

Second Session - Thirty-Eighth Legislature
of the
Legislative Assembly of Manitoba
DEBATES
and
PROCEEDINGS
Official Report
(Hansard)

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

Vol. LV No. 21A – 10:00 a.m., Thursday, April 15, 2004

MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Eighth Legislature

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LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, April 15, 2004

The House met at 10 a.m.

PRAYERS

ORDERS OF THE DAY

PRIVATE MEMBERS' BUSINESS

**DEBATE ON SECOND
READINGS—PUBLIC BILLS**

**Bill 200—The Criminal Organizations Deterrence
Act (Local Government Acts Amended)**

Mr. Speaker: We will resume debate on second readings, public bills.

Bill 200, The Criminal Organizations Deterrence Act (Local Government Acts Amended), standing in the name of the honourable Member for Selkirk (Mr. Dewar).

Mr. Gregory Dewar (Selkirk): Mr. Speaker, it is a pleasure to rise today to put a few words on the record in terms of Bill 200 as proposed by my neighbour over there from Lac du Bonnet, the Member for Lac du Bonnet (Mr. Hawranik).

Mr. Speaker, I am surprised in his opening comments on the bill that he did not congratulate the Government for all the fine work that we are doing over there in the Lac du Bonnet area, all the schools that we are opening in his area, all the roads and different things that we are doing, but I am sure he will have the opportunity when the Budget comes along. He will have the chance to congratulate the Government for all the fine work that we are doing in that Eastman area of the province.

I am pleased to see that the members opposite—I guess I am on their side here because there are so many of us; there are a few of us that are sitting over here on the opposite side, as it were, Mr. Speaker—have taken an interest in organized crime. When they were in office there was no meaningful action to counter crime, gang activity and really no foresight, no preparation for the arrival of the Hells Angels in Manitoba in 1997.

I think the former Justice Minister, Mr. Toews, who is now the federal member of Parliament for Provencher—I guess the citizens of Manitoba had a chance to judge his performance as the Justice Minister in this province and my good colleague here from Rossmere (Mr. Schellenberg) was able to quite easily defeat him in the general election in 1999.

So I guess it is pretty obvious that the people in Rossmere and in Manitoba had no confidence in this minister, Mr. Toews, when he was the Justice Minister. Now of course he is in Ottawa. He is chasing all those Liberals in Ottawa and there are a lot of Liberals and there is a lot of justice that he needs to deal with—a lot of injustice, Mr. Speaker, that he needs to deal with in Ottawa as he chases those Liberals around.

It seems week after week, Mr. Speaker, there is another example of why we need a change in government in Ottawa. The Liberals there have demonstrated that they are incompetent in governing, and I know that if they ever get the guts to call a federal election there certainly will be some shake-up that will happen in Ottawa. We are all awaiting that election.

* (10:05)

As I said, there was a decade of neglect in terms of the inner city of Winnipeg, for example. We knew that there was a high incidence of arson in the city. There was basically a crisis that plagued the capital here. Auto theft had grown at that time by 285 percent and had really become an unchecked epidemic. There was a rapid growth of street gangs and the arrival of Hells Angels in Manitoba in 1997 when Vic Toews was the Justice Minister and Gary Filmon was the Premier. Many of the current Conservative MLAs were in government at that time when they were here and the Hells Angels arrived in Manitoba in 1997 under the Conservative government.

What they did at that time is they set up what was called a confidential gang hotline. Well, that confidential gang hotline was neither confidential, nor was it hot.

When the government changed in 1999 the time had come for change. Again, what the Tories did when they were in government, let us recall, they converted a seed plant in Fort Garry to be used as a courthouse, and they spent three and a half to four million dollars converting this seed plant into a courthouse to serve as a venue to try some street gangs. Well, it never happened. That building still sits vacant down in the Fort Garry area. I am sure my colleague from Fort Garry is a hardworking MLA and will find a good use for that facility there. I am sure she is already working on a plan to make use of this waste of Conservative tax dollars when they were in government.

As I said, Manitoba in 1999 needed a change. They needed a different approach to crime, a vision for greater public safety. As a government we believe that you need not only to address the crime itself, which we have done, but as well deal with the very roots of crime. During our first mandate our government strategy had five components: enforcement, provincial law, community partnerships for prevention, victim-centred justice, and Aboriginal and community justice.

Mr. Speaker, our first budget, funding to police in this province rose to unprecedented levels. New RCMP funding helped enable the force to reach full complement in rural and northern areas for the first time in over a decade. I think the members opposite should be recognizing that in their comments.

The Member for Lac du Bonnet (Mr. Hawranik) I am certain probably overlooked that when he gave his introduction to this bill. In Beausejour, in Lac du Bonnet, Pine Falls, in Selkirk and Stonewall, all these communities and northern and rural Manitoba, for the first time in over a decade the RCMP has a full complement of members. I think that is something again that our Government should be proud of and the members opposite should recognize.

As well, we have added 20 more police officers to the current RCMP mobile strike force to fight crime outbreaks throughout the province. We set up a 32-person criminal organization and high-risk offender unit. I am pleased that the member for Southwood has just recognized the fine work of our Government and offered up some congratulations to me. I will just pass his congratulations on to all my colleagues. I thank him for offering that up.

As well, we have ordered an independent review of the prosecution service to be followed with a 58% increase to resources to establish a 10-person special prosecution team to target criminal organizations. Manitoba is now one of the toughest provinces in which to get bail for criminal offences.

We believe not only that there should be strong sanctions for criminal activity, we also believe that it is important to keep young people away, to keep youth away from the downward spiral of crime through community supports. I could go on. There is quite a list of achievements in that regard. I will just highlight a couple: Neighbourhoods Alive!, Healthy Child Manitoba, Lighthouses.

* (10:10)

I believe the Member for Elmwood (Mr. Maloway) has a Lighthouse in his riding. I am sure he will be eager to expand on that when he has the opportunity to speak to this bill, as did many of my colleagues over here on this side in government.

As I said, there is a Project Gangproof, there is the police and school initiative, there is the Safety Aid Program, and, as I have said, there is a vast list of them, but I do not want to take up all of my time on this. I know, again, several of my colleagues are eager to expand upon some of these wonderful things which we have done in this province.

We believe, Mr. Speaker, that we should have a holistic approach to organized crime, not like the Tories, who simply would build this big courthouse in Southdale, or south Winnipeg, which now sits vacant, a waste of valuable tax dollars. Instead of them wasting \$3.5 million on a courthouse which is now vacant, we decided to bring, for the first time in the history of the province, a full complement of RCMP officers to rule in northern Manitoba. So that is their approach. Their approach is to waste money on a courthouse.

Our approach is to make sure that the complement of RCMP is full in rural and northern Manitoba as well as to develop strategies to deal with the crime itself, not just punishment. We also believe there has to be an approach taken to deal with the roots of crime. That is the difference between this Government and the former Conservative government.

So, with those few words, I look forward to hearing some of my other colleagues and other members speak to this bill.

Mr. Peter Dyck (Pembina): First of all, I want to thank the Member for Selkirk (Mr. Dewar) for getting up and actually speaking to some of the bills that are out here. I find it passing strange that in the last two weeks that we were here and the debates that took place within this Chamber that the members opposite were rather silent. They put bills forward and no debate. They do not have an opinion on it. I just want to thank the member for actually getting up today and for putting some comments on the record.

The Member for Rossmere (Mr. Schellenberg) indicated it was a good job. I would want to, and I certainly do, disagree with that. The comments that were there were not accurate. I think that the members opposite feel self-conscious in the fact that they have not done a good job in the past and now are wanting to in some way criticize the Member for Lac du Bonnet (Mr. Hawranik) in having presented a bill, Bill 200, where in fact they themselves have not done their own job.

I do want to thank the Member for Lac du Bonnet (Mr. Hawranik) for having taken the time to present a bill, the private member's Bill 200, which indicates The Criminal Organizations Deterrence Act, which gives local governments the amendment that they can deal with. I think it is important that we look at the aspects of it.

This bill should give municipalities the authority to pass by-laws to deal with residences or meeting places for members of criminal organizations. Again, it is something that the members opposite, the minister, has certainly neglected in the tasks that have been given to him. We should have a community based solution. It should be a community based initiative, because it strengthens communities.

I believe it is important that we put every tool in place for our municipalities to give them that added measure, the added strength that they need in order to do their jobs. It strengthens communities and it strengthens people within those communities. We should allow the members of all communities to enforce the provisions using the by-law enforcement. A by-law can be enforced by the Court of Queen's Bench by an action not only brought by a municipality or planning district or minister but also

the general citizens and the RCMP and the Winnipeg city police.

* (10:15)

I would refer back to the tools that this bill would give to community-based organizations, to the municipalities so that they can deal with some of the issues that are out there. Again, I find it interesting that the Member for Selkirk (Mr. Dewar) would spend so much time in berating the previous government for not having done anything, which is totally false.

This is the one opportunity that he has taken to do that, where we have had press conference after press conference from the Minister of Justice (Mr. Mackintosh), and all it is is a press conference. It is a press conference, it is a photo op, and there is no action on it. It has been indicated to me by the member from Lac du Bonnet, it is a minister of photo ops. That is unfortunate because, as legislators in the province of Manitoba, it is our responsibility to go out there and to provide legislation which gives the tools for members to be able to do their job. That is what this bill is in fact indicating.

As I indicated before, it gives municipalities the power to pass by-laws that prohibit or regulate businesses carried on by members or associates of a criminal organization if the business is used to advance the interests of a criminal organization. The bill also allows municipalities to pass zoning by-laws to deal with places used as residences or meeting places for members of a criminal organization.

I am sure that all members opposite would agree that this is a good thing, that this bill is something that should be, in fact, dealt with and should be put in place. It is something that certainly we want to see take place within our own communities.

I would challenge the government of the day to seriously look at this private member's bill and in fact to encourage them to accept it and to endorse it.

I want to take this opportunity to thank the Member for Lac du Bonnet (Mr. Hawranik) for having presented this private member's bill. Again, he has presented it because he has seen a flaw in all the press releases that the Minister of Justice (Mr. Mackintosh) has come out with, that there is an

area that he has omitted. What he is trying to do is stopgap, to fill a loophole that is out there.

With those few words, I just want to thank the Member for Lac du Bonnet for the information that he has given us for this private member's bill that he has put out there. Certainly I would encourage all members to in fact pass it. I think it behooves us to do this in order to be able to give the municipalities the tools that they need in order to do their jobs. Thank you very much, Mr. Speaker.

Mr. Doug Martindale (Burrows): Mr. Speaker, I rise to speak on Bill 200, The Criminal Organizations Deterrence Act (Local Government Acts Amended), sponsored by the Member for Lac du Bonnet (Mr. Hawranik). It is actually good to see a member of the Official Opposition introducing a bill on crime since they did not do very much about it when they were in government in spite of the fact that the police kept saying that the Hells Angels are coming to Manitoba. There was a lot of public warning.

Actually, they did arrive in Manitoba in 1997. Their government, 1997 your party was in government; 1997 the Hells Angels came to Manitoba. What did your government do about it? Not very much. But since we formed government in 1999 we have strengthened anti-gang legislation in Manitoba.

Now, there are two fundamental flaws with this bill. The first is that it focusses on municipalities as separate entities, as though there were walls around which each gang could not surmount, but in fact if you pass a law or a by-law in one municipality, all the gang has to do is go to another municipality. So this is a very ineffective approach. It would result in a patchwork quilt of by-laws across Manitoba. We have seen that this did not work in Québec and it would not work in Manitoba either.

The second flaw of this bill is that it is redundant. Municipalities already have the ability to pass by-laws like this. So I am not sure whether the member is just trying to make a political statement here or whether they do not have very good research staff, or maybe it is both. For example, The City of Winnipeg Charter Act and The Municipal Act can pass laws. I am not sure that they actually should, because it is better to have a province-wide approach, a law that applies to every municipality in the province of Manitoba.

* (10:20)

Now, under our NDP government we have already passed very useful and innovative legislation to address criminal organizations and their activities. One of those, I think one of the most important ones, is The Safer Communities and Neighbourhoods Act. Now this is a very similar bill to what the former Conservative government brought in, but it was a very flawed bill. For example, it required the people who were complaining about houses in their neighbourhood to be publicly identified. We said that would make them a target for criminals and that that just would not work. We either amended or brought in a new bill, I think we brought in a new bill, which took that out and made it the responsibility of an investigation in the Department of Justice, so that anyone who complains is kept anonymous. That is a very good approach to this very serious problem. We know that it is working.

We know that people are phoning and complaining about sniff houses, drug dens, booze cans, houses of prostitution and drug dealers, and that these houses are being shut down. In fact, to date 50 houses have been shut down, mostly in the inner city of Winnipeg, because of complaints by people in the neighbourhood. I get calls all the time in my constituency office about particular addresses where people believe that drug dealing is going on. We give them the phone number in the Department of Justice for The Safer Communities and Neighbourhoods Act and they do conduct an investigation and these houses have been shut down.

For example, originally when the first statistics came out there were 14 houses that had been shut down and 2 of them were in Burrows. Now that it is up to 50 houses, I am sure that many more in my constituency have been shut down because they are extremely disruptive on neighbourhoods. They cause declining property values. They cause people to feel unsafe. People do not want to go outside. People do not want to walk in the street. People do not want to let their children out. So we need effective legislation and we have got effective legislation to combat these kinds of problems.

Now, we have been doing many other things in the North End and in the inner city to improve our neighbourhoods. For example, we have the Neighbourhoods Alive! program which is targeted to distressed neighbourhoods. We have the Building

Communities program, which is working in shoulder neighbourhoods, and these programs are making a difference. For example, in the William Whyte neighbourhood property values have gone up by 60 percent. I think that is a direct result of our investment in housing in those neighbourhoods.

You know, there are some excellent programs working with people in the community. For example, there is a carpenter training program working with ex-gang members. They have renovated three houses. I had a tour of those houses, and they have done an excellent job. But you know the most important thing, in addition to the houses that are being renovated, is what is happening to those individuals. Because those individuals now have a purpose in life. They feel important. They feel valued. They are learning skills. They can go on to get jobs with contractors or in the private sector, and they have stayed out of crime.

In the first year of this training program not one of them re-offended, and these are all people who have criminal records, either at Headingley Institution or Stony Mountain Penitentiary. We are saving thousands of dollars. What does it cost to keep somebody in a provincial institution? Maybe \$50,000 a year. What does it cost in a federal institution? \$100,000 a year? I do not know, but we know that it is extremely expensive to keep people incarcerated. If we can turn their lives around and get them out of institutions and into the community as productive and contributing members of society, there are huge benefits to these individuals and to society.

Now we get people, I am told, going to the PATH Resource Centre on Selkirk Avenue, saying I want to get into a training program like so and so. And so there is a demand for this kind of training program, and we need to, if we can afford to, expand this or continue the program.

In conclusion, maybe I should just summarize some of the other pieces of legislation and initiatives that our government has introduced. Those have to do with biker bunkers, with businesses operated as fronts for organized crime, wearing gang colours in bars, and profits from crime and cross-border policing, all initiatives of our Government to combat crime and gangs in our province.

So, looking at Bill 200, we believe that it is ineffective and redundant. I guess the only

redeeming feature about this bill is that the Conservative Party has finally woken up to the problem of crime and are suggesting a solution, but not one that is effective, not one that is going to work. We need a province-wide solution, and our Government has initiated many province-wide solutions. I talked extensively about one piece of legislation, The Safer Communities and Neighbourhoods Act, plus programs like Neighbourhoods Alive! in building communities, but there are many more things that we are doing to combat crime, and I am sure that my colleagues will mention some of those in their speeches.

*(10:25)

Mr. Jim Maloway (Elmwood): I am very pleased to speak on this Bill 200 sponsored by the Member for Lac du Bonnet (Mr. Hawranik).

I wanted to begin by saying that in this particular bill it envisions and foresees municipalities dealing with this issue. I can tell you that is probably the wrong way to approach it because if the member thinks for a moment that the municipalities are equipped to deal with issues such as this, he should think again. I would suggest to you that if you are dealing with organized criminals, the Hells Angels or other organizations, they are not going to be deterred by regulations made by one municipality over another. In fact, they will just simply move to another municipality where the regulations do not exist. So what you will have over time is a patchwork quilt with different rules and different regulations in each area. But, more important than that, what you are doing is you are putting the spotlight on local officials, who are known to their neighbours, who are known in the community, to somehow finger a Hells Angel. I do not think you want senior citizens out there reporting on Hells Angels and so on for fear of repercussions. I mean, that is what you do by driving the enforcement down to the local area.

What you need is a very centralized comprehensive program to deal with the problem, and the United States dealt with the problem 20 years-plus ago by bringing in tough RICO laws. You know, those laws actually work very well because they took down John Gotti, they took down a lot of the organization infrastructure that was there in place and was operating for many, many years. That is not to say there is not organized crime in the United

States. There still is and there will always be. But what they did was, by having those tough federal laws, they did get results that they never got before. Now, what did they do under those laws they did not do before? Before, they used to chase sort of low-level participants and catch the odd criminal here and there doing something when in fact it was a huge organization run from the top down. The key to this whole operation was to follow the money. After all, if there was not a monetary reward, if there was not money involved in this thing, these people would have no interest in participating in this activity.

So what you have to do is you have to get at the money supply. You have to cut off the money supply in order to shut down the criminals. So, with that in mind, we need strong federal laws, and one of the big improvements in the last few years was the proceeds of crime laws federally where, if you could catch the criminals—you know, in the past what they would do was go away for three or four years in prison under drug charges and could keep the money. They got out in a couple of years and the money was there, and to a certain extent that still happens today but certainly not the way it used to.

We need tougher federal laws like that to be able to track down and seize the assets that were purchased by the money obtained through crime. People think of the criminal biker gangs and motorcyclists as being a big problem here. Well, in fact, the real criminals are not the guys out riding the motorcycles. As a matter of fact, the motorcycles are there more for show. The real criminals are the guys that are wearing suits. They are living in huge houses, right? And they are in the background. They are manipulating the system. The guys that the police seem to be catching are the little guys who are expendable, who will go and do their time in jail, and meanwhile the criminal enterprise continues in the same way it did before.

* (10:30)

So, to that end, we have money-laundering laws in Canada now under FinTrack, and what those are intended to do is to once again get at the money supply. Now, how do you do that? First of all, criminal organizations tend to invest in real estate, and the system is not going to work unless the real estate agents and brokers across the country are prepared to ask some questions, be more suspicious, be more judicious in their approaches to their

transactions. If they feel that there is a suspicious transaction rather than just simply concluding the transaction and making their commission, if they will report, which is what they are supposed to do now, the suspicious transaction, that is a way that the law enforcement will be able to get at that money.

Now, what about lawyers' trust accounts? You know, has anybody thought about those? The member who brought in the bill is a lawyer. Maybe he should be looking at that area. There is a huge amount of dirty money, of criminal money sitting in lawyers' trust accounts. How many questions are those lawyers asking? Do they ask questions or do they take the client's story and sort of meld it and mold it so they could get this transaction through so they can make their fees? So you have your lawyers' trust funds, you have your real estate agents and brokers.

Life insurance brokers across the country are a big area of interest to FinTrack, because the criminals take their money and attempt to buy, in cash, life insurance policies. That is a big area there where they can launder the money. They can take the money, give it to the agent, who gives it to the insurance company, cash transaction, no questions asked. This has been going on for years. But FinTrack is on top of it now or at least trying to get on top of it. The agents are being talked to on a routine basis across the country to start reporting these transactions. Do not just close your eyes and take the money and pretend that nothing is going on here. I mean, who is better to sense a suspicious transaction than the people involved in the darn transaction?

This is a societal question more than anything else. That is why these federal laws are so important. Following the money is the key to the whole operation. As long as we have got tax shelter countries in the Caribbean who allow this money to proceed, it is an international problem, and that is what we have to recognize.

Now, that is not to say that we should not be dealing with it on a local level. This Government is doing just that. The previous government sat in government for 11 years, and then all of a sudden the water is coming up around the boat, and what happened? Where did these Hells Angels come from? What were you doing for those 11 years? They were not here when you got here, but they sure were

here when you left, just another mess that you left us with to clean up.

What we are doing, as I indicated, is only part of the solution. We do have to take this area seriously. We do have to do what we can provincially, but certainly the member opposite should be supporting our approach, should not be constantly criticizing. Then what is his response? Bringing in an even weaker, disjointed approach to the problem. Perhaps the member should take this bill back to the drawing board and get a little bit more advice on it. The Member for Selkirk (Mr. Dewar) mentioned that he should go and talk to Vic Toews and get some advice.

You know, in the United States in the 1920s when we had prohibition, the reason that the criminals made the money they did in those days was because the government outlawed the activity. As soon as alcohol was legalized, they were out of business. They had to go into some other business to make their system work. So I am not suggesting that somehow we solve our problem by simply legalizing the illegal activity. That is not the answer. But we are talking about a huge, comprehensive approach that has to be taken. Low-level harassment is not going to solve the problem. You may think you are making progress. You may feel good passing a bill.

Who is going to enforce it? Well, we passed the bill, but what happened? Where are your results? So, you know, you can do low-level harassment if you want, you can feel good about that. I am not saying do not do it. Go ahead and do it, but just recognize that it is a small part of a big problem that needs national and international action.

Mr. Speaker, I want to also mention that part of the problem is the availability of cash in this society. As we move more toward electronic transfers of funds and paper trails and credit cards and so on, the drug dealers do not come into an office and use a credit card. They are coming in with bags of cash. The less cash we have floating around the economy as a method of payment at the end of the day will help to solve that problem. Of course, databases are certainly a way of the future and a way of tracking money. The last thing that criminal organizations want is for law enforcement to be able to track the money trail. In other words, that is why they like the cash because they can put it out, they can launder it and there is no paper trail. Once you start requiring a

paper trail each step of the way, then you start creating problems. You start creating a paper trail that will, at the end of the day, help put the criminals away. So this is the problem, and at the end of the day, fundamentally, as long as you have people that do not ask questions, just simply accept the money, this problem is going to be continuing for a long time.

Mr. Speaker, I am getting to the end of my comments and I leave the floor for somebody else.

Ms. Marilyn Brick (St. Norbert): Mr. Speaker, first of all, I would like to congratulate the Member for Elmwood (Mr. Maloway) for being able to speak in such an eloquent fashion and for being able to do it in such a unique fashion from such few notes and with such a great paper. I think we could all take a lesson from the Member for Elmwood who needs so few notes he can write them on a napkin.

I rise today to talk about Bill 200, The Criminal Organization Deterrence Act. Unlike the Conservatives on the opposite side of the House, I do not think it is a fine bill. First of all, it is quite ineffective. This bill would result in a patchwork of services. You cannot take municipalities and put walls around them. They do not exist like that. One city moves to another city. We could not use The Planning Act as a way to enforce this. It is not doable. It is just not doable. This bill places the responsibility of enforcing legislation entirely on the municipalities. That would be very unfair to the municipalities to have to enforce this bill.

Currently, in my role as an MLA, I serve on the Capital Region's committee with the Minister of Intergovernmental Affairs (Ms. Mihychuk), and I must say that the zoning by-laws are based on land use, not on people using them in the way that this Opposition has suggested. It is not effective.

Manitoba has been working very hard at pioneering pro-active legislation, legislation that improves safety and that is now being used as a model for other provinces. In my previous position working with the City of Winnipeg, I was honoured to be able to work with the Manitoba government on the Lighthouses program and I must say it is an excellent program. Its objective is to keep kids off the street, and it does a great job of that. It provides safe havens for youth. It is not underfunded. It is actually being increased. Neighbourhoods Alive! is

another program that the Manitoba government has recently introduced. It is also an excellent program.

* (10:40)

The Safer Communities and Neighbourhoods Act is our single most effective new public law on the books. This law that is being suggested is not effective and would be very difficult to implement. That is why I stand today to speak against it.

Mr. Harry Schellenberg (Rossmere): I move, seconded by the Member for Flin Flon (Mr. Jennissen), that the debate be now adjourned.

Mr. Speaker: Before I put the motion, are there any other members wishing to speak to this? No? Okay.

Motion agreed to.

SECOND READINGS—PUBLIC BILLS

Bill 201—The Taxpayer Protection Legal Representation Act (Legal Aid Services Society of Manitoba Act Amended)

Mr. Speaker: Now we will move to second readings, public bills.

Standing in the name of the honourable Member for Lac du Bonnet (Mr. Hawranik), Bill 201, The Taxpayer Protection Legal Representation Act (Legal Aid Services Society of Manitoba Act Amended). Is it the will of the House to deal with it? Okay.

Mr. Gerald Hawranik (Lac du Bonnet): I move, seconded by the member from Morris, that Bill 201, The Taxpayer Protection Legal Representation Act (Legal Aid Services Society of Manitoba Act Amended), be now read a second time and be referred to a committee of this House.

Motion presented.

Mr. Hawranik: Mr. Speaker, this bill amends The Legal Aid Services Society Act by making criminal organizations ineligible for Legal Aid. It also makes ineligible members and associates of a criminal organization who receive income or property from the organization.

Mr. Speaker, I take great pleasure on behalf of the constituents of my constituency of Lac du Bonnet to be able to add a few comments with respect to Bill 201. I note that we finally got the attention of members opposite on the last bill in debate, and they finally decided that they are going to speak to a bill. I took a listen to some of their comments, and they basically said the same thing over and over again.

They do not really realize the scope and the effectiveness of Bill 200, and they do not realize that the Minister of Justice (Mr. Mackintosh) even told me that, in fact, he had considered that as one of the options after I had introduced that bill.

So even your minister had considered it, and he thought about going that direction, and really they should be thanking us as an opposition for innovativeness in terms of trying to get rid of the Hells Angels in Manitoba, instead of standing up for the Hells Angels like they just did over the last half an hour.

The Hells Angels do not deserve to be in Manitoba, and they stood up for the Hells Angels, Mr. Speaker, and this bill takes direct aim at the Hells Angels much as Bill 200 did. I would like to hear their comments after my debate to determine whether or not they are in support of Bill 201, because if they are not in support of Bill 201, they certainly are in support of the Hells Angels in Manitoba, and they are not serious about getting rid of criminal organizations in Manitoba.

For them to speak against Bill 200 and to speak against Bill 201, I think is reprehensible, and they should be, in fact, doing a little more research before they make comments like that. While their Minister of Justice (Mr. Mackintosh) is attempting to do something with respect to the Hells Angels in Manitoba, certainly he can do a lot more.

Some of the legislation that I proposed, in fact the legislation that I proposed is complementary to the legislation that the minister has introduced and just provides another tool to law enforcement agencies and to our police officers to deal with the burgeoning criminal organizations in the province, which, of course, includes the Hells Angels and many other gangs. To just dismiss out of hand a bill that deals with criminal organizations, I think, is irresponsible.

Mr. Speaker, with respect to Bill 201, the legislation that I propose, in fact, takes a direct run at the criminal organizations and members of those criminal organizations that want legal aid certificates, that want legal aid help, in order to help defend them after they have committed a crime within Manitoba. The legal aid system is really there for people who cannot afford to pay for legal services. Having taken many legal aid certificates in my practice, I can tell you that many of the people who come forward cannot pay for direct legal services. Because of that, they depend entirely upon the legal aid system, and without that system, there would be many injustices done within our justice system. It is important to recognize the fact that legal aid is there for the poor, the people who cannot afford to pay for legal services yet need natural justice.

Legal aid over the years has evolved into a system that has now become very restrictive. It is restrictive from the point of view that they do not, in fact, fund all types of cases that are out there. They pick and choose the types of cases that they do. Not only do they restrict the people who qualify for legal aid by virtue of their incomes and their assets but they also restrict the kinds of business that they would fund for legal aid purposes.

What this bill does is, in fact, put a further restriction on who qualifies for legal aid. There is no reason why criminal organizations like the Hells Angels should qualify for legal aid. It is not meant for criminal organizations. In fact, a few months ago, there was an article in the *Free Press* by the former minister of the opposite side, Mr. Roland Penner, who made that comment in the *Free Press* that legal aid was not meant to fund criminal organizations. It was not meant to fund members of criminal organizations. It was simply meant to provide funding for legal services for people who could not otherwise afford to pay for those legal services.

I know there is a bit of a contentious issue as to when the Hells Angels came into Manitoba, but I can tell you, Mr. Speaker, that they came in the year 2000 after this current government took power, not before, after. All they have to do is read the *Free Press* in the year 2000. The Hells Angels took over the Los Brovos in the year 2000, and it is well documented. All they have to do is look up the *Free Press* in the year 2000. They took over the Los Brovos at that time, and they came in under this

minister's watch. He should take full responsibility for that instead of hiding behind that fact.

The other thing I would like to mention, Mr. Speaker, is the fact that the Hells Angels' store which, in fact, is right down the street from the Justice Minister's own office, still remains in full operation in spite of the fact that this Justice Minister has introduced legislation that he said would get rid of that store. A year and a half ago, he stood on a pedestal in front of all the media, in front of all Manitobans, and said that his new bill in the fall of 2002 would get rid of that Hells Angels' store. Today, it still operates. That is how effective this Justice Minister has been and that is how effective his legislation has been with respect to criminal organizations and gangs within this province.

* (10:50)

By the way, Mr. Speaker, I predicted at that time that in fact it would not close down the store. The Justice Minister just scoffed at that, but in reality it is a year and a half later and it has done absolutely nothing with respect to that store.

That legislation, all it did was to effectively ban gang colours from liquor-licensed premises in Manitoba. What we have seen to date, from the date that he introduced that bill, is 12 charges for wearing the wrong clothing in liquor-licensed premises in Manitoba.

He calls that effective legislation; that legislation is a joke. That legislation did not do what he said it would. As we predicted, it did not take on the gangs and criminal organizations of this province. It made him look tough. That is absolutely right. It made him look tough. He had a great press release, another photo opportunity. It made him look great in the paper. The media seemed to have bought it at the time, but obviously what is borne out is the fact that the minister was very ineffective when it comes to criminal organizations, and the Hells Angels in particular, in this province.

When we talk about the record of governments in terms of how they have performed in terms of trying to get rid of criminal organizations and gangs in this province, again I refer to the *Free Press* in the year 2000 and the fact that the Hells Angels in fact moved in just after the election. That is a well-

documented fact, in spite of what the Justice Minister leads us to believe.

The Hells Angels, Mr. Speaker, have made millions of dollars, millions of dollars, off the prostitution and drug trade in Manitoba, and in Winnipeg in particular. Now, according to the newspaper reports and the police reports, they are involved in the pot grow operations throughout the city.

They are springing up everywhere. They are not just in rural areas, where people cannot locate them, they are right in the middle of the city of Winnipeg in the suburbs where many of our members here in this Chamber live. Because of that, it becomes a very dangerous situation for those neighbourhoods in terms of the gangs and the criminal organizations entering into the neighbourhoods, the residential neighbourhoods of the city of Winnipeg.

They have made millions off that prostitution and drug trade throughout the province and in the city. We have a responsibility in this Legislature to take them on. We have a responsibility to make sure that we stand in their way every step of the way, that we stand in their way and we get rid of them and they leave the province of Manitoba. To be honest, the Justice Minister has done very little in that respect. All he has done is had another press release, another photo opportunity, and he has done very little in terms of trying to get rid of the Hells Angels.

In fact, the Hells Angels are stronger than they ever were in the city of Winnipeg. There are hundreds of grow operations that are going to be shut down by the police, the city of Winnipeg police and the RCMP, this year. It is a burgeoning trade that is out there. He ought to take that seriously and in fact go after them in a serious manner and make sure that he allocates resources properly to take on the drug trade and the criminal organizations within this province and within this city.

For that very reason, this bill should be supported by members opposite, because this bill in fact makes ineligible for legal aid services those people who are—well, first of all, it makes ineligible for legal services criminal organizations. In other words, the Hells Angels as a group could not apply for legal aid services in order to defend themselves on criminal activity or other activity within the province. I would like to see members opposite speak against that. Are they in favour of the Hells

Angels getting legal aid certificates, the organizations, are they in favour of the criminal gangs within the province and within this city getting legal aid certificates to defend themselves? Are they in favour of the taxpayer shelling out perhaps millions of dollars to defend them, to defend criminal organizations? If they are, I would like to hear it. Because we are not in favour of that, Mr. Speaker, and this bill addresses that problem. In fact, under The Legal Aid Services Society of Manitoba Act, groups and organizations can qualify for legal aid certificates, but nowhere in the act does it say that criminal organizations cannot apply, absolutely nowhere.

What this bill does is clarify that situation to ensure that criminal organizations cannot even apply for legal aid certificates. What is wrong with that? I ask members opposite what is wrong with that? If you are in favour of it, if you speak against this bill, my view is that you are in favour of criminal organizations getting legal aid certificates. You are in favour of the Hells Angels getting legal aid certificates. Why do they need legal aid in the first place? They make millions of dollars in the drug trade, the prostitution trade across this province. They make millions and millions of dollars, not only in Manitoba but across this county and into the United States and into Europe.

It is important I think that we stand up to those criminal organizations by telling them that enough is enough; we will not give you legal aid certificates.

As well, the bill makes ineligible members and associates of a criminal organization who receive income or property from the organization. This speaks directly to those five Hells Angels associates that are now being defended by Legal Aid lawyers.

By the way, Mr. Speaker, the Province is on the hook if the trial lasts for two years. The Province is going to be on the hook, the taxpayer, for \$2.4 million; \$2.4 million of taxpayers' money is going to defend the Hells Angels associates after they have pillaged our communities, after they in fact can afford to pay for their own legal services. If they cannot, their organization should. Their organization, the Hells Angels, is a criminal organization. They make millions upon millions of dollars across this country. They should be paying for their own legal services, not the taxpayers of Manitoba.

I think that members opposite ought to take notice of that. They ought to take notice that we are

introducing bills, whether it is Bill 200 or Bill 201, which in fact will take on the criminal organizations of this province, will take on the Hells Angels and will be an effective tool that police can use in their quest for ensuring that the Hells Angels are in fact given a rough time in this province, that they are not given a free ride.

I think it is up to the Justice Minister to ensure the he does just that. He has a responsibility to the taxpayers of Manitoba. He has a responsibility to law-abiding citizens of Manitoba to take on those criminal organizations. For him not to do so and to introduce legislation, as I pointed out before, legislation that is largely ineffective and does not take into account what really should be done I think is really irresponsible. He has a responsibility to do that for all Manitobans.

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

Mr. Gregory Dewar (Selkirk): I move, seconded by the Member for Elmwood (Mr. Maloway), that debate be now adjourned.

Motion agreed to.

Bill 203—The Manitoba Lotteries Corporation Amendment Act

Mr. Speaker: Bill 203, The Manitoba Lotteries Corporation Amendment Act, standing in the name of the honourable Member for Fort Whyte (Mr. Loewen). Is it the will of the House for the bill to be proceeded with? No? Okay.

Bill 204—The Fatality Inquiries Amendment Act

Mr. Speaker: Bill 204, The Fatality Inquiries Amendment Act. Is it the will of the House to proceed with this? No? Okay.

Bill 206—The Manitoba Public Insurance Corporation Amendment Act

Mr. Speaker: Bill 206, The Manitoba Public Insurance Corporation Amendment Act, standing in the name of the honourable Member for River East (Mrs. Mitchelson).

Mrs. Bonnie Mitchelson (River East): Mr. Speaker, I move, seconded by the Member for

Ste. Rose (Mr. Cummings), that Bill 206, The Manitoba Public Insurance Corporation Amendment Act, be now read a second time and be referred to a committee of this House.

Motion presented.

Mrs. Mitchelson: Mr. Speaker, I look forward to discussion and debate on this piece of legislation and would hope that the Government would seriously consider moving this bill forward through second reading into committee stage and back to the House for approval.

* (11:00)

This amendment to the legislation is as a result of a case-specific issue that was brought to my attention by a constituent of mine. It is a very unique circumstance, one that I know is certainly not widespread throughout our Manitoba community. It deals specifically with the issue of payments under personal injury through Manitoba Public Insurance Corporation.

I want to give members of the House a little bit of background on how this issue was presented to me by a constituent of mine who had a sister that was severely injured in a car accident some years ago. She was dealt with through the personal insurance protection afforded under no-fault insurance.

The history of this family was that she was married to an individual that was disabled and was receiving CPP disability. After her accident she was compensated through the Manitoba Public Insurance Corporation for her disability. But subsequent to her accident she and her husband split up. As a result of that split, she applied, as is afforded to her under the law, the opportunity to apply for income splitting with her former spouse. She applied and was granted some \$160 to \$164 per month as a result of that income splitting. She realized after the fact that that money that was being taken from her husband and given to her was indeed going to be clawed back by the Manitoba Public Insurance Corporation.

So the disabled husband did not have the opportunity to access that portion of his disability pension, and the disabled ex-spouse, who was getting income replacement from the Manitoba Public Insurance Corporation, was not allowed to keep that additional

\$164 per month. That indeed was clawed back from the payments made by Manitoba Public Insurance.

Well, Mr. Speaker, we are looking at a situation of someone living considerably below the poverty line. In 1998, when the settlement was arrived at with the Manitoba Public Insurance Corporation, that individual was receiving \$440 per month as part of the settlement. So that extra \$164 per month would have brought her up to a level of some \$660 or so—I have not got my numbers exactly correct—but just over \$600 per month.

Now, I look at someone like that and have to question, I mean, we have two doubly disadvantaged people, two people that are living below the poverty line, two people that are disabled, not anyone that is making millions of dollars from the corporation. I have to question whether in fact there should not be an amendment to The Manitoba Public Insurance Corporation Act that deals with situations such as the circumstance we are discussing today.

I know that when no-fault insurance was brought in and passed in this Legislature it was brought in for certain reasons. It was brought in to ensure that there was a level playing field, that people received income replacement and fair treatment under the law, but I question very much whether a level playing field has been afforded through this legislation to these two disabled individuals.

Mr. Speaker, we find that both of them, the one that has had to share his disability pension with his ex-spouse or the spouse that was disabled as a result of a car accident, should not receive some sort of special consideration. The sister of this individual, this disabled woman, has been through many hoops and has advocated on behalf of her sister over the last number of years. She has gone through the appeal process at the Manitoba Public Insurance Corporation and the corporation indicates that this issue lies in the hands of government to attempt to resolve if they can.

Mr. Speaker, I have had the opportunity to write to the minister and indicate my support and our caucus's support for this amendment. We know when the legislation was brought in, and we know, when it was explained as a piece of legislation that would bring a level playing field to the whole process of administration, that, in fact, from time to time, there may be circumstances where families and individuals

are not properly compensated or covered. This is one of those exceptional circumstances. I want to indicate to you that MPI has said to the family of this individual that, in fact, this is the only case, the only appeal of its kind that has been brought forward to the corporation since the inception of no-fault insurance.

Mr. Speaker, we are looking at an issue of less than \$2,000 that would flow to a disabled individual through pension splitting as a result of this amendment to the legislation. This is not something that is widespread; this is not something that is going to cost the corporation significant dollars. This is an issue about fairness. This is an issue about trying to provide support in a compassionate way by a government that has the ability to make the changes, to agree to this amendment to the legislation and I, as one individual, and I know all members of my caucus do support a humane and a compassionate way of trying to deal with this issue.

There are very few circumstances within our Manitoba society that would warrant this kind of consideration and this kind of an amendment, and I would encourage very strongly the minister to take this piece of legislation, this amendment to the legislation, to his caucus, explain to them the circumstances. We have doubly disadvantaged individuals in our society that are being penalized as a result of the legislation that is presently in place. I know that members on the Government's side of the House may argue that this was legislation that was brought in under our former government.

Well, Mr. Speaker, we would all agree that this was brought in, but many, many of the bills that we see before this House on an ongoing basis are amendments to legislation. They are amendments to legislation because from time to time there are loopholes that need to be fixed, or as we work or deal with legislation, we find that it does not apply in a fair manner to individuals. So those amendments are made on an ongoing basis. Most of the bills that come before this Chamber on a year-by-year basis are amendments to fix legislation, to improve legislation. I am saying to you today that this amendment is one that will fix and improve this legislation. It is a piece of legislation that we have worked with for a number of years now and from time to time when there are issues that arise that need to be dealt with because of unique circumstances, those bills are amended and changes are made.

* (11:10)

Mr. Speaker, I would ask the minister to seriously look at this amendment, to take this bill and the background of this family, these individuals, to his caucus. I would ask him to show some compassion for people that are living in poverty, below the poverty line, and afford them the opportunity to have that \$164 that is being clawed back by the Manitoba Public Insurance Corporation, to have that money provided to an individual that needs that support.

Mr. Speaker, with those comments, I know that there will be others that will want to speak on the bill, and I would encourage members of Government to stand up and indicate their support for moving this legislation through this Chamber and second reading, into committee and back into the House for unanimous support and approval. Thank you very much.

Ms. Marilyn Brick (St. Norbert): I move, seconded by the honourable Member for Fort Garry (Ms. Irvin-Ross), that the debate be adjourned.

Motion agreed to.

Mr. Glen Cummings (Ste. Rose): Mr. Speaker, is there leave for this side of the House to speak, leaving it stand in the name of the adjournment?

Mr. Speaker: Is there will of the House for the bill to remain standing in the name of the honourable Member for St. Norbert but to give leave for the honourable Member for Ste. Rose to speak to it?
[Agreed]

Mr. Cummings: Mr. Speaker, I appreciate the Government providing leave.

The issue sometimes in government, in legislation, in large responsibilities such as the Government has charged a Crown corporation with, in terms of public insurance, issues sometimes are dealt with in a fairly broad-brush manner and they are seen to be fair when dealt and balanced against certain principles.

I support my colleague in presenting this legislation, this amendment, today, because I think we as legislators always have an obligation to look at what opportunity there is to assist those in our society who may fall on the edges or the fringe of

laws that we have made. This is not a case of criminal wrongdoing. I might have a different view of it if it were something like that. What we are talking about here is people in society, due to circumstances beyond their control, who find themselves more than a little disadvantaged by legislation that in this case I am personally responsible for having put in place. I do not apologize for the legislation, but I do put the question to the members of this Chamber as to why we would not consider what options there might be for improving that legislation.

In fact, the legislation was put in place. I think there are still some members in this House who made a very strong case for review and in some instances saw their support for this legislation. It was supported by the now-government, then-opposition members who are still here from the mid-nineties. It was supported by them very much on the condition that there be a built-in requirement for review. That review did occur, but I think there are many of us in this House who would have some restrictions about whether or not we were wholeheartedly confident that that review did dig down into the legislation far enough in terms of improvement and changes that need to be made.

Having said that, one of my concerns is that when we put forward an amendment such as this, do we start to create a mish-mash of changes and/or nuances in a bill that has had an opportunity to stand the test of time from the model that it was chosen from in Québec to begin with and now has pretty well a decade of experience in this province?

The fact is that there probably is an opportunity for an amendment to deal with the fact that here is a disabled person who is at a very low level of income replacement. I think that if the mover of this bill would be amenable to amendments that the Government perhaps would see more appropriate if in fact it accomplishes something similar in the end. Our goal here is not to skewer the minister or discredit the system. Our goal is to deal with what is a very small, but certainly to these individuals a very large problem.

If I could be so bold as to comment, when they are this far below the poverty line in income replacement, any kind of clawback is probably not appropriate. We have heard lots of debate in this Chamber about clawback on federal transfers, for

example, for social assistance. There is a significant gulf between the policies of this Government and the policies of the government that I was part of and how those monies were handled. Even though the changes that we put in place were rated as being the best in Canada in terms of providing service to the disadvantaged who should be the recipients of those social transfer monies, they chose to go a different route by putting the money directly in their hands.

I am not going to delve into that gulf any further than to say there is an example of how best of intentions on both sides of the House, different approach. Here I am suggesting that there are good intentions and good will on both sides of the House around the system, because both major political parties in this province supported the concept of no-fault. Yes, this is a repeat, this is a one-off situation, but if the minister is looking for a reason to become a co-champion of fixing this situation, he could attach himself very easily to the fact that there might well be a ceiling that could be put in place whereby what we are proposing would not occur. When both parties in this case are, in fact, in poverty, and the level of support that the PIPP program provides keeps them in poverty, then I suggest that there are grounds for a change that would not have a significant impact on the corporation. The corporation, I think, could fairly easily provide the figures to the minister about the numbers of people who might fall into this category in terms of income replacement and what that would mean in dollars. If the corporation and the minister want to contain the cost, then they can use that information to put in a ceiling above which they might not want to deal with this type of a problem.

* (11:20)

I recognize, I think we all recognize that this is a type of an amendment that would have a social component to it as opposed to just the cold, hard income replacement that the corporation is dealing with and cannot step outside of because their ability to liberally interpret the act, of course, is somewhat limited. So I think the goal that we want the Government to look at, along with us, is if this is a solution then let us embrace it. If there is something more than this that is the solution, then let us look at that. Perhaps in committee we can have that give and take, question and answer and move toward something that would be a reasonable solution.

I am going to take this one step beyond my colleague's concern that she has brought forward on behalf of her constituent. I would say that, as we have said several times before, it is still incumbent upon the government of the day to make sure that there is ongoing and reasonable review of the expectations from this type of an insurance program.

It has become increasingly obvious to me that there are a number of areas that seemed to be reasonable when they were put in place that could now well use some massaging or some improvement or some changes that would make them more responsive so that, when we have stood behind us a law that takes away the right of every automobile accident victim to sue, we have replaced it with something that is fair, that is reasonable and that can deal with as many of these types of problems as possible without being punitive. I know that exceptions make bad law, but in this case exceptions also show weaknesses that I think can be better dealt with.

My position is very clearly that we would like this debate to move along to a conclusion. We have offered a solution in the form of a bill. We have used this bill to get it in the House for some discussion. We would look forward to further discussion so that we can move this to a reasonable conclusion. On a situation such as this I think the minister can rest assured that he will in fact have support and respect of the elected members of the Chamber if he is willing to take a compassionate look at issues such as have been brought forward when we contemplated this bill.

My hope is that this bill will not languish on the Order Paper, that the Government will in fact allow it to move forward. We are hopeful that we can come to a conclusion that will be of benefit to current and future users of Manitoba's no-fault insurance system.

Mr. Mervin Tweed (Turtle Mountain): I too want to put a few comments—

Mr. Speaker: Is the honourable Member for Turtle Mountain (Mr. Tweed) rising to speak to this bill?

Mr. Tweed: Yes.

Mr. Speaker: The honourable member will have to seek leave, because it has already been adjourned.

Does the honourable Member for Turtle Mountain have leave to speak to this bill? *[Agreed]*

Mr. Tweed: Thank you, Mr. Speaker. I am certainly pleased to put a couple of comments on the record in regard to the bill. I think as legislators from time to time we have an opportunity to implement legislation and bring forward legislation that actually changes and impacts on people's lives. There are situations that arise from time to time through no fault of anyone. People are put in a position where they are disadvantaged strictly by a system that is regulated and ruled by legislation, and in order to satisfy some of those disadvantaged people, legislation like this from time to time comes forward.

Mr. Speaker, the bill amends The Manitoba Public Insurance Act. It talks about allowing an accident victim who receives an income replacement indemnity to keep any part of a disability benefit that is paid to the victim under the Canada Pension Plan as a result of a division of pensionable earnings. As I understand it, the bill would look at situations where people, again through no fault of their own, have been put at a disadvantage where the incomes that they were currently earning through an insurance plan are clawed back when that person, through a division of other assets, receives a benefit from that second person, then the Autopac or the insurance company claws back that percentage of money.

I know that my experience has told me that this Government, the current government, for years talked about the social assistance programs and were quite critical of government in the sense that, again, through the system, they talked about clawbacks and they talked about whenever someone in a disadvantaged position had an opportunity to move forward, other programs were clawed back, basically leaving that person in the same position. Instead of creating that opportunity and rewarding those people for the steps that they have taken on their own, in a lot of cases we tend to make them feel like they are not worthy of the extra income, and the fact is that I think there should be a difference between what we collect from insurance and what we collect from benefits through spousal or through other insurance programs that are out there.

Quite often I think we have all experienced that we buy insurance and we find out that it has been co-insured and co-insured and co-insured, and by the time the amount that actually comes to the

benefactor that actually needs the funding, each puts in a share, but each takes into account the amounts that the other corporations or other insurance companies have put in. At the end of the day, that person receives the total value. I think what we are seeing here under the insurance game is the fact that, because this person has an opportunity or through law has an ability to gain some income based on income splitting, they are being punished really. I do not say that arbitrarily, and I do not think that perhaps the company is aware of the situation to the extent that it creates disadvantages for those particular people.

As we come up to Budget coming forward in the following days in the Legislature, you talk about the money that government spends and how they allocate it and corporations that have earnings and how they allocate it, we are talking about a very specific issue, a very specific incident, and I think, if I am correct, the number of people that would be involved in this plan is minuscule and in this particular incident it would amount to less than \$2,000 over a year. I think that the Government that portrays itself as having a heart and being compassionate to the most needful people in our communities would want to consider a bill like this. I am a little disappointed that the minister responsible has almost offhandedly accepted the position of the insurance company and refuses to go beyond that. In essence, that is why we are here for. As legislators we are here to make things better for people, things that are pointed out to us that have become very obvious. I think it is incumbent upon us to do everything we can to enhance people's lives.

* (11:30)

I think of the one incident and the government of the day, the current government, when a young person accidentally died because of a night out on the town. He had been at a bar drinking cheap drinks or drinks for the evening at a certain discount. The Government recognized that that perhaps created a bigger problem, that is, the fact that by offering the freebies or the less cost alcohol, people tend to consume more and variously things can and sometimes do happen.

They looked at that law and they adjusted it accordingly based on one incident. Based on one incident they changed the law. The judgment of whether that was the right thing to do or not will be

in the future, but at the time the Government believed they were on the right path, and the bill passed and it was brought into law, and those types of evenings could no longer be allowed in our community facilities.

As I say, time will judge it, but this is a very similar case. We have an instance, we have an actual person that is being impacted by the clawback of an insurance company for a benefit that she receives through a Canadian pension plan that to me the two are not even coinciding with each other. They are two separate entities. I think that the story that we have heard from this person and the opportunity that we have today as legislators to make just one small improvement in somebody's life, I think we would be foolish if we did not consider it and foolish if we did not put it on the table and ask.

I know the Member for River East (Mrs. Mitchelson) has spent a lot of time developing this legislation and bringing it forward. I think it just speaks to the fact that, as individuals, as MLAs, as representatives of our communities we can make a difference in how things impact on people's lives if we take the time to research it, if we take the time to study it, and if we take the actions based on what is good for all people.

The Minister responsible for the Public Insurance Corporation I know is aware of it. I know that he certainly has had some information brought forward to him. I know that he has also passed some comment. He talks about the reasons that he is unable, in fact I think his comments are: As for the reasons outlined above, I am inclined to recommend to our caucus that it not support the bill.

I think that the argument has been put forward very clearly to him in a positive way where if he wanted to he could certainly present it to his caucus. I think that his caucus, being the compassionate group of people that I constantly hear that they are and read that they are, could actually have an opportunity to put into action some of this sense of community that they so often suggest that they have a monopoly on, the looking after the benefits of all people for the right reasons. I think it is an amendment that from time to time could be looked back at and adjusted and moved forward if there are other things that come to light. Then we can certainly reflect on that at that time.

The minister, in his comments, you know, he talks about the benefits of a plan and we talk about the benefits of an insurance plan. I believe that when you buy insurance and it outlines what you are entitled to, you should be entitled to that certain amount of money. That is what insurance, in my mind, is all about. To have a person put in such a disadvantaged position over such a small amount of money. I think it is time, and I would suggest to the minister that he take the time to actually look further into this bill, ask the appropriate questions to make sure that someone is not being left behind and the fact that we can offer a benefit to somebody, probably a group of the most deserving people in our province, and that is the people in most need.

We know that rules are established and guidelines are established by organizations, be it government, be it insurance companies, be it the pension plan, but we are asking this Government and we are asking this minister to take a look at this specific incident and make the necessary adjustments in the insurance side of it through the Public Insurance Act to correct a wrong. I think our responsibility as legislators is to identify those issues, to bring it forward to government and ask government to consider it. That is certainly what we are doing today, and that is certainly what we are asking the Government to do. We are asking them to take a look at a bill and it is a small bill. It is not something that is going to impact Autopac into the future. It is a small amount of money. It is the right thing to do, and we would certainly ask that this Government consider it.

Mr. Speaker, the amendment that we are asking for today is allowing an accident victim who receives an income replacement indemnity to keep part of a disability benefit that is paid to the victim. It is very straightforward. This person was receiving a fixed amount of income through an income split due to a personal situation, was allowed a portion of that income split and now, through the insurance company, they are clawing it back. I do not think it has to be explained in more detail than that. It is a very straightforward issue, and I think what we are trying to say is it is such an insignificant amount of money, it is an opportunity for this Government to really show what they stand for, what they tell people that they stand for, and to do the right thing, as the member of Pembina says. It is not asking for the world, and it is certainly not asking for anything

that is not fair to the person that is suffering because of these clawbacks.

We all make our budgets based on what our incomes are, and when you look at the amount of money that we are talking about and actually the amount of money that this person is receiving before the clawback, the total is, I would suggest, barely a liveable standard, and I am sure that this person is doing everything possible to make ends meet to get by, if that is the right term. As a government, I think we have an opportunity to offer a change in legislation that will impact a person's life and will impact it in a positive way.

Mr. Speaker, I think that we, as legislators, have an opportunity to do that today. The Member for River East (Mrs. Mitchelson) has presented, I think, a very valid case for the minister to consider it and I would ask all members on the other side to take a look at the bill. Read it. If you have questions, we certainly on this side are prepared to answer those questions. I would suspect that, although I have never heard of a specific case of this and it seems like there are not many out there, so it is not necessarily a law that is going to impact insurance treasuries or the Government's treasuries. It just seems from time to time we get an issue that when we hear about it, it seems like the right thing to do. I think, as a responsible group of MLAs and legislators in this province, that we should consider it.

I think that it is something that the minister should take a second look at and perhaps bring this bill forward inside his caucus. Ask them to critique it, but certainly ask them not to rule it out based on, I suspect, information that is provided to the minister. I respect the fact that obviously he has some direct communications with the Public Insurance Corporation from time to time and gets advice from them. But at the end of the day he is the minister responsible for the insurance corporation. He is the minister that can implement these changes. It is his responsibility to respond to these issues, and I have to say I am a little disappointed that the government members were reluctant to speak on this bill. I think that it is something that they have chosen not to

* (11:40)

So, Mr. Speaker, I will end my comments. I know that the Member for Russell will probably be

asking for leave to do the very same. I thank you for the time.

Mr. Speaker: The honourable Member for Russell, is he rising to speak on the same bill?

Mr. Leonard Derkach (Russell): Yes, I am, Mr. Speaker.

Mr. Speaker: Okay, so the honourable member will have to seek leave.

Mr. Derkach: So I am seeking leave, basically.

Mr. Speaker: Does the honourable member have leave? *[Agreed]*

Mr. Derkach: I guess I am pleased to rise on this particular private member's bill, but I say that with some hesitation, because this is a matter that should actually have been dealt with through the Manitoba Public Insurance Corporation without it having to come to this Chamber and to the floor of the Legislature.

I am addressing the issue, and I am hoping that the minister responsible for Manitoba Public Insurance Corporation is taking full notice of the fact that what we are trying to accomplish through this piece of legislation is, I guess, an oversight in the regulations as they pertain to the Manitoba Public Insurance Corporation and to situations that have been identified in this particular legislation.

Although this legislation deals with a specific case, we should not simply limit the legislation to dealing with this particular case, but indeed many similar cases of this kind. We do not often have situations where two individuals in the same family are disabled, and we do not often have a situation where there is a separation in that family at the same time.

Although The Manitoba Public Insurance Corporation Act is quite specific, I do not think anyone who was writing the legislation at any point in time contemplated a situation like this. Now a family finds itself in a position where they are going to be denied legitimate benefits by the Manitoba Public Insurance Corporation because of the way the act was written and because of the neglect or the oversight, if you like, of a situation like that.

No one ever contemplated this when they were writing the legislation. It was not something that I would have ever thought of. I do not think any legal person who was writing the act ever contemplated this. We see this many, many times when issues arise under other legislation, and we simply bring in amendments to correct an oversight or to correct an error.

Now, I know the member from River East has spoken to government about bringing in an amendment to deal with this situation, but I guess the Government has not fully appreciated the impact this oversight is having on a specific family.

Now, not only are they being denied benefits from the Manitoba Public Insurance Corporation, what is even more tragic, benefits earned under the Canada Pension Plan are also being denied; they are being lost.

Neither of the partners is realizing any benefit from the Canada Pension Plan because the regulations and the legislation under The Manitoba Public Insurance Corporation Act simply do not address that kind of anomaly, that kind of unique circumstance, that kind of a situation, because writers of the legislation, who are human, have not realized that a situation like this would ever arise.

So we are appealing to the Government and to the good graces of the minister and the good graces of the Government in office today to pay attention to this issue, because it is having a fairly dramatic impact on a family, on two individuals.

Now the Government may say in a callous way, well, the legislation is there. We are living by the letter of the law, ta-da, ta-da. Well, many times in the past, and, I would suspect, in the future when we see legislation has erred in addressing a fairly common-sense issue, we bring forward amendments to correct it.

Now it is usually incumbent on the Government to do that, but in this case the Government has not done it. The Government has not had the advice from the people in the corporation to bring forward an amendment. Now, I am not necessarily faulting the minister; I am just putting this off as an oversight and a lack of appreciation for the impact this is having on individuals. If this were going to cost mega, mega dollars, I can understand where the

corporation would want to take a second look because it may have implications down the road that could cost the corporation and the ratepayers significant amounts of money, especially if that is not thought through carefully.

Mr. Speaker, I think we have looked at all of the impacts that this kind of an amendment might have and they are not severe. The cost in this particular instance, as I understand it, is going to be simply a few thousand dollars. As my colleague had indicated, it is probably less than a lot of expense accounts on employees of the department and it is not something that is going to impact negatively or cost any hardship at all to the corporation.

Our obligation is to look after the needs of citizens of Manitoba. Our obligation is to ensure that citizens of Manitoba are treated fairly, that citizens of Manitoba are dealt with compassionately, that citizens of our province are dealt with in an appropriate and a fair way. If that is what we are all about, if that is why we are here, we have to look at those glaring inadequacies that sometimes exist in legislation, the oversights that occur when legislation is written, and for us to make sure that we address those issues. I know that if that impact were felt by any member of this Legislature directly, on their families or extended families, that we would have some attention paid to the matter, because nobody would allow this kind of oversight to exist. This is removed. This is a family who have not made an issue of this, because they are trying to live within the law. It is another family member who has brought this forward on their behalf, because this particular family member sees the inadequacy, sees the oversight, sees the error.

Mr. Speaker, as Opposition, we come forward with a bill that would address this issue. If the Government sees that there are other areas that have to be addressed with this legislation and if a subamendment is required, if that could be done in a committee, I do not think the member from River East would object to anything like that. I think we need to understand that this private member's bill is being brought forward in earnest, is being brought forward to try to resolve an issue that has been brought to her attention. It is not a wide-sweeping issue; it is not a broad issue that exists in every community across the province. This is probably the most unique that I have ever seen. This is probably the most isolated case that I can point to. I can

understand why this was overlooked by legislators and by governments, past and present, but I think it is incumbent upon us, and I say this and I repeat it again, that it is incumbent upon us as legislators to address issues when they are brought to our attention by citizens of our province where a particular approach, a particular direction has not contemplated an issue.

Having put those remarks forward about this legislation, I am hoping the Government will see it, in its wisdom, to allow this bill to proceed and to pass, and to go on to the committee stage, and then to have this amendment adopted as legislators of this province. We can go on and speak about this ad nauseam but it is such a simple, straightforward amendment that I do not think it requires us to do a lot of debate on this issue. It just simply requires the minister's understanding of how important this is to citizens, to people in our province specifically right now, to be able to say okay, we agree with the principle, we agree with the intent of the legislation, let us move forward. But for us to stand here in this House today, and to debate this and have this bill stand then for future debate, Mr. Speaker, is just not appropriate. It is not appropriate because this is simply fixing an error, an oversight in some legislation.

* (11:50)

This is not a political issue. We should not put this in the category of politics because this is simply administrative. We are asking the Government to pay attention to an administrative error and to correct it, and the only way that we can correct it is to accept an amendment that is being presented by the member from River East. If there were another way, we would pursue that as well, but there is not, Mr. Speaker.

We have been told by the corporation, I think the minister's office has acknowledged, that there is not another way to address this except by this amendment. So the member, doing her duty as an MLA for the people that she represents but also as an MLA in this province who has seen this inadequacy, it is her obligation to bring to the floor of this Legislature the issue, and secondly to propose a resolution to the issue. She has done that. She has complied with all those things. Now it is up to the Government to say our experts tell us that we need to correct this or to amend this, and we would probably go along with that, but simply to reject it, Mr. Speaker, because it is

being proposed by a member of the Opposition is not a proper response, is not an adequate response, is not an appropriate response.

So, with those comments, Mr. Speaker, I see that we still have some time left in private member's business today, I am hoping the Government will now see fit to accept this proposed bill and to pass it on to committee stage to be dealt with appropriately by the Legislature.

With that, I conclude my remarks.

Mr. Speaker: The honourable Member for Fort Whyte, is he rising to speak to this?

Mr. John Loewen (Fort Whyte): Yes, Mr. Speaker, I would seek leave to speak on this bill.

Mr. Speaker: Does the honourable member have leave to speak to this bill? *[Agreed]*

Mr. Loewen: Thank you, Mr. Speaker. First of all, I would like to commend the Member for River East (Mrs. Mitchelson) for bringing forward this piece of legislation which is designed to correct an administrative problem within the act. I think she is fulfilling her role in this Assembly in an exemplary way by working on behalf of some of those less fortunate in our society who have run up against the bureaucracy and have been dealt with in what is obviously not a totally reasonable manner.

I find it disappointing that in an issue such as this so many members opposite refuse to put their comments on the record, refuse to indicate one way or another how they would respond to the minister on this bill. This is an opportunity for all members of this House to stand up in dealing with private members' bills, private members' business and put their thoughts on the record. I would encourage all members opposite to do so at every opportunity.

We heard earlier this morning they want to stand up and rail against members on this side for legislation that they have introduced that corrects some of the other problems that have arisen as a result of inadequate legislation brought to this House by the Minister of Justice (Mr. Mackintosh) and, rather than working co-operatively with this side of the House to correct some of the problems that this minister is causing, now they just sit there and remain silent.

I think that is very unfortunate, particularly given that when they go outside of this House they like to rant and rave and go on and on about how they speak for the downtrodden in our society, how they speak for the little people, how they are here to bring their views and represent the issues that affect the supposed little people in our community. Yet they have an opportunity, all those backbenchers have a perfect opportunity here, to stand up and put some thoughts on the record and to, in fact, do the right thing and stand up for those in our society who do not have the resources or maybe the experience necessary to fight for themselves.

This is a case where it is obvious that we have someone who is below the poverty line, obviously struggling financially in a very, very difficult situation, someone whom you would think members opposite would have a great deal of empathy for. Instead, what do they do? They sit by idly and they let a government agency claw back much-needed funds from this individual, and they will do nothing for other individuals in this situation throughout Manitoba who are facing the same dilemma. This is certainly a very reasonable request. It is not a request that would cost the insurance company much in terms of revenue, but I guess this Government of today looks at it a little different way. They look at it in terms of how profitable can these Crown corporations, can these Crown agencies be, because we cannot balance our budget so one day we might need their money.

We saw that already with the former minister who was responsible for MPIC, for the former Minister of Labour, she tried to give away \$30 million of ratepayers' money and she was told in no uncertain terms, and very quickly by the people of Manitoba and by the ratepayers of Autopac, that that was not on. Her reward was to lose authority over Autopac, and at that point it was given, I am not sure if it was a reward or a punishment, to the Minister of Justice (Mr. Mackintosh) to have to clean up one of the messes that was left behind by the Minister of Labour.

Here is a minister that spends all his time trying to figure out where the next press release is coming from, the next piece of good news that he can supposedly manufacture out of his Justice portfolio and turn that into legislation that, for the most part, will not do anything and in a number of cases, will no doubt turn out to be unconstitutional.

This is a Minister of Justice who wants to spend his time up on the soapbox saying how he is going to introduce legislation that will shut down the Hells Angels and shut down the Hells Angels store just a couple of blocks from his own constituency office. I sometimes wonder if maybe he and the Hells Angels do not share the same landlord, because what do we see over a year later? We have seen nothing.

I appreciate the member from Burrows where he is coming from. I am sure he is focussing all his attention on how he can grow revenue through the Government through the Keno operation. I mean, that seems to be his big issue of the day. Again, I would expect from that member, certainly from that member, who has an exemplary record as well of standing up for the people, the less fortunate in our society, those who are disadvantaged, those who cannot stand up for themselves. I know he spent some time on the picket line with the dealers and, in his view, and in his party's view, that probably is standing up for the downtrodden, those who are disenfranchised, but, you know, really, this is an opportunity for these members, and particularly some of those members on the opposite side to stand up and demonstrate in a vocal manner their support of this private member's bill.

Surely they can see that, not only for the individual that has been noted here that has requested this change, but for a lot of other individuals in Manitoba who are faced with a disability, or cannot work because of an automobile accident, certainly they have a right to expect from their Government agency—and we are not talking about private insurance who the members opposite will stand up on a regular basis and accuse them of operating in profit mode only, and having no sense of community or no empathy for their clients.

This is a government organization. This is an organization that needs to be driven by government policy, and this is an opportunity for the members opposite who are supposed to be here to stand up for the less fortunate of our society, to stand up and make their views known. I am not sure if the minister has brought this issue to the Cabinet table or not. If he has not, I would urge him to do so immediately, because I think he probably will have enough empathetic people at his Cabinet table. I cannot imagine that members of the New Democratic Party of Manitoba would not look with a great deal of sympathy on the plight of this particular individual.

Why they are interested in clawing back a little over \$150 a month from an individual in Manitoba who receives funds well below the poverty line is mind-boggling, and I think it is something that if their Cabinet will not deal with, that I would hope, their caucus as a whole, particularly the backbenchers that are here and have heard my colleague speak on this issue, will raise this issue at the next possible moment within their caucus and demand that not only the Justice Minister but, in fact, their entire Cabinet get on board and support this legislation.

* (12:00)

This, as I said before, will not cost the insurance company much in terms of dollars. If they are concerned that there are wealthy people out there who will somehow benefit and get a boost up from this legislation, they can easily resolve that, and we would be more than willing to work with any and all members from the opposite side to put a cap on the

annual payments if that is what their worry is. But, Mr. Speaker, this is an important piece of legislation dealing with an oversight in the act. I would certainly hope that the members opposite would see fit to join with the member from River East to work hand in hand, as the Premier (Mr. Doer) so often likes to state. We are here for all people of Manitoba, not just for the union bosses who are running the floodway project. We are here, and particularly during private members' hour, to benefit all Manitobans.

Mr. Speaker: Order. When this matter is again before the House, the honourable Member for Fort Whyte (Mr. Loewen) will have six minutes remaining, and also, when this matter is again before the House, it will remain standing in the name of the honourable Member for St. Norbert (Ms. Brick).

The hour being twelve noon, we will now recess and we will reconvene at 1:30 p.m.

LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, April 15, 2004

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