, was in our streets and was a wonderful, valuable resource. And it's not like, Madam Deputy Speaker, those offices were empty, you know. I know how busy those offices and, particularly, the one on McPhillips was, and the people that used those offices as a wonderful resource to be able to go and meet peace officers and those that were volunteering in our communities to assist on fighting crime in our streets, in our local streets. And we've lost all that. We've lost all that in favour of the government coming up with stuff like this that we

have before us. Now, I'll tell you something, if I had a choice, I'll take the community police office over this particular—this bill. Ideally, I'd like to have both. But, if I had a choice, I would rather take the community police office.

So as the government—and the government did have a choice. They had a choice. They could have both. They could have either one, and they chose the bill. You provide the Liberal Party the choice and we will take both. And if you say you can only one, my recommendation is that it be the community police office. Because I can tell you that the community police office served a valuable purpose in our communities, and I believe, ultimately, it did a wonderful job in fighting crime in our local communities, Madam Deputy Speaker, in many, many different ways.

And so, when I look at Bill 7, you know, it's a fairly simple, straightforward bill. It's a bill that the government feels that they need to introduce so that, once again, they can say, well, you know what, we brought in legislation that did this for those guys selling them drugs. And they want to show that they're tough on drug sellers, Madam Deputy Speaker. But, in reality, some of the actions that they have allowed to take place have done far more damage than what this bill will do in a positive way.

\* (16:00)

So, you know, I am disappointed that, you know, it's—that the government has seen fit to not really deal with the issues that are really important at that local level, and, in terms of this particular bill, we support it. You know, it's a bill that is not going to hurt. It's a bill that could have an impact in some ways, Madam Deputy Speaker. Potentially, it could be used—*[interjection]* Only two minutes? Potentially, it could be used as a tool; a tool that could assist our police officers that are on the streets trying to deal with the problem that has, in part, been created because this government's failure to deal with some of the causes that are actually causing the problems to occur. So, in that sense, you know, Bill 7 is a bill that should move on to the committee stage.

And, you know, I make note that it has been a long time in waiting for the bill to be debated here today. I'm glad that the Minister of Justice (Mr. Swan) has taken the time, at least, today to bring it forward. We'll have to wait and see, Madam Deputy Speaker, as to when it does go to committee, if there is going to be any public input on it. And, maybe, just maybe, the minister might recognize the

value—and not come up with excuses—but recognize the value of vehicle forfeiture, and, if, in fact, this bill could be better legislation by enabling us or the government, indirectly or directly, to take the vehicle away from an individual that is using the said vehicle in the use of committing a crime, that crime being selling drugs.

Madam Deputy Speaker, I know, I hear about it, even in my own constituency, where cars will be parked in a parking lot and they're there to sell drugs. And if there are actions that we can take, we should take them, and that's why I support—

**Madam Deputy Speaker:** Order. The honourable member's time has expired.

**Hon. Jon Gerrard (River Heights):** Madam Deputy Speaker, I would like to put a few words on the record in terms of this bill.

As my colleague has noted, we support this bill, but, at the same time, we have, you know, a healthy scepticism about the overall impact of this bill, quite frankly. As my colleague has already mentioned that the, you know, improving community policing might be a stronger measure than this bill, and there are a number of reasons why this may well be true.

You know, this—the question is, if an offender drives a motor vehicle during the course of the committing the offence, well, it may be quite possible to envisage a lot of situations where people who are getting involved in drug 'traffing' might decide to not use a car or have somebody else drive the car, or all sorts of ways of avoiding getting caught in this, but still being involved in the drug trafficking. And so, you want—one certainly would hope that this is effective, but I think it's important to point out that there may be lots of ways for individuals or drug trafficking to get around this legislation by either not being the one driving the car or being—using other means of transportation, et cetera, et cetera. And, although this may make it slightly more difficult that the question is going to be, is it going to have an impact on decreasing the extent of drug trafficking? Is it going to have an impact on decreasing the extent to which individuals get involved in gangs? And one has to question that.

I mean, I think that the bottom line is that we should have an impact on making Manitoba, and Winnipeg in particular, but the whole province safer, and that we have to ask the question: Does it, in fact, do that? It will send a signal. It may have an impact on a few cases, but we will wait and see whether it

has, you know, the big impact that one would hope for.

I think that the situation that we have in Manitoba, which is quite a serious one as we've seen in the last 48 hours with four people aged 8 to 16 being shot, one of them killed, that we need to address and make changes which will decrease the number of people being shot and the number of people being killed.

In this regard, I would—was interested to note that the 16-year-old, his name was Kyle Earl, who was killed—from the report in the newspaper today, was a 16-year-old who was in care—was in the care of the government—was in the care of this government. And one has to ask, you know, what is happening when the government has the care of a 16-year-old and that 16-year-old gets killed? Something drastically went wrong.

As the minister himself pointed out that the number of children in care under the NDP at the moment, which is more than 8,600, is equivalent to the size of a Manitoba city. Shocking. And to have that many children, 8,600, under the care of a guardian who, in this case, failed to do its job and protect the child, there's a problem. And maybe the government should look at itself as one of the problems here, that it's the government which is not doing its job and is causing some of the problems because it's not doing its job well.

When you look at the statistics that we see in—with Winnipeg being ranked last year by *Macleans* as having the second highest overall crime rate of Canadian cities—in 2008, Manitoba had the highest overall homicide rate. Last year, the second highest homicide rate in the country; 2008 had the third highest proportion of gang-related murders; 2008, Winnipeg had the highest homicide rate and the highest recorded robberies out of the 10 largest cities; 2008, Winnipeg tied with Montreal reporting the highest rate of officers per capita among the 10 largest cities.

Increasing the number of police officers is not necessarily providing the solution here, and so we need to be looking at, what are the causes? What are the reasons for the crime? Why do we have so much drug trafficking to start with? What has been happening to the youth justice committee, to community policing, the other efforts which should be there, which are not there to the extent that they should be?

And, you know, as has been pointed out and well documented, people with—adolescents with FAS, FASD are at greater risk to join gangs because they have trouble sometimes in controlling their actions. They struggle to pay attention in school, have difficulty holding on to jobs, drop out of school sometimes, more prone to turn to drugs and alcohol and get into trouble with the law due to problems distinguishing right from wrong.

\* (16:10)

And we know that you can actually make a huge difference for a child with FASD if that child is identified very early on, if the caregivers know and are sympathetic earlier on and provide an environment where a child with FAS can learn according to the way that their own brain works. And yet, repeatedly, this government has refused to do the work to identify all children with FASD early on, to put in place the programs which would enable children with FASD to prosper instead of getting into trouble with the law. And, you know, these are happening elsewhere, but they're not happening adequately here.

And so the problem is that, yes, it's nice PR perhaps for the government to slap down, get rid of driver's licence for drug traffickers, but the reality is that there's a number of other things that the government should be doing to make sure that they are, in fact, looking after the things that they are directly responsible for like the children in care. And, until that happens, I suspect we're going to continue to see major problems with fences, with murders, with drug trafficking, and you know, there's a circumstance here, and one of the problems with this is that, although you can suspend the driver's licences of drug traffickers, that drug traffickers are probably going to start driving around without licences. And it may mean that it's easier to pick them up for other offences perhaps, but there's an issue here that, when you've got somebody who's committed an offence, whose licence has been taken away from them, that, you know, you want to make sure that what we're doing is addressing the major problem, which is the drug trafficking per se and the violent crime that results and that you know, there's a lot that needs to be done and can be done to address that effectively that is not being done. And that's where we have a lot of problem with this government, which has dramatically failed, as we've seen time and time again, in the incidence of homicides and the amount of drug trafficking and the problems that we have in Manitoba at the moment.

This government is just not doing its job and, instead of making sure that the end results are better, is bringing forward legislation like this, which is good PR, gets them a nice headline, a good photo op, but there's a question about how much difference it actually makes and that's the question which we need to answer. Certainly, we think that there may be possibly some beneficial effects coming from this, but until the other areas are adequately addressed, that it's not at all clear that the results are going to be less crime, fewer people being shot, and an improvement in the situation here in Manitoba.

I think, Madam Deputy Speaker, with those remarks, I'm going to conclude and hope that we see from this Justice Minister improvements in the rate, decreases in the rate of homicide, and not just more press releases and measures which, in the long run, have not been as effective as they should be because they were done more for PR than really for positive outcomes. Thank you.

**Mr. Kelvin Goertzen (Steinbach):** I move, seconded by the member for River East (Mrs. Mitchelson), that debate now be adjourned.

*Motion agreed to.*

**Bill 13—The Civil Remedies Against Organized Crime Amendment Act**

**Madam Deputy Speaker:** We will now move on to Bill 14, The Body Armour and Fortified Vehicle Control—[interjection] I'm sorry, Bill 13, The Civil Remedies Against Organized Crime Amendment Act.

**Hon. Andrew Swan (Minister of Justice and Attorney General):** Madam Deputy Speaker, I move, seconded by the Minister of Agriculture (Mr. Struthers), that Bill 13, The Civil Remedies Against Organized Crime Amendment Act; Loi modifiant la Loi sur les recours civils contre le crime organisé, be now read a second time and be referred to a committee of this House.

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

**Madam Deputy Speaker:** It has been moved by the honourable Attorney General, seconded by the honourable minister for Agriculture, that Bill 13, The Civil Remedies Against Organized Crime Amendment Act, be now read a second time and be referred to a committee of this House.

His Honour the Lieutenant-Governor has been advised of the bill—the honourable—the message has been delivered.

**Mr. Swan:** I'm pleased to present this bill to the Legislature.

Madam Deputy Speaker, the most effective response to organized crime requires initiatives on multiple fronts. There's no single answer. There's no magic solution when it comes to dealing with organized crime. For this reason, Manitoba has developed a comprehensive strategy of suppression, intervention and prevention initiatives designed to deal with gangs and organized crime and the threats they pose to the safety of Manitobans.

Manitoba Justice constantly reassesses, adjusts and expands this strategy to respond to changes in organized crime and gang practices. Bill 13, Madam Deputy Speaker, reflects this philosophy. The legislation it amends was originally designed to be a tool that could be used by police when they uncovered information about businesses linked to organized crime.

Bill 13 amends this act by changing who can apply for court orders to deal with businesses that effectively operate as fronts for organized crime. Bill 13 responds to the input of police which we receive during a comprehensive assessment of all of our many legislative initiatives. This assessment involved consultations with 120 organized crime experts across Canada.

Police told our officials that the legislation could be improved. Their experience showed that the best use for the police was to focus exclusively on criminal investigations and that police found they could not take on the additional responsibility of civil law measures.

This bill acts on their advice by changing the applicant under the act from police chiefs to the director within the Department of Justice. We made the same key change to The Criminal Property Forfeiture Act already, and this bill will follow suit. The remainder of the original act is not affected by this bill. We believe these amendments will ensure that these provisions can be applied when the appropriate fact situations arise.

Madam Deputy Speaker, we've established a number of innovative responses to organized crime based on the provincial authority surrounding the administration of justice, crime prevention and public safety. This bill is based on our research and



also our advice from law enforcement on how to make this an effective part of our arsenal to respond to the threats posed by organized crime.

I look forward to the support of this House to move this bill to committee and to pass this important public safety and crime prevention statute.

Thank you, Madam Deputy Speaker.

**Hon. Jon Gerrard (River Heights):** Madam Deputy Speaker, we will support this legislation, but I want to point out that the original legislation, The Civil Remedies Against Organized Crime Act, which was introduced in 2002, took seven years for the government to seize its first property through the proceeds in crime legislation.

In other words, the legislation which was brought in in 2002 was remarkably ineffective. The first property seized was actually a home in Lake Riviera Estates, about five kilometres east of Ste. Anne, because it had been the site of a marijuana grow operation. And the time lapse and the absence of effectiveness speaks a lot about, you know, the inadequate planning and the ineffective planning and the ineffective legislation that this government brought in, in 2002.

*Mr. Speaker in the Chair*

\* (16:20)

Now we are hoping that this change will make a significant difference. I think it's important, Mr. Speaker, to look at what happened in Ontario. One can compare Ontario with Manitoba, and in Ontario, since 2003, there were 170 cases of forfeiture proceedings with \$3.6 million in property forfeited, and \$11.5 million in property frozen, and almost a million dollars distributed to victims, and over \$900,000 awarded in grants to help prevent victimization.

So, in contrast to the Manitoba legislation, where there was one forfeiture in seven years, in Ontario, the legislation which was set in place somewhat differently has been much more effective.

The NDP, perhaps in making this change, are looking a little bit to Ontario, but perhaps they should have, in fact, done more along the lines of what's happened in Ontario.

So I'm just going to for a moment review. Ontario created their Civil Remedies for Illicit Activities office in 2000 to enforce its Civil Remedies Act, and the office, in contrast to what

happened here in Manitoba where we've had one success in seven years, the Ontario office is now considered an international authority on civil forfeiture. It regularly shares its expertise and best practices with other jurisdictions, and it assists provinces in Canada with civil forfeiture legislation.

There are some pretty impressive cases in Ontario; 73 percent of Ontario's cases have been drug-related. About \$500,000 of the property seized in Ontario has been forfeited to the Crown as instruments of unlawful marijuana grow operations and almost a million dollars in illicit cash has been seized. In 2006 alone, there was \$99,000 in cash found in a rented car searched by the police. In another case, there was 120,000 in bundled cash found during a traffic stop and seized.

In Ontario, on June 16th, 2005, the Durham Regional Police executed a search warrant at a resident in Oshawa and discovered a large active grow-op in the residence. The police seized equipment, plants and dried marijuana with a street value of over 540,000. March 28th, 2006, a crack house at 193 King Street East in Hamilton and an associated bank account was forfeited. The building was a former tavern and was full of drug dealing and had been the location of two crack-related murders, numerous stabbings and drug offences, including crack cocaine, for the possession and use in trafficking.

The neighbourhood was plagued with crime until forfeiture of the property transferred it to the City of Hamilton as compensation for the ongoing victimization.

The more that is seized by forfeiture, the potential is the greater benefit for citizens because not only does it deter crime, but it results in the potential for tremendous compensation to be distributed to the direct victims of unlawful activity, as is happening in Ontario.

Compensation in Ontario, due to forfeiture, is quite remarkable. In January 2007, there were grants totalling 763,000 awarded to 10 Ontario law enforcement agencies for initiatives to assist victims of unlawful activity or to prevent unlawful activities that result in victimization.

So, Mr. Speaker, you know, there is potential if done right for this to be an effective measure. It's too bad that this—the NDP government didn't do it right when they put it in, in 2002, and we're hopeful that these amendments will, in fact, make the difference.

We will be watching closely to see if that, in fact, is the case, because the history of this NDP government is that a lot of times they put measures in place which have not been that effective, and that's certainly true of the original Civil Remedies Against Organized Crime Act.

And I would suggest that what has happened in Ontario should be a model, and that we should make sure that we are learning from Ontario and, in fact, from other jurisdictions. I'm glad to see that the Minister of Justice (Mr. Swan) had looked for some advice, because, certainly, they must not have done so the first time around when they brought in legislation which only produced one forfeiture in seven years. And, you know, that's too bad that they were so ineffective then. But we're hoping for improvements and, you know, we're optimistic, but so far we haven't seen the kind of improvements that we should be seeing and the rates of crime, instead of decreasing, and the rates of problems, instead of decreasing, have been going up or keeping us near the top of many categories.

There's another reason for making sure we've got effective measures because, if we don't have effective measures here, then what will happen is that people who are developing grow-op operations will put them up in Manitoba as opposed to putting them in Ontario. And, you know, the—we would hope that this time around the NDP have learned and that we're actually going to see some action instead of the silence for six years under the original act.

The ability to make a difference with civil remedies has been, in fact, quite well demonstrated in a number of other jurisdictions and—not only in Ontario, but in other countries. As early as 1970, the United States started to look at laws which included civil remedies. In Australia, criminal forfeiture laws were introduced in 1987 in the state of New South Wales, and more states have followed. New Zealand much more recently introduced the Criminal Proceeds (Recovery) Bill in 2007. Ireland passed the Proceeds of Crime Act and created a bureau to deal with civil assets forfeitures, and in 1996—and they, in fact, have had one of the most successful civil asset forfeiture programs in Europe. In the United Kingdom in 2002, it was introduced Proceeds of Crime Act with amendments that dealt with the recovery of criminal property.

So this bill, if we look at other jurisdictions, Ontario, Ireland are good example. That it has significant potential—and we hope that these

adjustments are actually going to give the effectiveness which it needs and which it really has not had for the last—well, since 2002. That's eight years that the original legislation—and now are coming back eight years later and fixing up a problem that should have been dealt with back in 2002 so that this worked properly in the first place.

One hopes, for example, that, you know, the Bill 7 which we dealt with just a little while ago, suspending driver's licence of drug traffickers, that the first suspension is not seven years from now, and that it's got a better track record than the legislation which we're now coming back and amending, because it was not put together very well in the first place.

\*(16:30)

So, Madam—Mr. Speaker, you know, I've covered the essence of what I wanted to say here under this bill. We are hopeful that, in fact, it's going to make a difference, that the government has brought in changes which should have been put there in the first place in 2002, and, hopefully, this time, after eight years, we've got the bill right and we'll be looking forward to comments at the committee stage because, you know, maybe there's some other things about this legislation which could be improved as well.

And so, Mr. Speaker, with those few comments, I'm going to sit down and pass it on to my colleague to provide a few more comments. Thank you.

**Mr. Kevin Lamoureux (Inkster):** I do have a few thoughts that I would like to be able to share with the House in regards to Bill 13. I think it's—you know, one of the nice things about doing a series of crime bills is that you're able to maybe take a broader look at the serious issues that are facing the province related to crime and why it is that we need to have a bill of this nature.

You know, just—I guess maybe about a week ago, Mr. Speaker, you might recall that there was an incident that occurred, actually, right beside my constituency office, in which it involved some young people in the province of Manitoba. The incident is this: There's a little store right beside my constituency office in which the owner of the store was there and a couple of young people came by. I believe one was 10 years old and the other one was 14 years old, and the two of them walked into this store and they kind of looked a little bit odd, the owner had told me, and they had asked if there was

some ice cream. Usually, because she knew the two individuals from the past because they have used her store, but they were just kind of like looking around in a very odd fashion, she had thought, and then the one of them asked about getting some ice cream.

So she came around from the counter and she started to bend over, pointing where the ice cream was, when she was actually grabbed, Mr. Speaker, and then stabbed. The older child of, I believe it was 14, grabbed her, stabbed her, and then the younger child, which I believe was 10 years old, attempted to stab her in the face, and, with her hand, she was able to prevent that child from stabbing. She started to scream. The kids, out of fear, fled the office, and, you know, in order to leave, you literally have to virtually go through my office in order to get out of the store because of the gazebo. And there was another customer that quickly had come in and had seen that there was blood all over the place; 911 was called, and, shortly thereafter, she was rushed to the hospital with stab wounds in her neck and in her hand. And, ultimately, what could have been another fatality here in the province of Manitoba was averted because of the owner's ability to be able to defend herself and, in essence, scare these two children away.

Mr. Speaker, I've had the opportunity to chat with her since then and I am very much concerned in regards to some of the comments that have actually come out as a direct result of this particular incident. I can tell, and I would share with members of the Legislature, that one of the concerns is that the reason for this incident might have been in regards to gang initiation. That there was—in order to try to appease and make it look as if they could handle being accepted in a gang environment, that there was a requirement to do something of this nature. And this was shared with me by more than one individual that was closely associated with the incident.

Mr. Speaker, you will recall that there have been other reports with other types of incidences that have happened in the province where individuals will steal a car and ram something with that car, whether it's another police car, a home, another vehicle, cause serious damage. And, at one point, I believe it was just bricks that they would put on the gas pedal. And it was recognized by some as, again, a gang initiation of sorts in order to be able to get better acceptance to that crowd of individuals which is causing a great deal of harm to our society and making a lot of people feel uncomfortable and not even safe in their own homes.

And, Mr. Speaker, I know during the late '80s and early '90s, I suspect and, again, you know, a quick *Hansard* check would verify it, but I suspect that if you were to research it, that you will find that I didn't give nowhere near as many speeches inside this Legislature back then related to crime, let alone gangs.

You know, during the '90s, I cannot recall having to talk about gangs nowhere near to the degree that I talk nowadays about gangs. Mr. Speaker, I believe that this is something that has happened more so over the last decade where we have seen the level of gang activity continue to grow in the province of Manitoba. And it's been at a huge cost—a huge cost. And, when you start to see some of the patterns that are before us, one needs to be very much concerned in terms of—well, what is government doing really to take back the streets, in particular, here in Winnipeg.

You know, in the '90s, if you were to do a *Hansard* search, I don't believe I ever used the term "grow-op." You know, members in the government side can correct me if I'm wrong. I don't believe, you know, the critic, the member from Kildonan, during the '90s, used the word "grow-ops," not that I can recall offhand. You know, it's possible during—you know, it might have been the late '90s, you know, '98 and '99, something of that nature possibly, but I cannot recall the "grow-ops" being used.

Now, you know, a few years ago it seems that it was being talked about all the time. And, you know, the legislative agenda, whether it's a question period or just debates, you'll see that there's been a great deal of attention that has been given over the last number of years to the issue of grow-ops. Mr. Speaker, there's other incidences that have occurred that lead one to believe that it has been getting a whole lot worse. You know, it wasn't that long ago in the news we were hearing about someone that was, you know, shot in daylight right on Portage Avenue. We have innocent individuals, bystanders, that they're getting shot and killed, and it's all related to gang activities.

We should be concerned about what's taking place. You know, I suspect that, if you were to look at it from a per capita basis, I would be surprised—and I look to the government, the Minister of Justice, in particular, to correct me if I'm wrong—but I suspect that we are probably within at least the top three in terms of per capita in the country dealing with gang activities.

\* (16:40)

And, you know, I don't know in terms of why it is that it's escalated to the degree in which it has and to what degree the government could have been doing a better job to prevent it. I'm not a hundred percent sure, but I do know one thing, and that is that we have spent a great deal of money and resources in this province over the last number of years and we have increased the number of police officers on the street, yet the problem has grown and I have not seen initiatives by this government that have really had the desired impact of being able to provide peace of mind to the public as a whole as to the direction that we're going on the whole issue of gangs and gang activities, in particular, in the city of Winnipeg.

And even though I focus on Winnipeg, issues like grow-ops, Mr. Speaker, are all over the province. It's not just, you know, the city of Winnipeg, or inner-city Winnipeg, or North End Winnipeg. It's all over, in different suburbs, it's in rural communities and so forth. And so I don't mean just to focus strictly on Winnipeg, but I think that that's probably where the greatest level—in terms of numbers—of fear lies, and to what degree are we being effective at dealing with that, what I would classify as very serious street crimes that are taking place in our province.

Mr. Speaker, I know that over the last number of years, I have had more and more constituents of mine talk about serious issues related to crime and how it appears that certain areas of the city of Winnipeg do not have the same sort of surveillance or traffic from the city of Winnipeg police department because of the way in which the system is set up, because in certain areas that—where they call the cruiser cars, that it does have an emptying effect in areas such as the Meadows West or the Garden Grove. And I realize, and this is an issue in which, you know, people want to be able to see our police officers in our communities in a very real way.

But I raise that because it seems to me that over the last number of years, I've had that issue raised to me more and more often, Mr. Speaker, and, you know, I do have some issues in regards to the whole justice and crime file that I have canvassed over the years, opinions from my constituents, and if the Minister of Justice (Mr. Swan) is interested in hearing some of those results, in particular, from questionnaires that I have circulated, I'm more than happy to share those results with the minister. I just

ask that he or someone from within his department contact me and I'll be more than happy to make myself available and share with him some of the numbers that, in my opinion, would shed a different light; a light that will, you know, portray or demonstrate the need for government to make fighting crime a much, much higher priority.

You know, in the previous bill, when I was talking, I talked a lot about the government press releases and how effective the government has been in terms of trying to give the impression that they're dealing with crime, and this is a good example. It's a very good example in terms of what it is that I was referring to when I said, you know, the government comes down with a bill and they expect to see wonderful, bold headlines which demonstrate that they're actually doing something and they're going to have an impact. But, in reality, that impact is nowhere near what it should have been, but the government—that didn't stop the government from being able to say that, oh, we're tough on gangs because this is what we did. And this is where it's nice to have things such as freedom or freedom of information and requesting specific numbers and having more dialogue to try to find out just how effective the legislation actually has been.

You know, the Leader of the Liberal Party made reference, and I like to make reference to it also in terms of the province of Ontario. You know, I suspect that if you were to look in the—in our history archives of media reports and even possibly the government's press release, that when they came up with the idea of the civil remedies as a way to combat gang activities and to acquire the assets—and that this is something in which the government, no doubt, would have claimed as their idea, as—that it was a first of sorts in Canada and so forth. Because that's all part of trying to give the impression that they're doing actually well.

I suspect that if you did look into it, that that's, indeed, what it is that you would actually find, that that's what the government attempted to do. Yet my understanding is is that it was actually Ontario, the province of Ontario that first introduced civil remedies, and that would have been back in 2001. And my understanding is is back then it was a first of its kind. Now, you know, the government saw the merits in terms of what was happening in the province of Ontario, and realizing that the number of gangs was increasing and the number of gang members was on a huge increase.

You know, I remember sitting in the Estimates one day where we were trying to get a sense of how many gang members that there were in the province of Manitoba. And best I can recall offhand, we were talking somewhere in the range between two to 4,000. That's a significant number, Mr. Speaker. But the government recognized how important it was to try to address this issue, and their emphasis seemed to be more so on how do we get the government to look good so that it appears as if we're addressing this issue? And that's why, when they looked to the province to the east and they saw that Ontario was, in fact, taking action on it through civil remedies, they thought that, yes, this is something in which the Province of Manitoba could be doing. So, true to form, the NDP had, you know, taken the idea and tried to make it a little bit maybe more unique to the province of Manitoba so that they could make a statement to the effect that it's kind of like the first of its kind of sorts in the province of Manitoba. And, you know, it's possible I could be wrong on that particular point, but I suspect that I'm not. And then they brought in the legislation.

Now, when they did that, Mr. Speaker, then one could question, well, how effective has the government been? And this is what I found was truly amazing. This is what it's really all about: it's perception and reality. And the government tends to be more concerned about perception than it does about reality, believing that if all they need to do is to fool the public, if they can fool the public to make them look as if that they're doing something and doing a good job, that the public will continue to support them, that you don't have to necessarily worry about the results. And there is likely no better example than this particular piece of legislation.

Now there is likely more that one could take a look at it, in particular such as the John's legislation that they've brought forward. But we're talking right now about Bill 13, and, Mr. Speaker, if you take a look at what it is that Bill 13 is doing, it's all about forfeiture. It's taking property, which would include cash, guns, cars, real estate, you name it, and allowing that to ultimately be up to a—or brought to a civil suit where the government could ultimately acquire those on the condition that they were being used as a part of gang activities or acquired as a gang activity.

\* (16:50)

What a wonderful idea. And Ontario saw it and they acted on it back in 2001. But the NDP here also

recognized the value of that idea, and that's where we get into this perception issue, right. The perception of let's bring in the legislation, get the headlines.

This way, we can campaign on it in general elections, tell Manitobans, here's what we are doing. We're going to take away the clubhouses. We're going to take away the cash they made. We're going to take away whatever we can through the civil remedies method, and that is going to have an impact on gang activities in the province of Manitoba. So that was the spin. That was the intent of them bringing in the legislation.

Now, that's the perception. What is the reality? This is the reality, Mr. Speaker, and in order to emphasize the reality, we have to compare it to the province of Ontario because it was the province of Ontario that first brought in the legislation, and, Mr. Speaker, I'm going to read what information was actually provided to me, and I believe the minister—or the Leader of the Manitoba Liberal Party made reference to this. And that is that in Ontario, since November of 2003, there were 170, that's 1-7-0, cases of forfeiture proceedings, with 3.6 million in property forfeited and 11.5 million in property that was actually frozen, and almost 1 million distributed to victims and over 900,000 awarded in grants to help prevent victims—victimization.

That is Ontario, and Ontario saw the value of the legislation, brought in the legislation. And that was in Ontario, 170 cases since 2003. Well, that's a pretty interesting result. It shows that they saw the value and the need for it. They acted on it. They brought in legislation, and, once they had the legislation, they made sure that that was a tool that was actually being utilized, Mr. Speaker, and it was being utilized, into the millions of dollars, 170 cases and so forth.

Well, how does that compare to the province of Manitoba, Mr. Speaker? Well, Manitoba, to the best of that we're aware of, and we look to the Minister of Justice (Mr. Swan) because the Minister of Justice would easily be able to correct the record. You know, with the Minister of Justice, and I look to the Minister of Justice to correct me if I'm wrong, but in terms of Manitoba you can count it on one hand. It's just one; that's it. It's been in for years and there's been one case and that's what the bottom line is.

Well, you can't say, well, we don't have gangs. The reason why we have it is because of the gang problem, and, as I talked about earlier, on a per capita basis, I suspect we're in the top three, and that's being generous. On a per capita basis, we could

be No. 1 in terms of gang activity. I don't know for sure, so I won't say that for sure. But what I have been told and, you know, the Minister of Justice (Mr. Swan) sits in his chair and acknowledges nothing, so I'm sure if I was wrong on the assertion that it's one, the Minister of Justice would tell me that, no, that that's wrong. And, if I'm wrong, then tell me, is it more than two? Is it more than three? You know, what number of cases? We're told that it's one, Mr. Speaker.

**An Honourable Member:** Are you talking about The Criminal Property Forfeiture Act?

**Mr. Lamoureux:** Yes.

**An Honourable Member:** Stay tuned.

**Mr. Lamoureux:** Stay tuned.

**An Honourable Member:** \$6.6 million in the queue.

**Mr. Lamoureux:** Stay tuned. Well, the Minister of Justice says that there's things in the queue on it, and we'll wait and see. And maybe it's because over the years they realize, oh, boy, you know, it's one thing to pass this years ago; it's another thing to actually be using it. And it'll be interesting to see, Mr. Speaker, in terms of the actual numbers.

But the point is is that in the province of Ontario, the government of the day recognized the seriousness of the issue, brought in the legislation, and then they did what was necessary to ensure that the legislation was, in fact, being enabled, to allow for prosecutions and for the legislation, in essence, to be effective.

And, Mr. Speaker, this is what one would expect of a government. But, in the province of Manitoba, that has not been the case. In the province of Manitoba, what we have seen is the government has recognized that, yes, there is this problem, but they're more concerned about the perception and the spin than they are in regards to the actual results. Now, I hope, by seeing this particular amendment, and the leader of the Manitoba Liberal Party indicated that we're supporting the bill, I think it is a good bill to support. But I anticipate, by supporting this particular bill, that it will make a difference.

One can question, you know, why it is that we're dealing with the amendment at this point in time. You know, we've had this issue before us for years, and it's a relatively simple amendment. It's not really all that complicated as an amendment to the act, Mr. Speaker. One could question why it is that it's taken years for the government to bring it forward. And

maybe what it is is we now have a Minister of Justice who is saying, well, you know, and in running for the leadership of the New Democratic Party, maybe he did a little bit more consulting with what Manitobans had to say, and felt that this was an issue that had to be dealt with in a more serious fashion. So, as a result of that experience that the member from Minto had, we now have before us an amendment that better reflects some of the feedback that he, himself, has received. And I give credit to the minister if, in fact, that is the case.

You know, it's not like he's been the Minister of Justice for the last number of years. This is a new portfolio for him, and, in that sense, it did not take him that long to recognize the need to make the change. And we see that as a positive thing in that sense, Mr. Speaker. So, you know, it should be noted that I do say some positive things when I recognize that maybe that there is an opportunity where the government has done something in a positive way—have to be fair and have some balance, I suspect, you know.

But, having said that, for years this—the legislation has demonstrated its inability to actually have the desired outcome that was initially talked about when it was first talked about. I suspect, Mr. Speaker, that once this legislation does go to committee, that it will receive support. I trust that the minister has checked with the different stakeholders and is feeling relatively confident of it. I suspect that the member from Steinbach, in the Conservative caucus, will likely be supporting this bill. They might be a little disappointed in terms of it took so long to bring it before us, but, in terms of having the bill, I suspect that it will, in fact, pass. And I'm glad that we finally have the opportunity to be able to debate the bill today.

And, as I said on the previous bill, I realize that it wasn't a priority bill for the government. Maybe for this minister, but for the government, it wasn't a priority bill, as they seem to be more concerned about the BITSA legislation.

Thank you, Mr. Speaker.

**Mr. Speaker:** Order.

Okay. When this matter is again before the House, the debate will remain open.

And the hour now being 5 p.m., this House is adjourned and stands adjourned until 1:30 p.m. on Monday.

# LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, May 27, 2010

## CONTENTS

<b>ROUTINE PROCEEDINGS</b>		<b>Members' Statements</b>	
<b>Introduction of Bills</b>		River East Optimist Club	
Bill 234—The Consumer Protection Amendment Act (Gift Cards)		Wiebe	2526
Faurschou	2515	Albert Deleau	
		Rowat	2526
<b>Petitions</b>		Promoting Aboriginal Student Success Conference	
Multiple Myeloma Treatments		Dewar	2527
Driedger	2515		
Waste-Water Ejector Systems		Friends of the Harte Trail	
Derkach	2515	Driedger	2527
Maguire	2516		
PTH 16 and PTH 5 North—Traffic Signals		Maples Collegiate Unity Walk	
Briese	2516	Saran	2528
<b>Oral Questions</b>			
Gang Violence			
McFadyen; Selinger	2517		
Goertzen; Swan	2518		
Manitoba Hydro			
Borotsik; Chomiak	2520		
Education System			
Cullen; Allan	2521		
McFadyen; Selinger	2522		
Maintenance Enforcement Program			
Mitchelson; Swan	2523		
Burntwood Regional Health Authority			
Gerrard; Oswald	2524		
Neighbourhoods Alive!			
Wiebe; Irvin-Ross	2525		
Flood-Damaged Farmland			
Briese; Struthers	2525		
		<b>ORDERS OF THE DAY</b>	
		<b>(Continued)</b>	
		<b>GOVERNMENT BUSINESS</b>	
		<b>Second Readings</b>	
		Bill 32—The Protection for Persons in Care Amendment Act	
		Oswald	2529
		Lamoureux	2529
		Gerrard	2534
		Bill 7—The Highway Traffic Amendment Act (Suspending Drivers' Licences of Drug Traffickers)	
		Swan	2537
		Lamoureux	2538
		Gerrard	2542
		Bill 13—The Civil Remedies Against Organized Crime Amendment Act	
		Swan	2544
		Gerrard	2545
		Lamoureux	2546

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