

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

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

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

<b>Member</b>	<b>Constituency</b>	<b>Political Affiliation</b>
ALLAN, Nancy, Hon.	St. Vital	N.D.P.
ALTEMEYER, Rob	Wolseley	N.D.P.
ASHTON, Steve	Thompson	N.D.P.
BJORNSON, Peter, Hon.	Gimli	N.D.P.
BLADY, Sharon	Kirkfield Park	N.D.P.
BLAIKIE, Bill, Hon.	Elmwood	N.D.P.
BOROTSIK, Rick	Brandon West	P.C.
BRAUN, Erna	Rossmere	N.D.P.
BRICK, Marilyn	St. Norbert	N.D.P.
BRIESE, Stuart	Ste. Rose	P.C.
CALDWELL, Drew	Brandon East	N.D.P.
CHOMIAK, Dave, Hon.	Kildonan	N.D.P.
CULLEN, Cliff	Turtle Mountain	P.C.
DERKACH, Leonard	Russell	P.C.
DEWAR, Gregory	Selkirk	N.D.P.
DOER, Gary, Hon.	Concordia	N.D.P.
DRIEDGER, Myrna	Charleswood	P.C.
DYCK, Peter	Pembina	P.C.
EICHLER, Ralph	Lakeside	P.C.
FAURSCHOU, David	Portage la Prairie	P.C.
GERRARD, Jon, Hon.	River Heights	Lib.
GOERTZEN, Kelvin	Steinbach	P.C.
GRAYDON, Cliff	Emerson	P.C.
HAWRANIK, Gerald	Lac du Bonnet	P.C.
HICKES, George, Hon.	Point Douglas	N.D.P.
HOWARD, Jennifer	Fort Rouge	N.D.P.
IRVIN-ROSS, Kerri, Hon.	Fort Garry	N.D.P.
JENNISSSEN, Gerard	Flin Flon	N.D.P.
JHA, Bidhu	Radisson	N.D.P.
KORZENIOWSKI, Bonnie	St. James	N.D.P.
LAMOUREUX, Kevin	Inkster	Lib.
LEMIEUX, Ron, Hon.	La Verendrye	N.D.P.
MACKINTOSH, Gord, Hon.	St. Johns	N.D.P.
MAGUIRE, Larry	Arthur-Virden	P.C.
MARCELINO, Flor	Wellington	N.D.P.
MARTINDALE, Doug	Burrows	N.D.P.
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PEDERSEN, Blaine	Carman	P.C.
REID, Daryl	Transcona	N.D.P.
ROBINSON, Eric, Hon.	Rupertsland	N.D.P.
RONDEAU, Jim, Hon.	Assiniboia	N.D.P.
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STEFANSON, Heather	Tuxedo	P.C.
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SWAN, Andrew, Hon.	Minto	N.D.P.
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WHITEHEAD, Frank	The Pas	N.D.P.
WOWCHUK, Rosann, Hon.	Swan River	N.D.P.

**LEGISLATIVE ASSEMBLY OF MANITOBA**

**Monday, October 5, 2009**

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

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

**ROUTINE PROCEEDINGS**

**PETITIONS**

**Midwifery Services—Interlake Region**

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

These are the reasons for this petition:

Residents of the Interlake Regional Health Authority do not have access to midwifery services.

Midwives provide high quality, cost-effective care to childbearing women throughout their pregnancy, birth and in the post-partum period.

Women in the Interlake should have access to midwifery care.

We petition the Legislative Assembly of Manitoba as follows:

To urge the Minister of Health (Ms. Oswald) to consider working with the Interlake Regional Health Authority to provide midwifery services to women in this health region.

This petition is signed by Darlene Chezick, Ashley Monkman and Shirley Asham and many, many others, Mr. Speaker.

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

**Long-Term Care Facilities—Morden and Winkler**

**Mr. Peter Dyck (Pembina):** I wish to present the following petition to the Legislative Assembly.

These are the reasons for this petition.

Many seniors from the Morden and Winkler area are currently patients in Boundary Trails Health Centre while they wait for placement in local personal care homes.

There are presently no beds available for these patients in Salem Home and Tabor Home. To make more beds in the hospital available, the regional health authority is planning to move these patients to personal care homes in outlying regions.

These patients have lived, worked and raised their families in this area for most of their lives. They receive care and support for their family and friends who live in the community, and they will lose this support if they are forced to move to distant communities.

These seniors and their families should not have to bear the consequences of the provincial government's failure to ensure there are adequate personal care home beds in the region.

We petition the Legislative Assembly of Manitoba as follows:

To urge the Minister of Health (Ms. Oswald) to ensure that patients who are awaiting placement in a personal care home are not moved to distant communities.

To urge the Minister of Health to consider working with the RHA and the community to speed construction and expansion of long-term care facilities in this region.

This is signed by Cornie Wiens, Henry Klassen, Nellie Klassen and many, many others.

**Traffic Signal Installation—  
PTH 15 and Highway 206**

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

These are the reasons for this petition:

In August 2008 the Minister of Transportation (Mr. Lemieux) stated that traffic volumes at the intersection of PTH 15 and Highway 206 in Dugald exceeded those needed to warrant the installation of traffic signals.

Every school day, up to a thousand students travel through this intersection in Dugald where the lack of traffic signals puts their safety at risk.

Thousands of vehicles travel daily through this intersection in Dugald where the lack of traffic signals puts at risk the safety of these citizens.

In 2008, there was a 300 percent increase in accidents at this intersection.

We petition the Legislative Assembly of Manitoba as follows:

To request that the Minister of Transportation consider the immediate installation of traffic signals at the intersection of PTH 15 and Highway 206 in Dugald.

To request that the Minister of Transportation recognize the value of the lives and the well-being of the students and citizens of Manitoba.

Signed by K. Swerdelian, Gail Bannerman, A. Bannerman and many, many other Manitobans.

#### **Winnipeg Regional Health Authority**

**Mr. Kevin Lamoureux (Inkster):** I wish to present the following petition to the Legislative Assembly of Manitoba.

The background to the petition is as follows:

Manitoba's Premier and NDP government have not recognized the issues of public concern related to the Winnipeg Regional Health Authority.

The WRHA is building an administrative empire at the expense of bedside care.

Winnipeg Regional Health Authority needs to be held accountable for the decisions it is making.

Health-care workers are being pressured into not being able to speak out no matter what the WRHA is doing or has done.

We petition the Legislative Assembly of Manitoba as follows:

To request the Premier (Mr. Doer) and the NDP government to call a meeting of a standing committee of the Legislature and invite representatives of the WRHA to appear before it.

Mr. Speaker, this is signed H. Janssen, G. Janssen, S. Offel and many, many other fine Manitobans. Thank you.

#### **Neepawa, Gladstone, Ste. Rose, McCreary– Family Doctors**

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

These are the reasons for this petition.

Access to a family doctor is vital to good primary health care. Patients depend on their family doctors for many things, including their routine health-care needs, preventative care and referrals for diagnostic tests and appointments with specialists.

Family doctors in Neepawa, Gladstone and Ste. Rose are unable to accept new patients. The nearby community of McCreary has not had a doctor available to take patients in months.

Without a family doctor, residents of this large geographical area have no option but to look for a family doctor in communities as far away as Brandon and Winnipeg.

Residents of these communities are suffering because of the provincial government's continuing failure to effectively address the shortage of doctors in rural Manitoba.

We petition the Legislative Assembly of Manitoba as follows:

To urge the Minister of Health (Ms. Oswald) to consider prioritizing the needs of these communities by ensuring they have access to a family doctor.

To urge the Minister of Health to consider promptly increasing the use of nurse practitioners in these communities in order to improve access to quality health care.

This petition is signed by Violet Ross, Lucille Breland, Kelly Brasseur and many, many other fine Manitobans.

#### **Whiteshell Provincial Park–Lagoons**

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

These are the reasons for this petition:

Manitoba's provincial parks were established to protect our natural resources and the environment for future generations.

In July 2009 the lagoons in the vicinity of Dorothy Lake and Otter Falls in the Whiteshell Provincial Park overflowed, creating concerns that

untreated sewage made its way into the Winnipeg River system and ultimately into Lake Winnipeg.

In addition, emergency discharges had to be undertaken at lagoons in the Whiteshell Provincial Park four times in 2005, once in 2007 and once in April of 2009.

Concerned stakeholders in the Whiteshell Provincial Park have repeatedly asked the provincial government to develop plans to address the shortcomings with the park's lagoons and to ensure the environment is protected, but the plans have not materialized.

We petition the Legislative Assembly of Manitoba as follows:

To request the Minister of Conservation (Mr. Struthers) to consider acknowledging that more timely action should have been taken to address the shortcomings with the lagoons in the Whiteshell Provincial Park in order to protect the environment.

To request the Minister of Conservation to consider immediately developing a short- and long-term strategy to address the shortcomings with lagoons in the Whiteshell Provincial Park and to consider implementing them as soon as possible.

Mr. Speaker, this petition has been signed by Rob Duerksen, Dallas Moffat, Tom Price and many, many others.

\* (13:40)

#### **Virten Health Centre—Health-Care Services**

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

These are the reasons for this petition:

The Virten and district hospital is the only active hospital servicing a large catchment area.

Doctors' services are being provided to communities within the Virten catchment areas by doctors who are based in Moosomin, Saskatchewan.

The chronic shortage of doctors in the Virten clinic has forced several residents to seek family physician services in Moosomin and various other centres in Manitoba.

The functioning operating room in the Virten and district hospital has been closed and the room turned into an ARHA supply distribution centre.

We petition the Legislative Assembly of Manitoba as follows:

To request the Minister of Health (Ms. Oswald) to consider increasing the number of doctors and nurses in the Virten and district hospital to ensure stable quality health care for the Virten catchment area.

To request the Minister of Health to consider establishing a walk-in clinic in the Virten and district hospital.

To request the Minister of Health to consider developing a specialized health-care service for the Virten and district hospital.

To request the Minister of Health to consider reopening the Virten and district hospital operating room.

This petition is signed by Brian Johnston, Jennifer Chapman, Melissa Girardin and many, many others, Mr. Speaker.

#### **TABLING OF REPORTS**

**Hon. Rosann Wowchuk (Minister of Finance):** Mr. Speaker, I'd like to table the 2008-2009 Annual Reports for the Civil Service Commission and the Manitoba Securities Commission.

**Hon. Dave Chomiak (Minister of Justice and Attorney General):** Yes, Mr. Speaker, I'd like to table the following reports: the Annual Report Concerning Complaints About Judicial Conduct of Masters, Judges and Judicial Justices of the Peace; and the Annual Report on the administration of The Discriminatory Business Practices Act.

**Hon. Jim Rondeau (Minister of Science, Technology, Energy and Mines):** Mr. Speaker, I am pleased to table the Green Manitoba's 2008-2009 Annual Report, and I'm also pleased to table the 2008-2009 Annual Report for Science, Technology, Energy and Mines.

**Hon. Christine Melnick (Minister of Water Stewardship):** Mr. Speaker, I would like to table the 2008/2009 Annual Report for the Manitoba Habitat Heritage Corporation.

#### **Introduction of Guests**

**Mr. Speaker:** Prior to oral questions, I'd like to draw the attention of honourable members to the public gallery where we have with us from Dufferin Christian School, we have 16 grade 6 students under the direction of Mr. Nick Gunnink. This school is

located in the constituency of the honourable member for Carman (Mr. Pedersen).

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

## ORAL QUESTIONS

### Manitoba Hydro Risk Analysis Report

**Mr. Hugh McFadyen (Leader of the Official Opposition):** Seniors and other Manitobans living on fixed incomes have seen their hydro rates jump by 8 percent over the last two years. Mr. Speaker, their anxiety was increased last week when it was published in the newspaper that there were reports that were done on behalf of Manitoba Hydro that demonstrated, and I quote, "gross mismanagement and threats to public safety arising from high-risk gambles being taken at Manitoba Hydro."

Mr. Speaker, the Public Utilities Board was so concerned about the risks being taken at Hydro that they asked for and set a deadline to receive the internal risk analysis that was last Wednesday. Hydro missed the deadline last Wednesday and has yet to produce the internal risk analysis that Manitoba seniors deserve, as they're dealing with ever-increasing hydro rate increases, even as many are seeing their pension values drop.

I want to ask the acting Hydro minister: What is it that the Minister of Hydro is attempting to hide from Manitoba seniors and others on fixed incomes?

**Hon. Gary Doer (Premier):** Well, Mr. Speaker, Hydro routinely goes before the Public Utilities Board. The Public Utilities Board set a target of moving down from the risk of 86 percent debt ratios that were under the Conservatives down to 75 percent. They set the year at 2012. Hydro has not only met that target set by the PUB but has exceeded it. They are now below 75 percent in debt equity in terms of Manitoba Hydro, and that represents a very positive development in terms of the risk and equity of Hydro. And I would point out that, according to the Saskatchewan budget analysis of affordability, Manitoba Hydro has the lowest hydro rates in North America.

**Mr. McFadyen:** Mr. Speaker, many Manitoba Hydro ratepayers will disagree with what the Premier is saying. The Public Utilities Board, which is in place to protect ratepayers, says in their annual report that Hydro's borrowings will break records over the next 10 years, remains concerned with Hydro's risk

profile, and they further say that the PUB's assessment of Manitoba Hydro's risks, which include not only the risk of drought but other risks, is a serious concern.

I wanna ask the Premier: The Public Utilities Board is asking for these reports. They were due last Wednesday. That deadline has passed without any disclosure from Manitoba Hydro. Why is the government attempting to keep these reports under wraps? Is it to protect the member for St. Boniface (Mr. Selinger) in the lead-up to his leadership vote?

**Mr. Doer:** Well, the member is so interested in our leadership I'm surprised he hasn't jumped in. He's been—he's been asking—you know, for three and a half weeks he's been asking questions about the leadership, and they are so, so—

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

**Mr. Speaker:** Order.

**Mr. Doer:** —they're so hidden, Mr. Speaker.

**Mr. Speaker:** Order. Order. Order. Order.

**Mr. Doer:** He's got the subtlety of a grizzly bear, Mr. Speaker, in terms of the way he poses it.

Mr. Speaker, the—when the member opposite was the chief of staff to the former premier 10 years ago—

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

**Mr. Doer:** I know.

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

**Mr. Doer:** Here we go.

**Mr. Speaker:** Order. Order.

**Mr. Doer:** They're not singing joy today; they're singing something else.

When he was—the debt ratio—the debt equity ratio was 86 percent. They didn't put the purchase of the natural gas company on the books. They didn't put a lot of things under Hydro on the books. But in spite of that, putting everything fully disclosed on the books, the debt equity ratio now is 75 percent. The PUB said it should be met in the year 2012. It is met now, Mr. Speaker.

**Mr. Speaker:** Order.

**Mr. McFadyen:** I'm surprised to hear the great nationalizer criticizing the nationalization of natural gas. But that aside, Mr. Speaker, the fact is that Manitoba Hydro is embarking on a 10-year,

\$20-billion capital program over the next decade. Internal analysis being done by experts in Manitoba Hydro is raising questions about whether the current level of debt is sustainable and whether Hydro is gonna be able to protect ratepayers in the future. Now, with Manitoba seniors seeing the rates go up by 8 percent over the last two years, many of them seeing the values of their pensions going down, they're concerned that they're gonna get zapped by rate increases as a result of what these experts are saying when they talk about gross mismanagement and threats to public safety.

What are these experts referring to, and why won't they come clean with Manitobans prior to the leadership vote two weeks from now?

**Mr. Doer:** Well, Mr. Speaker, I would point out that the biggest risk to Hydro—and it was presented to the former government, and it's also been presented to us—was the whole fact of—the whole issue of reliability of the transmission lines and the lack of any backup to the existing transmission lines through the two—one portal at Grand Rapids, and it was recommended to the former government that there be a converter station built of some \$600 million, and the members opposite didn't build it.

As part of the increased revenues of over \$20 billion—increased revenues of over \$20 billion with export sales to Minnesota and Wisconsin—we will not only have reduced risk for the ratepayers, we will have reduced risk in terms of having a converter station.

Now, Mr. Speaker, I would point out my criticism about the purchase of the natural gas company was not based on the policy, it was based on—

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

**Mr. Doer:** It was based on the fact that you didn't pay for it. You didn't have it on the books. The Tories never put anything on the books, and the Minister of Finance has changed that, Mr. Speaker.

### **Manitoba Hydro Risk Mitigation From Strike**

**Mr. Cliff Cullen (Turtle Mountain):** Mr. Speaker, last week I questioned the Minister responsible for Hydro about the possibility of a strike at the corporation. At the time the minister said she would not interfere, and that's a striking contradiction to the previous minister, the minister from St. Boniface who had sent a four-page directive over to the Public

Utilities—pardon me, to Manitoba Hydro, directing them to build their line on the west side of the province. We're getting mixed messages from the Province here.

\* (13:50)

But I wanna ask the minister today, now that we have a strike at Manitoba Hydro, what is she doing to mitigate the risk over this potential—this current strike at Manitoba Hydro?

**Hon. Rosann Wowchuk (Minister charged with the administration of the Manitoba Hydro Act):** If the member is talking about reducing risk of the long-term supply, and security of supply, he knows full well that we're going forward with Bipole III. And I want to tell the member that, in fact, Hydro is starting their third round of consultation on the west side, Mr. Speaker, because—and they are looking at various options and, in fact, this evening they are going to be in Minitonas, and they are going to be meeting with the R.M. of Minitonas, Swan River and Mountain, and they will be meeting with many other communities to talk and to look at where the lines on the west side will go to ensure that we do—ensure that we have security of supply and can meet—to have security for our Manitoba customers, but also security of supply for our export sales.

**Mr. Speaker:** Order.

**Mr. Cullen:** Mr. Speaker, the NDP have decided the line's going on the west side. Manitobans hadn't—didn't have an opportunity to have a debate about east side versus west side.

Now, Mr. Speaker, given the current strike we have at Manitoba Hydro, we've seen a couple of power outages across the province. We understand that managers are being moved around the province. They've been asked to deal with these situations. Now, many of these managers have little experience on the lines. The last time it's when—they've been up a—been up a pole, it's been quite some time.

And I'm asking the minister: What steps is she's taking to ensure the safety of these people on the front lines?

**Ms. Wowchuk:** Again, Mr. Speaker, with Bipole III, we made that clear during the election and before the election, and the people voted for us. They gave us the mandate.

Mr. Speaker, with regard to—with emergencies, there is an emergency service agreement in place. And I would say to the member opposite, he talks

about these people not having experience, and I would say to him in the discussion that I've had, is that many of those people who are in—providing emergency service have come up through the ranks in Hydro and do, indeed, have a lot of experience.

Mr. Speaker, there were two incidents on Friday night, and Hydro contacted the union for assistance under the emergency service agreement and those situations were addressed.

**Mr. Cullen:** Well, Mr. Speaker, we know there's been outages within the province. We also know there's obligations to customers outside the province. Now, we know Hydro will face stiff financial penalties if the electricity is not delivered to those customers. We also know the first quarter of this year, sales and revenue was down 40 percent over last year. Now, we also recognize that the Province of Manitoba is securing the debt of Manitoba Hydro. The Minister of Finance clearly has an interest here.

Mr. Speaker, we're asking the minister: What is she doing to mitigate the risk associated with this strike?

**Ms. Wowchuk:** Mr. Speaker, if you look at what we have done since we have taken office, we have reduced the debt load. We've reduced the amount of debt that Hydro is carrying. As I look at the situation that we have here in Manitoba, I'll say the same thing that I said last week: there is negotiations; contracts have come to an end, but there are negotiations. And I can assure the member that there is a conciliator at work with the parties at this—since the strike began. There—and I want to inform the—

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

**Mr. Speaker:** Order.

**Ms. Wowchuk:** Mr. Speaker, there are, again, negotiations this afternoon, and I am hopeful that we can resolve this, but—that this issue will be resolved but, in the meantime, there are—is an emergency service agreement and I have confidence in the people that are there that should a situation arise, they will deal with it. They've demonstrated that they can deal with it.

**Mr. Speaker:** Order.

#### **Correctional Facilities Need for New Men's Facility**

**Mr. Kelvin Goertzen (Steinbach):** Mr. Speaker, yesterday at the Brandon Correctional Centre, Brandon police and their tactical unit responded to a

riot at the correctional centre. We are thankful that after four hours, with the help of heavily armed police, pepper spray, water hoses, stun grenades, they regained control of the correctional centre and no staff or police were injured. Yesterday, Brandon was at least 118 people over capacity and, regrettably, this NDP government have ignored the warnings about the stresses on our jail system in Manitoba.

Will the minister today finally acknowledge the need for a new male adult jail in Manitoba for the safety of correctional staff and for the safety of all Manitobans?

**Hon. Dave Chomiak (Minister of Justice and Attorney General):** I want to commend all of the people involved in yesterday's incident. I've had opportunity to meet with—[interjection] I've had opportunity to meet with the guards' union and some of the management involved, Mr. Speaker, and I want to—I want to commend their excellent—their excellent abilities and excellent work in dealing with a very disturbing situation.

The member's wrong as usual, Mr. Speaker. We've added over 200 beds to the system and there's several expansions under way.

And I note that members stand up every single day and ask for extra hospital beds and extra nursing home beds and we've built hundreds and hundreds of those. We've put in billions of dollars of infrastructure including, Mr. Speaker, not only expanding the number of beds but expanding the number of correctional officers by almost 300 since we've been in office.

**Mr. Goertzen:** Mr. Speaker, at any given time in Manitoba jails, there are 400 to 500 more inmates than the system was built to hold, and planned expansions won't correct that. Guards have warned of the powder keg situation that is presented in the jails that they are entrusted to keep safe.

However, Mr. Speaker, instead of taking this issue seriously, this Minister of Justice, when it's been raised in the House over and over, has dismissed and degenerated the efforts of the opposition, of the union and of others to call for a new male adult jail in the province of Manitoba.

Does this minister realize that what happened yesterday could have been much, much worse and that he dodged a bullet yesterday because of the good work of police and because of the good work of

others on the scene? But we may not be so lucky next time.

Will he commit to having a new adult jail for males built in Manitoba, Mr. Speaker?

**Mr. Chomiak:** Mr. Speaker, I have been in question period and Estimates for weeks and days and days and days. All they ever ask—lately they've been fixated on this—on their fetish about the leadership. They ask about events that happened in 1999 in terms of the election. They ask about events they read in the paper.

There hasn't been any analysis or projection put forward by members opposite, Mr. Speaker. Last week when I flew to Ottawa to try to change the two for one—that means we have 70 percent—70 percent of our inmates are on remand, and we've got to get that 70 percent off of remand. We heard nothing from members opposite, no support from members opposite for getting those remand prisoners through.

I'm surprised, Mr. Speaker, because every government in the country supports that and the federal Conservatives support that, and we heard nothing from members opposite. It's really unfortunate because that's one of the issues of overcrowding, is the 70 percent remand population we have.

**Mr. Goertzen:** Mr. Speaker, in Manitoba today we have prosecutors who are dealing with more than 300 active cases. We have prisoners who are waiting to go to trial for more than a year. That's one of the reasons why our prisons are clogged up. So while the minister flies to Ottawa and sips tea in the ByWard Market, maybe he should spend a little bit more time in Manitoba and deal with the problems that he's entrusted to deal with.

We have asked repeatedly in this House, in committee, in the public, everywhere, Mr. Speaker, throughout Manitoba for more resources for Justice, and one of the things that we've asked for is a male adult prison so that those who are in the system can be safe. He needs to provide resources for prosecutors. He needs to provide resources for the courts, but he needs to commit to a new male adult prison today for the safety of those who are in the prison and for the safety of all Manitobans.

Will he stand up and do his job today, Mr. Speaker?

**Hon. Gary Doer (Premier):** Mr. Speaker—*[interjection]*—there's 71 percent of the people in

Manitoba jails are on remand. Part of the reason for that is the two-to-one policy the lawyers got through the courts. Thank God our Minister of Justice (Mr. Chomiak) has gone to Ottawa asking for safer jails.

He's the minister of action. The member opposite is the member for hot air. He voted against a hundred guards in the last budget. He voted against it, Mr. Speaker.

**Mr. Speaker:** Order. Order. We've got to pick and choose our words a little carefully in here. All members in the House are honourable members, and when addressing another member it should be by their constituency or their title.

I ask the honourable First Minister to withdraw that comment.

**Mr. Doer:** Mr. Speaker, I withdraw the comment "hot air" to the member opposite.

\* (14:00)

**Mr. Speaker:** I thank the honourable member for the withdrawal. Now we'll go to the honourable member for River East.

#### **Bill 9—The Social Work Profession Act Withdrawal**

**Mrs. Bonnie Mitchelson (River East):** Mr. Speaker, it was clear at committee on Bill 9 that there were many, many out there within the social work profession and beyond that were opposed to Bill 9 as it presently stands.

We and the Liberals both tried to bring in amendments that would make the bill better, Mr. Speaker, and the government refused to accept those amendments. I'm asking, in the interest of all of those that felt that there wasn't the proper consultation around Bill 9, whether the minister might withdraw it today, not pass it this week, and ensure that meaningful consultation happens and we get a bill that social workers can live with.

**Hon. Rosann Wowchuk (Minister of Finance):** Mr. Speaker, members opposite would know that the social workers had been working for a long time to get this bill.

In fact, Mr. Speaker, I understand that, even under the previous administration, they were looking for the ability to have a mandatory registration to be brought forward.

Mr. Speaker, I would remind the member that there were also many presenters in the committee hearings who supported the bill, and all of the issues that the member opposite raised can be addressed in the by-laws that are brought forward, and those will be drafted by a committee once the—once the bill receives royal assent. And I'm comfortable, having listened to these people, that their issues can all be addressed when we move forward with this.

**Mrs. Mitchelson:** Well, thank you, Mr. Speaker, but it's clear that social workers do want to see regulation but they don't want to see it in the manner that this government has brought it forward without the proper consultation.

Mr. Speaker, Elsie Flette, the CEO of the southern authority, stood at committee and opposed the legislation as it presently exists. She indicated that she talked to a government official and her concerns were raised.

Obviously, Mr. Speaker, her concerns fell on deaf ears. Will the minister stand up today and, for the sake of people like Elsie Flette and others that work in the child welfare system that are not happy with this bill, will she do the right thing, go back to the drawing board, consult and come forward with a bill that will work?

**Ms. Wowchuk:** Well, Mr. Speaker, I believe that the majority of people involved in this field are happy that there will now be a registration, a mandatory registration for them. They have nothing in place right now and they have been asking for many years to have a recognition of their profession.

Mr. Speaker, the bill—when the bill passes there will be an opportunity to have the by-laws drafted. There will be the opportunity for all people in the field to have input. There will be the opportunity to determine what the structure of the board will be and what the credentials, what the levels of alternate training will be. All of those will be addressed and all people that are involved will have the opportunity to have input.

**Mrs. Mitchelson:** Mr. Speaker, I want to ask the minister: Is she satisfied that Bill 9 will now make the province of Manitoba dead last when it comes to standards regarding social workers? Is she satisfied and is she happy, when we have the highest standards for early childhood educators, we have high standards for teachers and we have high standards for nurses, is she satisfied to move to the

bottom of the barrel in Manitoba when it comes to the profession of social work?

**Ms. Wowchuk:** You know, Mr. Speaker, I'm very pleased that we're finally moving forward.

Social workers have been asking for this registration for a long time. The member opposite, if she will admit it, Mr. Speaker—

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

**Mr. Speaker:** Order.

**Ms. Wowchuk:** —tried to get this through her government but couldn't do it, Mr. Speaker. She couldn't get it done. We worked with the—with the people in the profession and we are getting it done.

Mr. Speaker, we're finally—Manitoba is the last province to get a regulation. [*inaudible*] Members opposite did nothing. The by-laws will be drafted and there will be consultation and opportunity for input and the member opposite should not be putting these—this—these professions down in the way that she is.

#### **Hog Industry Government Programs**

**Mr. Ralph Eichler (Lakeside):** Mr. Speaker, we'd like to thank the federal government for releasing the details of its Hog Farm Transition Program. This is welcome news for our producers. The federal Conservative government clearly recognizes the hurt in the industry. In September's 24th interview at the *Winnipeg Free Press*, this NDP Agriculture Minister of Manitoba said she wanted to see details of federal program before deciding if this government would be offering any aid to our producers.

Mr. Speaker, will the Minister of Agriculture advise this House if her government will now be coming to the table with programs for our struggling producers?

**Hon. Rosann Wowchuk (Minister of Agriculture, Food and Rural Initiatives):** Well, actually, if you look at the numbers, our government has been at the table for producers. I would ask the member to look at the amount of money that has flown through the pork industry. Whether it be through targeted advances, Mr. Speaker, whether it be through loan programs, our government has been there.

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

**Ms. Wowchuk:** The federal government has put in a place—a program to help producers transition—*[interjection]*

**Mr. Speaker:** Order.

**Ms. Wowchuk:** Thank you, Mr. Speaker. And there's a loan guarantee program to help people—producers restructure. We are in discussion with the industry and we will look at what we have—what steps have to be taken. But the member opposite should never say that this government has not been there, because we have been there for the past three years with the pork industry.

**Mr. Eichler:** Mr. Speaker, this Province's inaction on this very important economic file is disturbing. Manitoba Pork Council chair Karl Kynoch recently pointed out that other provinces, including Alberta, Saskatchewan and Ontario have all come forward with programs for their hog producers. Karl Kynoch explained that because Manitoba government has not come forward with this similar program, it puts our producers at a level playing field.

Mr. Speaker, I ask the minister again: Is this government prepared to develop programs to help Manitoba producers get through this current economic challenge? Yes or no?

**Ms. Wowchuk:** Well, yes, we will, and we have, Mr. Speaker. I will stand by our record any time. For almost \$100 million that has been put out in targeted advance producer payments—

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

**Ms. Wowchuk:** —for the loan program that we have put in place. And Mr. Speaker, we will review these programs and we will work with the producers. The member fails to recognize that the challenges facing the producers—

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

**Mr. Speaker:** Order.

**Ms. Wowchuk:** —are trade issues, whether it be country-of-origin labelling, national issues, and the national government has to take the lead on this, and that's why it is the national government that had to put a program to help those people who are suffering because of trade challenges, high Canadian dollar and other issues.

**Mr. Eichler:** Mr. Speaker, the federal government listened to the needs of hog producers and came up with a transitional program. Karl Kynoch of the Manitoba Pork Council indicated in October 1st

interview with Farmscape that, as far back as April, the council has been asking the Province about potential programs. He also pointed out the hurt to primary producers, the feed companies and to other stakeholders.

Mr. Speaker, our producers are fighting for their survival. Is this government prepared to offer any additional programs to help the pork industry get past these challenges? Is it yes? Is it no? We need a commitment from this minister.

**Ms. Wowchuk:** I can assure the member that this government has always been committed to the agriculture industry. Always, Mr. Speaker, and to the livestock industry.

I do not understand why the member opposite does not recognize what the issue is here. The issue here is country-of-origin labelling that has shut off our weanling market, a high Canadian dollar that has reduced our ability to sell into that market, and there's no doubt that H1N1 has also had effect with the industry. All of these are national issues. When we were at the ministers meeting in August we asked the federal minister to bring forward a national program. He's come forward with one now. We have to look at how this program will work, and I have a meeting set up with the pork producers.

\* (14:10)

#### **Seniors Support Services (Cartier) Funding**

**Mrs. Mavis Taillieu (Morris):** Mr. Speaker, senior services co-ordinators in Cartier are concerned that funding shortfalls are leaving them unable to provide services to seniors such as congregate meal programs and transportation to medical appointments. They've been asked to take on more work such as home care. They're asked to fundraise, and they're asked to attend seminars at their own expense, leaving them little time to provide the services to seniors.

So, Mr. Speaker, I'd like to ask the minister why seniors in Cartier are not provided the same funding opportunities and supports as seniors in Winnipeg.

**Hon. Kerri Irvin-Ross (Minister of Healthy Living):** Seniors are provided services through many different government departments. We continue to provide them through health care, through Justice, through Healthy Living, through Family Services and Housing. We will continue to share those services to all Manitobans. There's no—there's this point that we continue to provide those supports.

Seniors support services are funded through the regional health authorities. They are being provided the funding through Health and Healthy Living, and the regional health authorities make those decisions on how that money will be spent, based on what is in the needs of the seniors of their regions.

**Mrs. Taillieu:** Mr. Speaker, the costs of operating services to seniors programs has continued to rise because of the increased costs and insurance costs, Internet bills, minimum wage increases. Yet there's no corresponding increase in grants. While seniors services in Winnipeg receive a larger grant to run their programs within a smaller geographically defined area, senior services in Macdonald try to run programs in six geographically distant communities.

I want to ask the minister why seniors in Macdonald are not provided the same funding supports as seniors in Winnipeg.

**Ms. Irvin-Ross:** We need to acknowledge the great work that the senior support resources provide, the many, many staff that do it through the regional health authorities as well as the volunteers that work to deliver congregate meal programs, that work to deliver transportation programs, that deliver services that prevent isolation for seniors across Manitoba. We need to continue to work with them to identify what their needs are and to ensure that through the regional health authorities that we provide the necessary supports.

**Mrs. Taillieu:** Mr. Speaker, senior services co-ordinators do provide seniors services because they care about seniors, unlike this government. At a recent meeting of seniors service co-ordinators, we were told that seniors outside of Winnipeg cannot attend seniors day programs in Winnipeg.

So I'd like to ask the minister responsible: I want to ask why seniors from Headingley are not allowed into seniors programs in Winnipeg.

**Ms. Irvin-Ross:** Let's talk about how this government supports seniors across the province. There are many initiatives in which we provide those services. The most important one is age-friendly Manitoba where we address the needs of safety, of housing, of transportation through health care services such as home care. Those are services that are provided. Those are services that we provide to a group of individuals who we value, who we understand the importance. We will continue to work with the regional health authorities, with the seniors, themselves and the Manitoba Council on Aging, find

out what are their needs, and what are their interests and continue to provide those necessary programs.

### **Mental Health Services Government Record**

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, this week is Mental Health Awareness Week. The sad part is that under the NDP in Manitoba, there's been so little done to prevent and reduce mental health in this province that the prevalence of mental illness has gone from 22 percent to 24 percent, as presented in the Manitoba RHA Indicators Atlas released last week.

The poor efforts in prevention are coupled to problems in the delivery of mental health services in Manitoba as I heard at the rally just not very long ago in front of the Legislature and as reported by the community mental health services in Thompson.

I ask the minister why she has done such a poor job in terms of mental health.

**Hon. Kerri Irvin-Ross (Minister of Healthy Living):** This is a government who, since 1999, has proved our commitment to mental health and addictions across this province. We've increased funding. What we have is programs that address prevention, intervention, and most importantly, those services for a road to recovery. I'm not sure if the member opposite was at the same rally that I was. They were talking about the positive services that the Province has been provided, the services that we provide as a government, but also with our volunteer organizations. We will continue to address those issues. We have made some improvements, but we have more work to do, and we are committed to doing that.

**Mr. Gerrard:** Mr. Speaker, there's a difference between the rhetoric from the top and what people are saying at the bottom of the rally.

The fact is that everybody knows this government knows how to spend more money. Everybody knows this government is good at trying programs here, there and everywhere. But, it's the results that count, Mr. Speaker.

The fact is it's particularly striking that there's been a big increase in the number of people who are depressed living under this government. The number of people with depression in Manitoba has increased—

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

**Mr. Speaker:** Order.

**Mr. Gerrard:** –from 16.9 percent to 19.1 percent, an increase of 13 percent. The statistics show clearly that it's more and more depressing living under an NDP government.

I ask the minister—I ask the minister: Why has this government done such a poor job of preventing depression in this province?

**Ms. Irvin-Ross:** Mr. Speaker, thank you very much for giving me this opportunity to talk about stigma—stigma of mental illness. I'd like to believe that because we are open for services for people dealing with mental illness and we are talking about it, if you have a mental illness, this is where you can get the support that you need.

We're making those investments. Our budget has doubled in the last 10 years, and we're proud of that. We continue to make those investments, whether it's around issues of suicide prevention, eating disorders, an announcement that was made last week with Elaine Stevenson. We will continue to make those investments. We do have more work to do, but we will do it with all of our partners.

#### **Burntwood Regional Health Authority Litigation Against Journalist**

**Mr. Kevin Lamoureux (Inkster):** Mr. Speaker, Hussain Guisti is a freelance reporter that has had many articles actually reported on in different community newspapers, and his wife, actually, is a surgeon in Thompson, where there's a high need for doctors.

Mr. Guisti has been threatened. He's been sued or threatened to be sued by the Burntwood regional health care authority and, unfortunately, today I get a letter indicating that Mr. Guisti is feeling that he's being now blackmailed. In the letter, and I'll table a copy of the letter, Mr. Speaker, it states, and I quote right from it, I was threatened to either stop or they will try to ruin my wife's career in all of Canada.

Mr. Speaker, I think all members of this Legislature need to recognize that it is not appropriate for regional health care authorities to be doing the types of things that are being alleged to have been done by Mr. Guisti. Mr. Guisti's articles have, in fact, been published, and I trust that those organizations that have published them are of a credible nature.

What I'm asking from the Minister of Health today is to give her personal guarantee that she,

personally, will investigate this and report back to the Manitoba Legislature.

**Hon. Theresa Oswald (Minister of Health):** Mr. Speaker, on this issue, as I've said in the past, that at any time if any individual in the province of Manitoba has concerns that they don't feel are being appropriately addressed, they have the opportunity to seek further clarity from the Ombudsman. I would encourage this particular individual to avail himself of that opportunity.

I also would suggest that any allegations of threats of any kind coming from any party should be brought forward to the appropriate authorities, and I would encourage this member to do that, as well, of course, Mr. Speaker.

#### **Aboriginal Missing and Murdered Women Government Initiatives**

**Ms. Flor Marcelino (Wellington):** Mr. Speaker, yesterday, family and friends of missing and murdered Aboriginal women gathered at the fourth annual Sisters in Spirit vigil at The Forks. These tragedies are of concern to all Manitobans.

Could the Minister of Healthy Living please update the House on initiatives taken to deal with this very important issue?

**Hon. Kerri Irvin-Ross (Minister of Healthy Living):** Mr. Speaker, it's sorrow that I rise today to bring attention to Manitoba's missing and murdered women.

Yesterday, the Acting Minister of Aboriginal and Northern Affairs (Mr. Robinson) and I attended the vigil, along with 300 other family members and friends to honour those women. It was—the event was organized by the mother of red nation.

\* (14:20)

The native women's association—native women's Aboriginal committee of Canada talks about 500 missing and murdered women in Canada. They identified that there are 70 missing and murdered women in Manitoba alone. Our government has made recent announcements: the integrated task force with the Minister of Justice, RCMP and Winnipeg city police. We also have the action group, which will continue to look at what are the systemic issues—what are the systemic issues facing women in our society, and how are we going to address them.

### **Minnedosa and Area Recreation Facilities Funding Requests**

**Mrs. Leanne Rowat (Minnedosa):** Mr. Speaker, the Minister of Infrastructure and Transportation rose in the House last week and stated that making announcements regarding funding for recreation projects will enhance those communities and give people hope.

Having spent countless hours at my own arena, for once I would have to agree with this minister. Rural communities do evolve around their recreation facilities. The community of Minnedosa is actively engaged in efforts to replace their aged and rapidly deteriorating arena. Targets are set, fundraising is under way, a location has been selected and grant applications have been sent. The crucial piece missing is this government's show of support.

Mr. Speaker, when can Minnedosa and area expect an announcement from this Minister of Infrastructure and Transportation on their funding request?

**Hon. Ron Lemieux (Minister of Infrastructure and Transportation):** Well, I thank the member for Minnedosa for the question, Mr. Speaker.

It's an important question because recreation facilities are indeed important, related to giving young people an option as to what they do as opposed to getting involved in gangs and so on. We're working very co-operatively with western diversification, as well as the federal government, to make sure that a lot of these projects are put forward.

There is a secretariat that looks through the applications, Mr. Speaker. And the arena of which he speaks, I had the pleasure of playing with Ron Chipperfield, a very, very good junior hockey player who played in that particular facility.

And I know that a lot of facilities in Manitoba are aging. In 1967, in our Canada centennial, many projects came forward, as well as Manitoba's centennial in 1970. We know that they're starting to show their age, but we're committed to recreation and will continue to work with our partners to make sure it happens.

**Mrs. Rowat:** Mr. Speaker, a shovel-ready project in one of my communities, Rivers, has been waiting patiently for this minister and this government to take some action.

Last fall I asked the Minister of Infrastructure and Transportation about the status of funding for the Riverdale community centre, and he indicated for me to stay tuned. Well, Mr. Speaker, it has been over a year and the community of Rivers is still waiting without any indication from this NDP government regarding funding.

The life expectancy of this facility was past years ago and is now considered, in many ways, unsafe, based-for use. And I'm asking the minister when the community of Rivers can expect an announcement from the minister on funding request 'cause this community is continuing to find ways to keep the building safe, but need an answer from this government today.

**Mr. Lemieux:** Mr. Speaker, I appreciate the question.

I believe there was around \$60 million with regard to recreation and also through the Building Canada Fund, through the federal government—the co-operation between the federal government, the provincial government and municipal governments—there have been many, many dollars, millions of dollars put forward to recreation projects.

I point to the MLA from Russell's arena in his own constituency and in the community of Russell, many dollars have been put forward toward that particular project, you know, in Southdale and throughout many facilities in Winnipeg and throughout the province, Mr. Speaker.

You know there are—yes, Mr. Speaker, we're not perfect, and there's a lot more work to do, and we continue to work hard with our partners to ensure that this happens, you know, and we see the members opposite raising many of these facilities. And we're pleased to work with those communities to ensure a lot of the recreation projects do proceed, but there's a lot of projects. It's oversubscribed, this particular program, and we continue to work with the federal government on these projects.

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

### **MEMBERS' STATEMENTS**

#### **Woodhaven Jam Fest**

**Ms. Sharon Blady (Kirkfield Park):** Mr. Speaker, today I'd like to recognize Jam Fest, a very special community event that took place on June 20th, 2009, from noon to 9 p.m. at the Woodhaven Community Centre.

Jam Fest was an all-ages gathering that featured live music from local performers such as Dana, Carly Dow, Scott Place, prairie wind root jam, the Experiences, Black Jacket Armada, Dave Barchyn, Marc Deniset and the Oasis Band. The event also included a beer garden, a mini-market featuring local wares and a barbeque. Jam Fest was a great opportunity for members of the community to celebrate their area and to get to know each other better.

The theme of Jam Fest was "Our Children, Our Earth." This theme was chosen to encourage not only children but people of all ages to become involved in the community and its development. Organizer Greg Bankowski said that the theme was also chosen to encourage good citizenship, appreciation for the strengths the community possesses and to promote a greener, more vibrant community.

Jam Fest was a huge success as it boasted attendance of approximately 500 people throughout the day and some 40 to 50 community members came out to volunteer their time for the event. Over \$700 was raised which will go to making Jam Fest an annual event in the community.

Mr. Speaker, events such as Jam Fest are important to our city because they build stronger communities. When people come together to socialize and celebrate, they are more likely to invest in their community and each other.

I would like to thank organizer Greg Bankowski and all the volunteers and musicians that made this event possible. I look forward to future Jam Fests. Thank you, Mr. Speaker.

#### **Family Doctor Week**

**Mrs. Bonnie Mitchelson (River East):** Good health is essential to an active and dynamic society; therefore it is my honour to recognize that October 26th to 31st is Family Doctor Week in Canada. This important celebration acknowledges the vital role that family doctors play in building and protecting the good health of Manitobans.

Family doctors are not only excellent physicians with expert knowledge on a wide range of health problems, they're also members of their communities who build relationships with patients. Through regular interactions, family doctors gain an understanding of a patient's history and the impact that illness has on the patient's life.

As a nurse, I worked alongside many health-care professionals and saw first-hand the importance of relationships in patient care. For family doctors, the patient is at the centre of everything they do and Family Doctor Week is a way to thank our physicians for the many roles they play in the communities across our province.

One of the highlights of Family Doctor Week is the annual Family Medicine Forum organized by the College of Family Physicians of Canada. This year the forum will take place in Calgary and hundreds of presenters and participants are expected to attend.

Family doctors also promote good health by training medical students and residents across Canada. During the Family Medicine Forum, the annual Walk for the Docs of Tomorrow will also take place which raises funds for medical students. By training and supporting the doctors of tomorrow, family doctors are contributing to a future of good health.

Family doctors are an integral part of the health care in Manitoba, and I am proud of the work they do and encourage all members of the Legislature to join me in thanking our family doctors by celebrating Family Doctors Week, October 26th to 31st. Thank you.

#### **World Teachers' Day**

**Ms. Erna Braun (Rossmere):** Mr. Speaker, I rise today to celebrate the work of Manitoba educators on the 15th annual United Nations World Teachers' Day.

Every October 5th, teachers all over the world are honoured by the United Nations Educational, Scientific and Cultural Organization and the education international organization. First designated in 1994, World Teachers' Day recognizes the enormous importance of teachers' contributions to society.

As a former teacher, I know first-hand the significance of the work educators carry out daily. When we were children, our teachers were often our first connection to the world beyond our families. They were significant in shaping the way we think, learn and experience life. The sharing of knowledge is a timeless gift, and teachers are perfectly positioned to inspire that lifelong love of learning.

In Manitoba, teachers are honoured annually through a number of government awards. These awards aim to recognize the work of Manitoba's

most prominent educators whose exemplary contributions enhance student learning and achievement.

Three awards are presented for ongoing teaching excellence while one award is reserved for an outstanding new teacher. Another award pays tribute to a group of exceptional educators. An award is also given to a principal or vice-principal who is deemed an outstanding school leader. These awards are a great way to recognize our provincial classroom heroes for their invaluable efforts.

On World Teachers' Day we must also commend the Manitoba Teachers' Society. This organization is dedicated to protecting the rights of teachers and championing public education in Manitoba.

Mr. Speaker, I would like to take this day to thank our teachers for their dedication to the education of our children. The honouring of teachers today and every day ensures that children throughout the province enjoy high-quality and accessible education. A commitment to our educators is a commitment to our children and youth and an investment in the citizens of tomorrow. Thank you.

\* (14:30)

#### **Fire Prevention Week**

**Mrs. Mavis Taillieu (Morris):** Mr. Speaker, I'd like to take this opportunity to put a few words on the record about a very important educational campaign currently under way this week.

This week is Fire Prevention Week. The goal of the campaign is to raise public awareness to the surrounding dangers of fires and burns. It also aims to ensure that people take the appropriate measures to protect themselves and their loved ones. It's important that all Manitobans take the necessary steps to protect themselves from the potential tragedy of a fire. Led by the National Fire Protection Association in partnership with firefighters and teachers across the globe, this international information campaign aims to educate everyone young and old about the hazards of fire and the risks of severe burns.

While it is essential that families have the equipment and a plan in place in case of fire, the best protection against fires is still prevention. It is important that all Manitobans take time out of their busy schedules to inspect their homes and ensure that it's fitted with the correct safety equipment. The simple task of properly protecting one's home is the

best and most effective way to avert danger and tragedy.

Mr. Speaker, many of our rural communities are served by dedicated volunteer firefighters who risk their lives to protect and keep our communities safe. I would like to extend a great thank you to them and all of the professional firefighters in large urban centres who fearlessly risk their lives every day to ensure our safety. Ultimately the small cost and effort required to protect our families and communities outweigh the immense devastation that a fire brings.

By doing our part we can ensure our community's safety through the prevention of fires. Thank you.

#### **Canadian Red Cross 100th Anniversary**

**Ms. Marilyn Brick (St. Norbert):** Mr. Speaker, congratulations are in order to the Canadian Red Cross for reaching its 100th anniversary. In the year that marks its unwavering commitment to service, the Canadian Red Cross has once again demonstrated its necessity in a time of need. I rise today to speak of its extraordinary work in providing immediate relief to the victims of catastrophes all across the world.

In the last two weeks the Red Cross and similar organizations rushed help to the individuals affected by typhoons Ketsana and Parma in the Philippines. Typhoon Ketsana continued on its path of destruction and affected the citizens of Vietnam and Cambodia. In addition to these two typhoons, an 8.3 magnitude earthquake has taken place and was followed by a shattering tsunami in Samoa, American Samoa and Tonga. Also recently we have seen a 7.6 magnitude earthquake hit Indonesia. In addition to these two typhoons the tsunami and earthquake, India is currently facing severe flooding in its southern provinces. Over 1,500 people have been killed in these disasters and millions of others are still affected.

The Red Cross has been instrumental in assisting search and rescue efforts in these disasters, distributing emergency relief and providing essential services such as health care and clean water. Thousands of local volunteers are being mobilized to help communities evacuate and prepare.

Mr. Speaker, the expedient responses to these natural disasters by the Red Cross and its Canadian branches, UNICEF and the Manitoba Council for International Cooperation is invaluable. We should

all be enormously grateful to its many volunteers who tirelessly devote themselves to helping communities prepare, fight and overcome calamity.

Mr. Speaker, the operation of the Canadian Red Cross, UNICEF and the Manitoba Council for International Cooperation would not be possible without contributions to their disaster relief funds. I encourage all honourable members and the public to donate to these organizations and ensure their continuing operation. Funds are desperately needed to continue assisting the victims of these recent disasters. Thank you.

## ORDERS OF THE DAY

### GOVERNMENT BUSINESS

#### House Business

**Mr. Andrew Swan (Acting Government House Leader):** We'll move first to report stage amendments in Bill 36, and then, Mr. Speaker, could you canvass the House to see if there is agreement to move to third reading on Bill 16 and Bill 8?

**Mr. Speaker:** The honourable member does not need to seek leave for that. It's private business and the business that we'll be dealing with this afternoon.

We'll start off with report stage amendments to Bill 36, and then we'll deal—if we conclude that, then we'll move on to concurrence and third reading of Bill No. 8. That's the order of business that has been laid out so far.

### REPORT STAGE AMENDMENTS

#### Bill 36—The Manitoba Public Insurance Corporation Amendment Act (Enhanced Compensation for Catastrophic Injuries)

**Mr. Speaker:** So now I will call report stage amendments to Bill No. 36, The Manitoba Public Insurance Corporation Amendment Act (Enhanced Compensation for Catastrophic Injuries), and the amendment in the name of the honourable member for Emerson.

**Mr. Cliff Graydon (Emerson):** I would ask that you canvass the House for leave to present one more amendment, and the reason I'm doing this before I start these amendments is to give the other members an opportunity to look at the amendment if it's been distributed.

**Mr. Speaker:** Does the honourable member have leave to bring in one more amendment? *[Agreed]*

Okay, it's been agreed to.

**Mr. Graydon:** I move, seconded by the member for Turtle Mountain (Mr. Cullen), that amendment—*[interjection]*—pardon?—that the proposed amendment to Bill 36, The Manitoba Public Insurance Corporation Amendment Act (Enhanced Compensation for Catastrophic Injuries),

*THAT Bill 36 be amended in Clause 14 by striking out the proposed subsection 137.1(4).*

#### *Motion presented.*

**Mr. Speaker:** So this the amendment—this is the 11th amendment, but we'll—*[interjection]* We're now dealing with the amendment No. 4, moved by the honourable member for Emerson, seconded by the honourable member for Turtle Mountain, that Bill 36 be amended in clause 14 by striking out the proposed subsection 137, bracket 1, bracket 4.

So what we have now is we had seven amendments remaining and now one has been added. So now we have eight amendments in total to deal with for this bill. So now we're dealing with amendment No. 4 out of 11, okay, just to make it clear.

**Mr. Graydon:** This amendment is probably difficult at first when it's presented to the House for the members opposite to understand why we would ask for the lifetime maximum of a million dollars in section 137.1 to be withdrawn. But I think if they put things in perspective, Mr. Speaker, it will become very clear. It will become clearer because this limit needs to be removed for the several reasons, and one of those reasons, first, is, a lifetime maximum of \$1 million has a very different meaning depending on how much lifetime one has left.

To a catastrophically injured claimant whose accident took place at the age of 20, \$1 million is unlikely to go very far. If someone at the age of 85 is catastrophically injured, however, the \$1 million may be reasonable. And, Mr. Speaker, the key word is "may be reasonable". It's unclear, it's unclear in the bill. It hasn't been specified. It was unclear in committee and questioning. It's very unclear what that \$1 million really represents. That \$1 million, if it—because there is no access to it, it could easily be \$10 million or \$100 million. Why wouldn't we say \$100 million if there's no possible way to access it?

\* (14:40)

If there had been, in the bill, a process for accessing it and for what, perhaps, it could be used

for, then I believe, Mr. Speaker, that the \$1 million may well have been adequate. We don't know that, but at this point it's not. It can't be accessed and it's—probably worse than accessing, let's suggest, now, that a claimant comes up with something and suggests to the—to the adjuster, the claims adjuster that he's speaking with, and saying, I need to have a special type of breathing apparatus. It's new on the market. It's innovative. It's going to be very, very costly, but I believe that it's going to add to my quality of life. Would that—would that qualify under the \$1 million? So, the adjuster says, you know, I think it would. I think that probably would—that would qualify, and so he makes the recommendation to access that \$1 million. However, when it goes before a committee or whoever else is looking at that—we're not sure who makes the decision—but perhaps that individual is not having a good day, as been pointed out by one of the presenters in committee. If the individual is not having a good day, perhaps, as that individual in committee said, he's had a fight with his wife that morning or he's got a traffic ticket on the way to work, or whatever the case may be, but he's having a bad hair day, regardless, and he denies—denies—the application.

Mr. Speaker, there is no opportunity—no opportunity—for appeal. That is a very, very big negative to this \$1 million. So, first of all, there is no accessibility that we know of at this point; there's no avenue to do that; there's no prescribed avenue to do that and, secondly, there's no appeal. So the \$1 million could easily be—let's put a finger on it. It could be \$10 million. It could be a hundred million.

But, Mr. Speaker, when we asked for this to be removed—first of all—finally, it's not fair for MPI to limit the value of the expenses that can be claimed under this section, when this section is so restrictive as it's written.

So, Mr. Speaker, if we're going to restrict—we're going to restrict what the catastrophically injured can have to increase their quality of life—and we have to keep in mind that in a—in a split second these catastrophically injured people had many, many things taken away from them that we take for granted, things like: they won't be able to pick up their children and hug them; they won't be able to walk across the street to a convenience store; possibly, they won't be able to drive; possibly, they can't function in society—that these have been taken away in a split second, and we want to limit—we want to limit the compensation for that to a million dollars.

*Ms. Jennifer Howard, Acting Speaker, in the Chair*

We're saying, Madam Deputy Speaker, that we can put a value—we'll put a value on a quality of life. And so we're asking—we're asking the co-operation of the members opposite with this amendment, that what we have to do is not put that limit on. What we can do, I would suggest—and it's been presented to you before, but I want you to think about it. Perhaps you didn't give it as much thought as you could have—but we had a—had an opportunity before, and I believe we can still do that with the—with the agreement of this House, is to go back to section 131 and remove the cap—remove the cap.

We have a limited amount of catastrophically injured individuals. These victims—these victims shouldn't be penalized further than the most defenceless people in our society today. They've paid an insurance to cover them in the event, in the unplanned event of an accident. Certainly, no one bought that insurance with the idea that they would be catastrophically injured. But once they have been, I would say, Madam Deputy Speaker, we should not limit—we should not limit them to being in institutions, being locked in the dark at home. That shouldn't be what they're limited to. They should be given every opportunity—every opportunity—to become productive in our communities, and to fulfil their dreams as best they can be. Their dreams have been shattered. They were shattered in a split second, and here we want to limit them. We've put a dollar value—we have put a dollar value on an 18-year-old. We've put a lifetime dollar value of one million dollars. It's wrong. It's wrong on this side of the House, it's wrong on that side of the House, and it's wrong in society today in this province.

And I ask the members across the House, I ask them to support me and, through supporting me, support this amendment today. Thank you.

**Mr. Kelvin Goertzen (Steinbach):** Madam Acting Speaker, a pleasure to rise and put a few words on the record regarding this amendment but also the amendments that have been brought forward generally from my colleague from Emerson, and I want to commend him for the work that he's done on this particular bill. I know that he's had extensive consultation with a number of Manitobans who've been impacted in automobile accidents and their inability to get the sort of support that they would have expected from their insurance company, MPIC, and with the best of intentions and with, I think, a big heart, the member for Emerson, who sometimes on

the outside can look a bit rough but has a large, very soft heart on the inside for Manitobans and for—in fact, one of the biggest hearts that I've seen I think from people who respond quickly to concerns that are raised to his office and to him directly and personally.

You know, he raised, and others have raised, the situation of Steven Fletcher, the Member of Parliament for Charleswood-St. James-Assiniboia, and I want to reiterate some of those comments. I was a little concerned, though.

*Mr. Speaker in the Chair*

The Minister of Justice, the Attorney General (Mr. Chomiak) has suggested that we shouldn't cite specific cases in the Legislature, and certainly I know that's advice he hasn't always heeded himself in the past, but it's a special case, Mr. Fletcher's, in the fact that he has a rare ability to advocate for so many others who aren't able to advocate for themselves, either because they don't have the resources or they don't have the podium, and they don't have the attention he's able to draw to a particular issue, and so I think Mr. Fletcher, far from advocating for himself, and I know this from speaking to him personally, is really advocating for many others who aren't able to advocate in the same way that he is able to do so. And so I want to commend Mr. Fletcher for that and for using his voice to represent so many others who aren't able to give the same sort of a voice to their individual cases.

It's already been mentioned the book that Mr. Fletcher's authored, what happens if you don't die, and you know, I've had some very personal conversations with Steven. I consider him a friend. I would hope that he would consider me one as well, and you know, he's had some very, very remarkable challenges to overcome, and he's overcome them in a way that all of us could learn lessons from, with an optimistic spirit, a positive attitude. I don't know that I've ever, when I think hard about it, Mr. Speaker, I don't know that I've ever heard Mr. Fletcher, Steven, ever be pessimistic about anything. I mean, he's a very, very optimistic person. I've never heard him complain about the difficulty and the disability that he lives with. I've never heard him say that some obstacle was too great for him to overcome. In fact, he's done many things that able-bodied individuals aren't able to do.

I've talked to him about the different experiences that he's had when he was looking to go and obtain

his M.B.A., his Master's in Business Administration, and when he applied for the program, he was essentially told that there would be almost no way he'd be able to complete it, and I think the only reason that MPI agreed to allow him to go forward was because they never thought he'd be able to complete it and they thought, after a very short period of time, he would end up leaving the program because nobody in his particular condition had ever been able to do that. And so he really is an outlier in some ways in his ability to overcome and do things that others haven't been able to, and it's because of his remarkable attitude. It's because of his remarkable outlook on life and the importance and the value of life and his remarkable endurance, I would say, in facing obstacles.

\* (14:50)

And so he has become, in many ways, a spokesperson for this particular issue, and so I don't think the Minister of Justice (Mr. Chomiak) or any other individual—and I do think that the Minister of Justice, you know, has respect for Mr. Fletcher. I don't want to leave any other impression on the record, but I don't think that he should be concerned about raising his individual case, because Steven does speak for so many others who aren't able to speak for themselves or aren't able to have the same sort of voice that he has. So that's my comments in terms of commending both the member for Emerson (Mr. Graydon) and also the MP for St. James-Assiniboia.

But I do want to also acknowledge that there've been many others who contacted my colleague about the necessity for amendments to this act to make MPIC stronger, to make it the sort of coverage that individuals would expect they're getting when they're purchasing their insurance for their vehicles. And I think that, collectively, we, as legislators, could do something here that will not impact thousands of people, because we are talking, in some ways, about a narrow group of people, but we could impact them in a way that will be thousands of times greater than we could ever imagine.

So it's not something I think that will tax the government coffers significantly, but it would change lives in a way that we, that any of us standing here in the Legislature, simply couldn't imagine.

So I look forward to this and some of the other amendments passing, brought forward by my colleague for Emerson and doing so for the betterment of all Manitobans.

**Mr. Cliff Cullen (Turtle Mountain):** I thank you for the opportunity to weigh in on the debate on this particular legislation, and I do want to acknowledge the member for Emerson (Mr. Graydon) for all the time he's committed to this particular legislation and to the amendments he's bringing forward.

Certainly, he recognizes that there is improvements with the—that are required for this particular legislation and, certainly, he's hoping that the government of the day will pick up on some of the ideas that he is bringing forward, and we always hope that the government of the day will share our views on some of those things, like a good idea coming from this side of the House should be, should be acknowledged by the government of the day. And, again, I just wanted to acknowledge the member for Emerson for bringing this forward.

I do want to speak on this legislation from a perspective of a insurance broker, and insurance brokers across the province have had a pretty good relationship with Manitoba Public Insurance over the year—over the years, I should say—and not only does Manitoba Public Insurance rely on the experts, through the broker network, to provide that service and to provide the advice to Manitobans, but Manitobans also rely on that advice that they receive from their local brokers. And, you know, there's thousands of brokers that work across the province here selling this particular product on behalf of Manitoba Public Insurance.

And the people that do work as brokers, and those that are involved just in the automotive side as well, there's a certain special licensing you can get just to sell the automotive insurance or the Manitoba Public Insurance package, if you will.

So, obviously, people go through a fairly extensive training program so that they are knowledgeable about the particular product that Manitoba Public Insurance is selling, and the other thing, too, that the public may or may not know, is that the product that Manitoba Public Insurance sell changes fairly regularly. So it's certainly incumbent upon brokers to be aware of the changes in the policies and the packages that Manitoba Public Insurance is providing to Manitobans.

And one of the important parts of the package or the policy that Manitoba Public Insurance sells to Manitobans is the limitations or the restrictions. Now, I know when we talk about Autopac, if you will, there is a tremendous amount of those restrictions involved in the legislation, and, clearly,

the member for Emerson (Mr. Graydon) is trying to point out some of those restrictions, those caps that are involved in that particular legislation. And it's almost impossible for all Manitobans to understand and appreciate what levels are being capped at, what some of those—and how some of those levels may impact themselves.

And, Mr. Speaker, it's very hard for a broker to be able to sell a program and a package and explain all of those limitations within that—the scope of that particular policy or package because of the immensity of the—of the particular legislation that we're dealing with.

So what the member for Emerson is trying to do is make the package, if you will, to the policyholder more user friendly, so that there isn't the restrictions associated with that particular policy that he's selling, and, in essence, that's what we're doing as a broker, as an insurance broker. We're entering into a policy with the policyholder and Manitoba Public Insurance and, in essence, it's a contract, and everyone has to hold up to their share of that particular contract.

Now when the policyholder, the person that buys the contract, has a claim of some description and they feel that Manitoba Public Insurance isn't holding up to their end of the contract or the policy, the first person he is to go to is the insurance broker, their local insurance broker who they bought the product from. So, clearly, the insurance brokers around the province of Manitoba get first-hand knowledge of some of the situations where the legislation is inadequate, and these are the sort of situations that the member for Emerson is trying to bring forward to the government, to recognize and show to the government where their particular legislation, their policy is inadequate. So I commend him for doing that.

You know, there's one—even one little thing in terms of income replacement and that can't enter into the discussion we're having on this particular legislation, because income replacement is a limited—is capped at a limited amount, and I believe it's in the area of \$75,000. So, what should happen when you go into a insurance broker to purchase your Autopac insurance coverage on your vehicle, you should get asked what is the—what is your salary, because if you have a salary over and above \$75,000 you may be interested in purchasing additional insurance to increase that cap. Otherwise, if you incur a situation where you're out of pocket, out of salary, you don't have salary as a result of a car

accident, you may not reach your full income level under the current policy of Autopac.

So there's a lot of caps and limitations in that particular legislation that have to be addressed, that many Manitobans are unaware of, and I just want to commend the member for Emerson for bringing forward this particular amendment and other amendments to—hopefully, the government on that side of the House will take notice of that and do some homework with their staff that they have over in Manitoba Public Insurance and within the minister's department, look at some of those issues that impact, luckily, very few Manitobans, but—so that those issues can be rectified for the benefit of those few Manitobans.

Thank you very much, Mr. Speaker.

**Mr. Blaine Pedersen (Carman):** Mr. Speaker, this amendment that the member from Emerson has put forward—it makes common sense and perhaps this is difficult for the government to understand, then, when it—when it actually reflects common sense.

We have to—when we go and buy our MPI coverage for our vehicle, most of us, and myself included, don't really think about what kind of coverage we're buying on catastrophic—if there was a catastrophic injury. Most of us think about what kind of—what repairs are covered, do we have another vehicle to cover when ours is in the body shop, et cetera, et cetera, but we don't really think of the—of the injuries and that could happen in a serious accident and how we would be financially assisted. And what we're talking about is it's not about compensation, it's about assisting people who have catastrophic injuries.

If we're talking about life insurance, this—these questions would all come up. As you talk to your broker you would—you would ask about what kind of coverage I get if I'm disabled or if loss of life, et cetera, et cetera, but probably most of us don't stop and think about what would happen, and this—the member from Emerson has certainly gone through this entire bill and has pointed out some very serious shortfalls that the bill, Bill 36, which the government has introduced, has brought forward, and one of these is for this amendment to remove the million-dollar cap, and a million dollars is a lot of money. By any stretch of the imagination, it's a lot of money.

\* (15:00)

But what—but what the member from Emerson has quite aptly pointed out here is that there's a lot of

difference here. If you're talking about a catastrophically injured person who's 80 years old, a million dollars could perhaps be more than adequate. But, if you're talking about someone in their early stages of life who has, hopefully, a long life ahead of them and you've put this cap on, this million dollars perhaps will not go far enough. And every case is different, but when you put a cap on, you have capped it. There is no alternative for people who are facing these catastrophic injuries. They will have to make adjustments to their life, to their potential earning abilities, for life skills, et cetera, et cetera, in their life going forward.

There's also certainly some non-clarity about what types of expenses would be covered, and we see this from other claims against MPI. As an MLA I see this all the time, that constituents come forward: the system within MPI is broken; it's become a bureaucratic nightmare; it's worse than the worst insurance companies out there. If you have claims, if the claims officer goes against you, goes against your claim, you're doomed to failure in this particular system.

So what we needed from this bill was clarity in what type of expenses would be covered. It doesn't seem to be in there. So, again, this bill has certainly got its shortcomings.

Finally, it's just not fair of MPI to limit the value of the expenses that can be claimed when the section is so restrictive as it is written. First of all, the claimant must get MPI's permission before any expenses are incurred. And perhaps that, if that was a fair system, would be expedient, it would work with the claimant, not against them. But it's an adversarial role that MPI has set up now, and this bill certainly doesn't help alleviate that adversarial role. It continues on and it's—what this bill is doing is just perpetuating the inadequacy of the MPI claims system right now.

This amendment is very necessary. It makes common sense. It's unfortunate that no one from government will stand up and say the opposite. If this amendment really is common sense, it would certainly be refreshing to hear from the government side why catastrophically injured claimants must have a million-dollar liability, and in the end, I think it's all about the money with this government. They don't want to pay out any more money because they need the money for their government operations, and it's not about the catastrophically injured.

Thank you, Mr. Speaker.

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

**An Honourable Member:** Question.

**Mr. Speaker:** The question before the House is the amendment moved by the honourable member for Emerson (Mr. Graydon).

Is it the pleasure of the House to adopt the amendment?

**Some Honourable Members:** Agreed.

**Some Honourable Members:** No.

#### Voice Vote

**Mr. Speaker:** All those in favour of the amendment, say aye.

**Some Honourable Members:** Aye.

**Mr. Speaker:** All those opposed to the amendment, say nay.

**Some Honourable Members:** Nay.

**Mr. Speaker:** In my opinion, the Nays have it.

**Mr. Kelvin Goertzen (Deputy Official Opposition House Leader):** On division.

**Mr. Speaker:** On division.

\* \* \*

**Mr. Speaker:** Okay, we will now move on to the next amendment.

**Mr. Graydon:** I move, seconded by the member for Ste. Rose (Mr. Briese),

*THAT Bill 36 be amended in Clause 16 in the proposed clause 169(1)(b) by striking out ", unless the decision is about a matter under section 137.1".*

**Mr. Speaker:** It's been moved by the honourable member for Emerson, seconded by the honourable member for Ste. Rose,

*THAT that Bill 36 be amended—dispense?*

**An Honourable Member:** Dispense.

**Mr. Speaker:** Dispense.

**Mr. Graydon:** This amendment is necessary in order to make MPI's decision whether or not to provide benefits under 137.1 appealable. And, Mr. Speaker, I think we've talked about this here by a number of my colleagues; unfortunately, it hasn't been discussed by any of the members opposite. But I'm certain that, from the number of phone calls that I get on MPI claims, that I'm not the only one that gets

them. I know that the members on this side of the House, many of them get phone calls every week, and the members opposite, I know they get them. They may not pay attention to them, but they definitely get these calls—and it's the situation of the million dollars—and we need to pull this—or support this amendment to make that million dollars appealable. I think it's been pointed out the reasons for that in the last few minutes, but maybe I should reiterate that because they're not appealable, the million dollars is not a real number, it's a fictitious number. It's fictitious because there isn't a—there isn't an application. There's no suggestions of what could be applied for, and because it's not appealable.

Appealable is important. It's appealable—should be appealable because a decision could have been made in error. Perhaps the attending physician, the victim's—the victim's personal physician has made a recommendation, and you would think that that—that particular physician, who is bound by the laws of all physicians in the province, when he makes the recommendation to MPI and says that this particular treatment, this particular apparatus should be beneficial to this individual. You would suggest, or I would think, and you, I'm sure, Mr. Speaker, would also think that MPI would take that attending physician's advice. However, that's not the case.

The MPI have their own independent— independent physicians—who will appraise the situation. There's no time limit on the appraisal, and I would suggest, and I'm sure that their attending physician is a well-meaning individual, but he's never seen that patient before. He doesn't know the history. He only knows what's written on the paper. That's all that the history has. He doesn't know what the ability or the capability of that individual was during rehab or at the beginning of rehab and what it is part way through. And so, even though he is bound by the same code of honour as the—as the personal physician, he says, no, I don't think so. I don't think that that's—that that's necessary.

Well, Mr. Speaker, right away there's a denial. There's a confrontation is setting up. But if there's no appeal process—if there's no appeal process in this, that's wrong. That's not just wrong for us on this side of the House. That's not just wrong for the members opposite. That's wrong for everyone in Manitoba, and every one of us in this House is elected to do what's best for all the Manitobans. That includes—that includes the catastrophically injured. That includes the catastrophically injured's families who shouldn't have to go without, who shouldn't have to sacrifice

while that individual is trying to—his best, first of all, to live, to recover from the accident. And whether that's—he's a quadriplegic or she is a quadriplegic, or they've lost a limb, or they've had brain damage, we have no idea, we have no idea the stress that they go through. We have no idea the bond between these victims and their attending physicians, their attending psychiatrist, their attending rehab people.

\* (15:10)

And, of course, with MPI, they have their adjusters, their—the workers that are assigned to them. There's a bond there. There's a trust there. There has to be. How can there not be? How can you not trust someone who's prescribing some medical treatment? How can you not trust them? You'll have to.

And, Mr. Speaker, I'm saying that the members opposite don't agree. They don't agree. They say that you have to prove but if there's no appeal process you can't prove, so then you can't access and so then you're relegated to the back, to the dark. You're relegated to an institution. You cannot—you cannot fulfil your potential. And it's been pointed out in this House many times and it's been pointed out in court that Mr. Fletcher was set upon, and that's a terrible term, but he was set upon by MPI.

He was a poster child. He was a poster child when he survived and MPI were with him all the way through school, but once he became involved in the political process then, of course, he was denied. He was denied access to many, many things and every, every bump in the road he has felt because he is in a wheelchair. He has felt every bump and MPI made sure that he felt it in the meanest, meanest possible way but he was able to appeal. And because his family supported him, because his family supported him financially he was able to retain a lawyer.

Not everybody has that ability. Not everybody has the financial wherewithal to hire lawyers to take on a bank of independent lawyers that have been hired by MPI. Mr. Speaker, the average, the average claimant, the average catastrophically injured claimant does not have the financial backing that perhaps Mr. Fletcher had. And because we don't know what goes on in their minds, we don't know how determined every individual is, and, in fact, we don't even know if there's been a certain amount of brain damage that would lessen their ability to be determined, we don't know that.

But here we have said, it's not appealable. This amendment, and I'm asking the members opposite to support this amendment, to make it appealable. Thank you, Mr. Speaker.

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

**An Honourable Member:** Question.

**Mr. Speaker:** The question before the House is the amendment moved by the honourable member for Emerson (Mr. Graydon).

Is it the pleasure of the House to adopt the amendment?

**Some Honourable Members:** Agreed.

**Some Honourable Members:** No.

#### Voice Vote

**Mr. Speaker:** All those in favour of the amendment, say aye.

**Some Honourable Members:** Aye.

**Mr. Speaker:** All those opposed to the amendment, say nay.

**Some Honourable Members:** Nay.

**Mr. Speaker:** In my opinion, the Nays have it.

**Mr. Goertzen:** On division.

**Mr. Speaker:** On division.

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**Mr. Speaker:** Okay, we will now move on to the next amendment.

**Mr. Graydon:** Mr. Speaker, I move, seconded by the member for Portage la Prairie (Mr. Faurouchou),

*THAT Bill 36 be amended by striking out Clause 17.*

**Motion presented.**

**Mr. Graydon:** And again, to address this bill and to address the appealability of this bill, this particular clause needs to be struck out. And so it's difficult to have to reiterate what I've just went through on a clause 16, and I'll do the same on clause 18 that's coming up, but appealability is very important. Many people that have dealt with MPI in the past, and when I say many, I'll say every individual that has contacted me, feel that MPI's default strategy is to deny benefits as a cost-saving measure.

Mr. Speaker, we should not be measuring the health of injured, injured people in dollars and cents. We should not have to do that. I am surprised that

the minister responsible feels the way he does, that we can measure—we can measure the hurt that the families go through and that the victims go through, that we can measure that hurt in dollars and cents, when he will race out and waste \$13 million on a program that wasn't wanted in the province and wasn't necessary. That he will sit in his place and he will say to the corporation: I want you to take the administration costs for licensing and vehicle registration; I want you to subsidize me and my colleagues as a government; I want you to subsidize me to the tune of \$43 million over the last five years at the cost to the catastrophically injured. That's what effectively the minister has done.

At the same time, the minister has issued rebates for a number of years, and these rebates are sent out in the form of the cheque. They could be taken off of your—off of your Autopac when you buy it, but no, they send that out at a cost of about a half a million dollars to send it out. It's a waste of money. It's not something that was necessary, but the rebate—the rebate comes at the expense of those that are most vulnerable. The rebate comes at the expense of the catastrophically injured. It comes at the expense of those that have lost a limb, a finger, a leg.

But, more importantly, the minister is continuing, continuing on that path when he knows that all Manitobans expect to be treated fairly, and we, on this side of the House, we certainly look forward to treating all Manitobans fairly. We agree that the Autopac today can be—can be managed so that the catastrophically injured can be recognized and fully compensated, so that they and their families can enjoy the best quality of life that's available after such an accident. Thank you, Mr. Speaker.

**Mr. Larry Maguire (Arthur-Virden):** Mr. Speaker, it's my privilege to stand and speak to this amendment and that amendment is, of course, to, that Bill 36 be amended by striking out clause 17, and that is taking it out as well as some of the discussion that my colleague from Emerson has had, and this is extremely valid.

\* (15:20)

Mr. Speaker, there needs to be an appeal process in Bill 36, and that is a—just a something that is left out, I guess, in this bill. Not I guess, it certainly is, in regards to some of the issues that are required around people that are of—severely injured automobile accidents and accidents that would be involved through the Manitoba Public Insurance, that there be an opportunity for them to appeal.

And, Mr. Speaker, there's several reasons, I think, that this could be—that they're needed and one of those, of course, is just that, you know, sometimes people make mistakes, and not necessarily the person that's in the accident because, of course, we're already past that point or we wouldn't be speaking about the bill. It's the person that has the judgment in the Manitoba Public Insurance who may have either unintentionally left out a detail or overlooked a detail when they were making their initial decision, and for that mistake, whether it's—you know, we're all human and there are—you know, we do make those kinds of mistakes.

And so I guess I would like to see, Mr. Speaker, that this clause be removed from the bill simply because I think it would be a mistake not to provide for some kind of support, an appeal mechanism, for these individuals who may be extremely, detrimentally injured to the point where they are not able to look after themselves, as my colleague has mentioned a number of cases, and particularly that of Steven Fletcher, in that particular area.

And, Mr. Speaker, it's unfortunate that there was only limited mechanisms to proceed with—from a person that's catastrophically injured in this type of a circumstance. And there's other ways as well that we hear of public insurance, perhaps thinking that they wouldn't allow these kinds of appeals because there might be a cost-saving measure for Manitoba Public Insurance to be made, by not allowing an appeal process. And I think that any caring human would think twice before this was used as a reason, and I think that that's just a—that claimants should certainly have an ability to appeal the decision to a higher authority if there is any suspect in their minds as to this being a reason why they were denied benefits. And I think that, truly, the ability to appeal is a mechanism of accountability in MPI's system, and that is an absolute must.

The idea of restricting a claimant's ability is—in these kinds of things, as I've said, is not acceptable and I would urge the government to consider why they wouldn't allow greater appeal processes. I think it refers to the previous amendment as well that the member brought up under clause 16, for the proposed—you know, unless the decision is about a matter under section 137.1, which we've debated in other amendments previous, last week, Mr. Speaker. And I want to say that I commend the member from Emerson for bringing these types of discussion points forward, these amendments, to try and improve this bill, to try and not only improve the bill

and correct some of the government's inequities in regards to the bill—oversights, I'll say. I think that that's clearly what they are, because no compassionate person would not want to bring a better opportunity forward.

I know we've just finished discussing the million-dollar clause, Mr. Speaker, some of the areas that caps that we spoke on Thursday, in this House, last. And, of course, in this particular area where, if all else fails, they don't have a proper mechanism to appeal with, is something that I think needs to be included in the bill and the reduction—or the striking of clause 17 in this particular area would be of a particular benefit to those who are seeking to have further justice in their own—so that they can better look after themselves in the future, because that's, of course, what this is all about. We want the victims of such catastrophically injured individuals or those who are particular—involved in accidents of any kind, to be able to have that appeal process so that they can live a better life, because there isn't any of them, I don't think, that have put themselves in the position that they would like to be in because of these detrimental circumstances.

And so, with that, I look forward to other comments. Thank you.

**Mr. Kelvin Goertzen (Steinbach):** It's a pleasure to put a few words on the record regarding this particular amendment, one of a series of amendments brought forward by my colleague from Emerson, and the need to have an appeal process. And we know that fundamental justice usually allows for the ability to have a process for appeal for individuals when they are concerned either about how a decision was rendered or the decision itself. That is something that, I think, in our society, we've come to accept as a given that when decisions are made by government, that there should be—or a quasi-governmental organization or a Crown corporation—that there should be a process by which an individual has the right to appeal a decision.

The other point that my colleague for Emerson raised was just simply about the way that money is determined to be used with an MPI ensuring that when you have a limited source of revenue and a— and a series of different demands on the other side in terms of expenditures, that you do your level best to ensure that the money is used in a way that gets the most benefit for those who are relying upon the insurance system.

And he raised the issue, I believe, about enhanced driver's licences and there are a few people who've taken up the government on the issue of enhanced driver's licences, and it didn't seem to have been, at the outset, any sort of review or any sort of market analysis in terms of what the demand would be for Manitobans to have the enhanced driver's to get across the border by land.

And, you know, I could probably find out the numbers, the specific numbers, from my colleague from Emerson, but we're probably getting close to the point where the money that was expended on the enhanced driver's licences, you could probably have taken that money and subsidized everybody's passports in Manitoba and resulted in the same sort of cost savings for them.

The point being, of course, that it doesn't appear that the government's direction to MPI to have these enhanced driver's licences garnered a lot of bang for the buck, as it were, Mr. Speaker, that Manitobans haven't taken up this as something they were looking for, and so it begs the question about where the demand was from. And when you're looking at MPI and the use of those funds, they had to be used in a way that (a) makes sense in terms of the corporate mandate, but also makes sense in terms of leaving revenue for those who need to rely upon it for insurance, whether as income supplement or some other sort of benefit in the future.

We could all, or most of us, I think, would remember some years when the New Democrats came up with the idea of taking hundreds of thousands of dollars from Manitoba Public Insurance and transferring it into the education system. Now, all of us—the university education system, to be more specific—all of us, I think, support and believe in the need to have strong universities and to have strong access to universities for people to better their education and subsequently better their life and their standard of living, but I think that there was a huge disconnect in terms of how the mandate of Manitoba Public Insurance related to the universities, and so we saw very quick backlash from Manitobans, as they said, well, look, I'm paying for my insurance to protect my vehicle, to protect myself, when I'm driving my vehicle, and I don't see the relationship between the premium that I am paying for MPI having money funded—funnelled then into the post-secondary education system in Manitoba.

Not that Manitobans were upset that there was a desire to provide funding to post-secondary

education. I think all Manitobans recognize that as being one of the priorities of government, but I do think that they were rightfully upset that money was gonna come from their premiums from Manitoba Public Insurance.

And so there was a campaign, I believe a letter-writing or a postcard campaign back to government, and demanding that the NDP reverse that decision, and that they not take the hundreds of thousands of dollars from MPI and put it into post-secondary education. And, ultimately, the government reversed itself and turned around and flip-flopped, if you were—if you would, Mr. Speaker, on that issue and didn't take the money from Manitoba Public Insurance.

\* (15:30)

But, certainly, we've seen since then, there have been numerous examples of where the government has tried to offload costs onto MPI. And the issue of law enforcement is one of them, where they have looked to have officers funded under Manitoba Public Insurance instead of out of the Department of Justice or out of the general revenue of the Province of Manitoba. Now, perhaps the argument is stronger there, Mr. Speaker, when you look at the mandate of MPI and that discussion could be made—or that argument could be made, that it's a more legitimate cost to have officers who might be targeting auto theft or something, some other sort of crime related to MPI, where that might make a little bit more sense, and I suppose that's a valid argument where individuals would side on either side of that. But, certainly, there's no connection between other issues that the government has offloaded to MPI.

And it all goes back to ensuring that the resources are used properly, and I was reminded of that because of the issue of the enhanced driver's licences, where we have the government not using funds in the most appropriate way, not doing their analysis beforehand, before introducing a product like the enhanced driver's licence, not ensuring that every dollar that's brought to the corporation, to MPIC, through premiums of Manitobans, is used in a way that best fits the corporation's goals. And you know, I think that it's—it would be incumbent upon all of us to, when we're looking at any sort of revenue coming into government, whether it's through MPI or any other portion of government, to always look at it through the lens of the taxpayer and ask ourselves, is this something that the taxpayer, the average Manitoban who is working 40 hours a week

to support their family and to ensure that they have the necessities for those that they are trying to support in their household, would they think that this is a reasonable way to expend money? And I think that they would certainly raise some concerns on the enhanced driver's licence portion, but I think they would look at the amendments from the member from Emerson and say, well, that makes sense, I mean, that's what insurance is there for. If we have individuals who are—have a catastrophic injury and they aren't able to do certain amounts of things to support themselves, that is what insurance was there for, that they would support the member for Emerson (Mr. Graydon).

And so I think that if the government and if the minister wants to look within, he could find the revenues within MPIC to ensure that these Manitobans who are relying upon their only source of reliance, upon MPIC and the insurance that they duefully paid for prior to their accident, I think that he would find that those revenues are available. And I cited the one example of enhanced driver's licences; I know there'd be many other examples that we could look at as well, Mr. Speaker.

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

**An Honourable Member:** Question.

**Mr. Speaker:** Question before the House is the amendment moved by the honourable member for Emerson (Mr. Graydon).

Is it the pleasure of the House to adopt the amendment?

**Some Honourable Members:** Agreed.

**Some Honourable Members:** No.

#### Voice Vote

**Mr. Speaker:** All those in favour of the amendment, say aye.

**Some Honourable Members:** Aye.

**Mr. Speaker:** All those opposed to the amendment, say nay.

**Some Honourable Members:** Nay.

**Mr. Speaker:** In my opinion, the Nays have it.

**Mr. Kelvin Goertzen (Deputy Official Opposition House Leader):** On division.

**Mr. Speaker:** On division.

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**Mr. Speaker:** Okay, we will now move on to the next amendment.

**Mr. Graydon:** Mr. Speaker, I move, second by the member of Morris,

*THAT Bill 36 be amended by striking out Clause 18.*

***Motion presented.***

**Mr. Graydon:** Again, Mr. Speaker, this clause needs to be struck out in order that we can have an appealable—an appealable program under the—under section 137-1—or .1

And I guess I have to—have to express my frustrations, Mr. Speaker. I know that it's necessary to wear your seat belts, but it's not necessary to wear them in the House here. I'm sure that there's member opposite that do have—that do have an opinion on this. It's unfortunate that perhaps they can't get up; I don't think they're catastrophically injured at all. I know that it's debatable. Some of my colleagues are giving me that look that probably it is debatable.

But at the same time, Mr. Speaker, this is a very serious issue and I didn't—I didn't bring these amendments forward in a moment of frivolity. No, I gave this some serious, serious consideration, and I listened closely to what Manitobans have been saying for the last two and a half years that I've been here, and Manitobans have been saying: We want to be compensated fairly; we want to be compensated fairly by this program by MPI, which, when we bought our insurance, we expected to have the proper coverage.

Mr. Speaker, there's not one person when they go to buy their coverage, not one, that is told that if they're catastrophically injured and that MPI isn't going to fully cover them, that perhaps the health-care system will. There's not one Manitoban that's told that but that's, in fact, what happens, isn't it, Mr. Minister? That's exactly what happens in the system today, is that we depend on the health-care system. We depend on that health-care system to subsidize MPI so that the Manitoba government can take \$43 million out of the MPI coffers to be used outside of MPI. On top of the fact that this has been taken out and it is subsidized by the health-care system in the province, the health-care system is subsidized by all of Canada. I'm sure that the member from Pembina will fully agree that the health-care system in Manitoba is subsidized to the tune of 40 percent by all of Canada.

So what we have, Mr. Speaker, is we have a society in Canada, we have a society that recognizes that the catastrophically injured need to be looked after, and they're willing to contribute 40 percent to that, when we had a government in Manitoba that says no. They say, no, we are putting a number, we're putting a number, a dollar figure, on each individual, and it's unappealable.

I challenge the members opposite to get to their feet and speak to these amendments. They're simple. You can do that. You put one foot down, and then you put the other foot down, and you push up with your legs. That's simple. Because this affects every Manitoban. It could affect you tomorrow; it could affect you today. It could be your cousin, could be your wife, could be your child. But, Mr. Speaker, this is very serious, and I would ask the members there and their co-operation to support this amendment. Thank you.

**Mr. Kelvin Goertzen (Steinbach):** Thank you very much, Mr. Speaker, and the opportunity to speak again on this particular amendment. The member for Emerson (Mr. Graydon) raises a good point about having members opposite speak to these particular issues, and there's nothing in the legislative rules that gives us the ability to force members opposite to speak to any particular issue, whether it's a bill or whether it's an amendment.

We rely upon their sense of representing constituents to do exactly that, to stand up and to have their voices heard. We're all known as representatives and, in that role, our job is to represent the views of our constituency as a collective whole, but also individual concerns that are raised to us. And I know that every member of this House will have had phone calls or come into contact with individuals who have concerns about how MPI operates, whether it's specifically about the claims that they might be putting in after an injury or whether it's some other issue regarding Manitoba Public Insurance. And I suspect—I may be wrong; maybe the members opposite will correct me—but I suspect when they get those phone calls and when they run into their constituents at events and fairs and various other things in their ridings, they probably say, well, you know, we're going to advocate on your behalf. We're going to do what we can for you on this situation. We want to be a strong voice, and no doubt those constituents then take the members opposite at their word, and they go about their lives thinking, well, their MLAs took that seriously.

\* (15:40)

Well, here's that opportunity then. Here's the opportunity. I know the Minister of Justice (Mr. Chomiak) spoke on some of the amendments last week, but we've heard nary a word from any other member of the NDP caucus on this particular issue, and so I'd be shocked—I think actually maybe the member for Transcona (Mr. Reid) spoke to one amendment last week—give credit where credit is due. But I know that members opposite will have had many, many conversations with their constituents and here's their opportunity then to back up what they've said, and when they've said that they're going to advocate on behalf of constituents regarding issues of MPI, here is this opportunity to put some words on the record about how they think the system could be improved or why they don't think that this is an improvement to the system, 'cause it ultimately is about a democratic process where individuals can argue for the merits of an idea or argue against the merits of an idea, but it's a very one-sided debate. It's sort of like the sound of one hand clapping when it's only members of one side of the House who get up and talk about how MPI can be improved, how the lives of claimants can be improved, how the system can better operate to ensure that those who rely upon insurance in their times of need actually have that insurance there to be relied upon. And yet the members opposite sit quietly in their seat.

I know that they're distracted, Mr. Speaker. I know there's a lot of things going on in the NDP party these days that is troubling for members opposite. They hardly—are scared to open the newspaper. They're scared to go to their caucus meetings. They don't know what sort of skirmishes are gonna break out in their caucus meetings or beyond.

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

**Mr. Goertzen:** Well, now I here some murmuring, Mr. Speaker. That seems to have woken up a few.

I know that that's a challenge that they're facing and that they're trying to figure out how they're gonna get through this particular mess as their party implodes. But even while—even while the foundation of the NDP party is cracking with the civil war that's happening within their party, Mr. Speaker, even while the civil war—even while the civil war rages in the NDP, there are priorities that Manitobans are looking to have addressed. There are priorities.

I'm glad the member for Brandon East (Mr. Caldwell) is here, you know, back from trying to cajole his 44 delegates to go whichever way they went yesterday, but now that he's back in the Legislature, now that he's tried to pull those 44 delegates over to whichever horse he was trying to hope leads the parade, Mr. Speaker, I think he should focus on the issue before the Legislature and ensuring that he's representing the needs of the constituents who aren't as concerned about the civil war in their party, but are more concerned about Manitoba Public Insurance and how they're gonna get benefits when they need those benefits.

So I would hope that the members opposite would take this opportunity to put aside their internal fighting, to put aside the differences. We'll read all about that in the paper. That'll be front-page news for the next number of weeks, and I daresay it'll probably be front-page news for the weeks after the convention as some of the real backroom shenanigans that are going on become more public. We all look forward to that reading. Manitobans may not be as interested, but certainly some here will be interested in that reading, but for today I would ask them to stand up to speak to this particular issue, to put aside the backbiting and the fighting that's going on and stand up for the priorities of Manitobans, Mr. Speaker.

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

**Some Honourable Members:** Question.

**Mr. Speaker:** The question before the House is the amendment moved by the honourable member for Emerson (Mr. Graydon).

Is it the pleasure of the House to adopt the amendment?

**Some Honourable Members:** Agreed.

**Some Honourable Members:** No.

#### Voice Vote

**Mr. Speaker:** All those in favour of the amendment, say aye.

**Some Honourable Members:** Aye.

**Mr. Speaker:** All those opposed to the amendment, say nay.

**Some Honourable Members:** Nay.

**Mr. Speaker:** In my opinion, the Nays have it.

**Mr. Kelvin Goertzen (Deputy Official Opposition House Leader):** On division.

**Mr. Speaker:** On division.

\* \* \*

**Mr. Speaker:** Okay, we will now move on to the next amendment.

**Mr. Graydon:** I move, seconded by the member for Brandon West (Mr. Borotsik),

*THAT Bill 36 be amended by striking out Clause 19.*

**Motion presented.**

**Mr. Graydon:** And, again, this amendment addresses the appealability of the section 137.1, and it's shameful that we've brought, I believe it's now three, maybe four amendments forward to deal with the very same issue: the appealability. And it's clear that some of the members, and all of the members for that matter, on the other side are certainly preoccupied. They're preoccupied to the point where they don't really care about their constituents. They don't care about the people in their—in their constituency that have been catastrophically injured. And, I might point out to the member from Gimli, that it was only recently, two weeks ago, that I had an individual from his constituency approach me, and I asked if they had contacted their MP—or MLA, and they said, of course they had, but to no avail, that they needed, they needed some help, and I'll continue to work with these people. This bill—this bill could easily address—could easily address all of them. It would very, very simply address them.

Now, the member from Transcona has chirped away in the past and says, no, no, you have no business sense, you don't understand how much money that would cost. So it boils down to how much—how much are the catastrophically injured really worth? How much are they worth to the members on that side of the House?

We know—we know on this side of the House, we know that they need—they need a lot of care and attention to achieve—to achieve the best that they can possibly achieve. Whether that's through rehabilitation and whether that's with the—with the enhancement of care, whether that happens to be home care in their home or elsewhere.

And we know that a million dollars would help those people. We know that any money—any money—will help that family, will help that individual, and yes, we agree that a million dollars is a lot of money.

However, it's like giving or holding up a giant, giant box of chocolates and saying, you can have one of these if you can guess what kind they are. That's what they're doing with the million dollars. They're holding it up with no way—no ways to access it. They're holding it up and saying, no, it's not appealable either. So, when we guess what kind of chocolates they are, they'll say, no, no, no, you were wrong, you get nothing.

Mr. Speaker, four times in a row they've sat in their place and disregarded—disregarded those in Manitoba, those that have and are catastrophically injured, and those that can possibly be catastrophically injured. That's all the Manitobans, complete disregard.

And I would suggest that there's a number of members there that would like to get up and they're being held back. They're being held back by the minister.

And so, Mr. Speaker, it will be the minister who will wear this when this goes forward. I encourage some of the backbenchers to get out of your seat and support this amendment. Thank you.

**Mr. Rick Borotsik (Brandon West):** Mr. Speaker, first of all, I would like to commend my colleague the member from Emerson for speaking so passionately on what he feels is an extremely important piece of legislation, not for himself but for his constituents and the constituents for each and every one of us in the province of Manitoba.

\* (15:50)

As others have said, we purchase insurance. We purchase life insurance from different companies. We purchase health insurance when we go outside the country, and we purchase automobile insurance from Manitoba Public Insurance Corporation. And we purchase that insurance as a protection, not only for ourselves, but for others on the—on the streets when we drive. And each and any—each and every one of us in this Legislature today can leave this Legislature tonight and, through no fault of their own, can be involved in a traffic accident.

We hope that that doesn't happen. We certainly hope that it doesn't happen but the fact is it may well happen. It has happened to others in our province, others who have purchased that insurance, Mr. Speaker, with the understanding that should there be any personal injury to either themselves or others, that they'll be protected, that the corporation, Manitoba Public Insurance Corporation, because

they've paid their premiums and they have access to that insurance, is going to make sure that those individuals—us, as payers of a premium to Manitoba Public Insurance—are going to be protected when and if that ever should happen.

Now, others have left their place of employment, they've left school, they've left an event, and they haven't been quite so fortunate as we have, but they've encountered a catastrophic accident and injury. The member—the Minister of Justice (Mr. Chomiak), was at the committee meeting, as were others on the benches of the government, and they heard some very heart-wrenching stories from two specific individuals who, unfortunately, Mr. Speaker, fell into that category where they were living a full life and through no fault of their own, through accident, they now have at home a spouse who has permanent brain damage. And in the other case it was a lovely lady who brought forward her story who has two children and is now a quadriplegic, not quite a quadriplegic, she does have some movement in her arms, slight movement, but certainly she is not able to fulfil the life that she had previous, prior to the accident.

Now, that, in itself, is a tragedy. Not having the opportunity of falling back on those same people, that same insurance company to provide the quality of life is an equal tragedy. Now, there are some suggestions that MPI have programs available, have money available, up to \$1 million, to provide those services to the individuals but, when you make application to those dollars, it seems that the standard operating procedure of Manitoba Public Insurance company is to deny any claim.

So, having it there and applying for it is great, but not having it available to you is, as was mentioned earlier, kind of holding a carrot out there yet yanking it every time you want to access it as an opportunity to fulfil your quality of life.

Now, when you go to MPI and you access that particular fund, when they deny—and standard operating procedure is to deny; it seems money is more important than people's ability to maintain a quality of life—so when they deny, you would normally think you would have the ability to go and talk to someone else, a third party, who, in fact, would be able to act as an arbitrator between the corporation who doesn't want to give up any money and a client who needs it desperately, there should be an arbitrator. There should be an appeal process, a

third party, unbiased, that would say, absolutely yes or no, that this is legitimate.

And that is all that this amendment speaks to. You have the fund, you have a claimant, you have a corporation who says no constantly. Should you not have an opportunity to have an appeal process built in where that claimant can go put their position forward and have an unbiased opinion as to whether it's legitimate or not legitimate?

Not to have that appeal process is abhorrent. It is absolutely wrong to have the judge and the jury as the corporation, in this case, MPI. It just doesn't work that way, and, in fact, we've seen where it doesn't work that way. We've seen individuals' stories that have come forward where people need this service to, in fact, maintain a semblance of a quality of life that was there previous to the accident. So I hope, everybody who's not listening over there and everybody who's not speaking to this legislation and everybody who is forced to go to MPI to buy that insurance, I hope beyond hope you don't have to access any of the money that's there for a catastrophic injury. I hope beyond hope nobody on that side of the bench has to make that application, because if you do, you are going to be denied and you have no recourse to an appeal.

If you vote for this amendment, you will at least have an appeal process. Mr. Speaker, if they don't vote for it across—in the government benches, then they are putting too many people at risk, and they're not there for the individuals of Manitoba. They're there for the corporation, Manitoba Public Insurance Corporation. Thank you very much.

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

**An Honourable Member:** Question.

**Mr. Speaker:** The question before the House is the amendment moved by the honourable member for Emerson (Mr. Graydon).

Is it the pleasure of the House to adopt the amendment?

**Some Honourable Members:** Yes.

**Some Honourable Members:** No.

**Voice Vote**

**Mr. Speaker:** All those in favour of the amendment, say aye.

**Some Honourable Members:** Aye.

**Mr. Speaker:** All those opposed to the amendment, say nay.

**Some Honourable Members:** Nay.

**Mr. Speaker:** In my opinion, the Nays have it.

**Mr. Goertzen:** On division.

**Mr. Speaker:** On division.

\* \* \*

**Mr. Speaker:** Okay, we will now move on to the next amendment.

**Mr. Graydon:** Mr. Speaker, I moved, second by member for Lakeside (Mr. Eichler),

*THAT Bill 36 be amended by replacing Clause 22(4) with the following:*

*22(4) Subsection 131(2), as enacted by section 11 of this Act, applies in respect of expenses for personal home assistance incurred by a victim on or after January 1, 2004.*

**Mr. Speaker:** It's been moved by the honourable member for Emerson, seconded by the honourable member for Lakeside,

*THAT Bill 36 be—dispense?*

**An Honourable Member:** Dispense.

**Mr. Speaker:** Dispense.

**Mr. Graydon:** And this amendment deals with the— with the responsibility for MPI. The minister has talked about retroactivity in a context of Bill 36. He says that because the new benefits under the bill will apply to currently catastrophically injured claimants, that his bill can be considered retroactive. I don't believe that goes far enough, Mr. Speaker.

Mr. Speaker, as we have seen and as we have heard, and today and last week, we referred to the poster child of Manitoba, of MPI, Steven Fletcher. Mr. Fletcher has incurred expense after expense after expense just getting what was rightfully his, and rightfully, for everyone else in his situation, for every, every other catastrophically injured individual has benefited from Mr. Fletcher's expense. His lawyer expenses, the personal care that his family has provided, the personal care that friends have provided and the personal care that the health system has provided, and as Mr. Fletcher went through his education and from there into politics and was successfully ran as MP and was successfully elected to Parliament, he would not have been able to do that unless he had been subsidized by the federal

government. He was stopped—he was stopped by this particular government. He was stopped by this particular minister who is in charge of MPI. He was stopped at every—every turn in the road. He was challenged. There's many other people that have gone part way down that road and ran out of finances. And I know the member from Transcona sits in his chair and chirps, but he seldom gets up and addresses the issue, and I challenge him to get up and speak to this.

\* (16:00)

The retroactivity, it's clear. It's not that we have hundreds and thousands of people that the retroactivity would be used for. But we do have a number, and that number of people could certainly use the money that this minister and the board member from MPI wasted in administrative costs with rebates at the expense, at the expense of, and on the backs of those catastrophically injured individuals. And that's shameful. It's shameful. We're ashamed, being members on this side of the House, and I'm sure that on that side of the House there are a number of the members that are ashamed. However, they dare not get to their feet, apparently. But all Manitobans, all Manitobans, when they know this story are going to hold the minister personally responsible.

But, perhaps, perhaps, going forward, after the division, the division in the party has been settled and they have picked a new leader, perhaps the minister won't have to worry about the position that he's in. There may be a shuffle, because it may not be his horse that wins. Although I'm not sure which his horse is, but he may be feeling that he would rather have a different portfolio or the new leader of the party may feel that the minister is not acting responsibly.

The retroactivity of this bill, Mr. Speaker, would reimburse victims for at least some of his or her expenses that they have incurred back to 2004. We have to understand that some of them that do have expenses, or some of the catastrophically injured, weren't injured in 2004. It could have been 2005, 2006, '07, '08 or '09. And so it's difficult to say what that number would be, but I don't think that number would be past the, shall we say, the \$13 million that's been wasted on enhanced ID cards, or the proposed waste on the enhanced driver's licences that no one wanted, that no one really needs, or on the \$43 million that this particular government has siphoned off the corporation—the \$43 million they

siphoned off to shore up and try and balance a budget that was unbalanceable, but they took that out of a Crown corporation. They unloaded on the Crown corporation a duty which they weren't prepared to pay for.

So I say to the board member, the member from Transcona, did the corporation accept that offload willingly? Did you know at the time that you would be subsidizing, subsidizing the total government budget to the tune of \$43 million? Did you know that? I'm sure that the people of Manitoba would be interesting to hear your answer.

So, Mr. Speaker, the intent of this amendment is to help those victims that have exhausted their life savings. Their life savings also means that their family had to go without. It means that they've sacrificed. It may well mean that their six-year-old son couldn't play hockey. It may mean that their 17-year-old daughter couldn't go to university. It may mean that their 10-year-old daughter couldn't take dancing lessons or singing lessons. They have exhausted their life savings, which means that they have also sacrificed many things that will never be compensated for and cannot be compensated with money at this point. But at least—at least cover some of the cost that we know. That is the right thing to do. That's the honourable thing to do. That's what Manitobans expect from MPI, is accountability and honour, not confrontation at every turn, not subsidizing the government's budget. They expect accountability.

When the minister stands up and says, but we have raised home care by \$800. That's a joke, Mr. Speaker, it's a sad joke. It's a sad joke on those that are catastrophically injured—\$1,700—or \$800. With an estimated cost of \$17 an hour, which is not unrealistic for the type of care that a catastrophically injured individual would require, a person like Steven Fletcher or many others like him, \$17 an hour is probably the bottom end of the scale. By adding \$800, what you have done is secured four days—four days of home care, that's what you've added. You're pitifully, pitifully low. You're not looking after the individuals whatsoever. The amount of money that is now being put out there will only possibly pay for institutionalized individuals, where they can be in a group home; shut out, keep them out of sight, keep them out of sight and they don't bother you. Is that it Mr. Minister? I'm sorry but that's not what MPI is about. That's not what insurance companies are about. That's not what people paid for. They didn't choose to have an accident.

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

Is the House ready for the question?

**Some Honourable Members:** Question.

**Mr. Speaker:** The question before the House is the amendment moved by the honourable member for Emerson.

Is it the pleasure of the House to adopt the amendment?

**Some Honourable Members:** Agreed.

**Some Honourable Members:** No.

#### Voice Vote

**Mr. Speaker:** All those in favour of the amendment, say aye.

**Some Honourable Members:** Aye.

**Mr. Speaker:** All those opposed to the amendment, say nay.

**Some Honourable Members:** Nay.

**Mr. Speaker:** In my opinion, the Nays have it.

**Mr. Goertzen:** On division.

**Mr. Speaker:** On division.

\* \* \*

**Mr. Speaker:** Okay we will now move on to the next amendment.

**Mr. Graydon:** I move, second by the member for Carman (Mr. Pedersen),

*THAT Bill 36 be amended in Clause 23(2) by striking out "retroactive to the day that this Act receives royal assent or the day on which the victim became entitled to the indemnity or benefit, whichever is later" and substituting the following:*

*retroactive*

*(a) to the day that this Act receives royal assent, or, in the case of a benefit under subsection 131(2), to January 1, 2004; or*

*(b) to the day on which the victim became entitled to the indemnity or the benefit;*

*whichever is later.*

**Mr. Speaker:** It's been moved by the honourable member for Emerson, seconded by the honourable member for Carman,

*THAT Bill 36 be amended—dispense?*

**An Honourable Member:** Dispense.

**Mr. Speaker:** Dispense.

**Mr. Graydon:** And, again, this refers to the retroactivity of the bill that we've been speaking to, Bill 36, in which the minister has spent some time talking about—he has a million dollars that's inaccessible. Thirty million for this and \$14 million for that and these all suppose to be retroactive, but, in fact, it's a sleight of hand, Mr. Speaker. There is really no retroactivity in this bill, and what we have proposed in a private member's bill presented to this House last week, and as far back as May 25th, before the introduction of Bill 36, as a matter of fact, that this particular minister had the opportunity to see what we were presenting. We said that retroactivity was important. And I've outlined, when I was—when I was speaking to the previous amendment, I outlined that there were definite reasons why the retroactivity was necessary, and I can only say to the minister that those reasons are valid. They are valid reasons.

\* (16:10)

I would suggest, and I would ask him to really consider this particular amendment that's put forward now, and perhaps he could unchain and release the members opposite who are sitting in their chairs, not out of courtesy to me, and not out of courtesy to the amendments, no. They're paid to sit in their chairs. They're also paid to represent—to represent all of Manitobans, including the catastrophically injured.

Unfortunately, Mr. Speaker, unfortunately, none of them rise, and none rose last week and none arising today—I stand corrected. I see the hand of the member of Transcona, and I will acknowledge that he did rise, but he was the only one, and he rose on one amendment, and he had an obligation—he had an obligation to rise, as he's a member of the board. He should speaking to every one of these amendments. He should be explaining to us why we're wrong if he refuses to vote for them. Don't feel bashful about explaining why we're wrong. We're here to help you. We're here to help all catastrophically injured. But it would appear that the member from Transcona doesn't get to make his own decisions. He gets to listen to what the minister says, and he is the messenger boy. He is the messenger to MPI. He takes the message from the minister to MPI, but he doesn't bring any messages back to us on this side of the House where we're wrong, and why we're wrong. And if we are, we're certainly open to listening, listening to any of the arguments that he would put

forward. But, I suppose, over the weekend when he was trying to woo delegates to his horse that he lost his voice, and there's a good chance that he might—his horse might even lose the race.

But, Mr. Speaker, given that the very small number of catastrophically injured victims in Manitoba, we feel that this amendment is feasible and important. We don't think that it will cost as much as what the minister has siphoned off from MPI for other projects outside the purview of what MPI was designed to do. MPI was designed to protect Manitobans, all Manitobans, and that includes the catastrophically injured.

So, with those few words, Mr. Speaker, I would encourage the new group who have moved into the benches across the way to stand up—and I think one is up to support this amendment. Thank you.

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

**Some Honourable Members:** Question.

**Mr. Speaker:** The question before the House is the amendment moved by the honourable member for Emerson.

Is it the pleasure of the House to adopt the amendment?

**Some Honourable Members:** Agreed.

**Some Honourable Members:** No.

#### Voice Vote

**Mr. Speaker:** All those in favour of the amendment, say aye.

**Some Honourable Members:** Aye.

**Mr. Speaker:** All those opposed to the amendment, say nay.

**Some Honourable Members:** Nay.

**Mr. Speaker:** In my opinion, the Nays have it.

**Mr. Goertzen:** On division.

**Mr. Speaker:** On division.

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**Mr. Speaker:** We will now move on to the next amendment.

**Mr. Graydon:** Mr. Speaker, I move, seconded by the member for Steinbach (Mr. Goertzen),

*THAT Bill 36 by amended in Schedule 4 by adding the following after the proposed clause 1(d):*

(d.1) a functional alteration of the brain that results in symptoms and deficits so severe and disabling as to seriously and continuously impair the person's quality of life or ability to engage in activities of daily living, where these symptoms have persisted for at least two years and in the opinion of the person's treating physician are not expected to improve;

**Mr. Speaker:** It's been moved by the honourable member for Emerson, seconded by the honourable member for Steinbach (Mr. Goertzen),

*THAT Bill 36 be amended—dispense?*

**An Honourable Member:** Dispense.

**Mr. Speaker:** Dispense.

**Mr. Graydon:** Mr. Speaker, as you—as you know, this amendment was brought in late and with the leave of the House we get to speak to this amendment. And I want to thank the members opposite for the leave that they granted. And I'll probably—well, I will explain why the amendment came in late.

The amendment has to deal with brain injury. Of course, that's clear in the wording of the amendment, but what is not known, Mr. Speaker, is that there was an individual that made a presentation on September 28th, I believe, at committee for this particular bill, who made a presentation that was well thought out, well presented and very passionate. And I would suggest that when that particular presentation was made that there were some wet eyes sitting at committee.

Mr. Speaker, this particular lady, Jan Stevens's husband has been catastrophically injured with brain injury. She has—she has met with the—a number—a number of roadblocks from MPI, and she has addressed each and every one of them. She was nervous about coming to speak to a crowd. She had never done that before but because she had such a well-thought-out presentation and because she had done her research, and because she had lived, she had lived the agony of the spouse of a brain-injured individual, she knew what was necessary. She knew what a family would go through. She knew what the minister had not put in the bill.

She didn't come there to beg. She didn't come there to plead. She came there to address the bill and the deficiencies in the bill. And I know it's difficult for the minister or for the member from Transcona or even for the—for the corporation to cover all of the

aspects that are necessary to cover when they bring forward a reform bill such as this but, Mr. Speaker, Mrs. Stevens, when she brought this forward, did an excellent job of presenting the deficiencies, those deficiencies as they related to her family and to her husband.

And those deficiencies were something that the minister—the minister said that he knew—that he knew, and I'll quote. I'll quote from *Hansard*. So, "I think that we're quite behind in recognizing symptoms, et cetera, as a society in whole"—in whole, "and obviously, as this, we can and should do better across the spectrum and that has been my experience in having been involved with that for a number of years."

\*(16:20)

And I commend the minister for recognizing that in committee. And he did, when he recognized that, made the committee feel that he was bringing an amendment forward, and that they would address it, and rightly so, and he should have. But perhaps because he was maybe distracted, distracted by the activities in the NDP party, distracted with the leader leaving, distracted with the leadership race, and because there's been such a workload imposed on this minister that he didn't have the opportunity, he didn't have the opportunity to craft an amendment that would address this situation. But, Mr. Speaker, I can say, confidently say, that every member that was at committee felt that he was going to do that.

To the members that weren't at the committee, as I understand it, I received an e-mail this weekend, and if I understand right, every member of this House received an e-mail explaining what the minister had said, explaining how the presenter felt she had been dealt with with MPI. In fact, I believe that she included her whole presentation, and if these members opposite can sit here today and not address this, not address this amendment, I'm ashamed of them. I can only say that the public will be ashamed of them.

Mr. Speaker, this particular individual said to the minister, in Ontario, they have a form. Now, I heard the minister stand in this House last week in one of his rants and he referred to Ontario. We in this House have never referred to Ontario until this very moment, but he pointed over here and said, oh, they would privatize MPI. That's not true. That's not true, but what that minister said was, like Ontario, and they want to have this form that just insurance companies can do as they want. Well, no, that's not

true. What is true in Ontario is they have a form for all insurance companies, and they have to abide by that. They abide by that form. Every insurance company operates under a government regulation which addresses catastrophically injured. It addresses the catastrophically injured.

So all the hooting and hollering over there, you should have read the e-mail you got. You've indicated that you've ignored this individual. That's what you've indicated, but that particular, that particular legislation that's there describes exactly what this resolution, or this amendment that's brought forward today is asking for, that after two years, two years, that the individual has shown no improvement, that the attending physician will make the recommendation and they will be declared catastrophically injured for life.

You don't have to be in a wheelchair. The minister pointed that out that he has known for years that we are behind. We didn't know that, and I thank the minister for saying that and for bringing it to the attention of the committee and to the presenter. And now, Mr. Speaker, I encourage the minister to support this amendment. Thank you.

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

**Some Honourable Members:** Question.

**Mr. Speaker:** No? The honourable Attorney General, to speak to the amendment?

**Hon. Dave Chomiak (Minister charged with the administration of The Manitoba Public Insurance Corporation Act):** Yes, to the amendment.

**Mr. Speaker:** To speak to the amendment. Okay.

**Mr. Chomiak:** Yes, Mr. Speaker, just a few-wrap-up to the comments of the member opposite who, I suggest, was more baiting than debating in the Legislature. There was more mention of leadership and more mention of personal attacks on board members and on members of this side of the House than there was about catastrophically injured, but that's a style—that's a style and a fashion that's used when you don't have facts to argue.

The facts are that we're bringing in place a bill that 120 Manitobans will immediately receive \$14 million of enhanced benefits and an additional 35 will be set aside to improve their ongoing benefits. We're going to increase the lump-sum payment impairment benefit by \$80,000, from 136 to \$215,000, to be indexed to inflation, Mr. Speaker, and I know members now talking—the member of

Roblin, 'cause they've gotta get that last word in. They've gotta talk about it, but let me just explain to the member opposite about brain injury, for example. I've never heard members opposite say one word, except perhaps the member for Roblin, on brain injury. We brought in brain injury programs to Selkirk and put in place a brain injury program because it's the fastest growing injury amongst young people. That's the reference, an acknowledgment that brain injury is a serious injury, the fastest growing.

The member opposite focusses only on MPI, and brain injury is covered in this act and, in fact, there's a provision in this act that allows it to be covered by regulation, if the member read the act. But instead the member focuses on two presenters at committee, two presenters, Mr. Speaker. I've been in committee hundreds of times and heard hundreds of presenters and tried to take the opinion of all of the presenters. But the member takes a narrow, narrow position.

The member for Steinbach (Mr. Goertzen) and others wanted to talk about a particular member, a particular individual who applied for auto insurance. I prefer not to refer, as a minister, to a particular individual's case. Our role is to try to deal with all Manitobans fairly. The narrow focus of the member—the narrow focus of the member has allowed him to not perceive the larger problem, to narrowly, politically—mood, and that's the problem with most of the members' amendments. They're narrow, they're specific, they're off the point, Mr. Speaker, and they don't deal with the significant issue facing catastrophic injuries.

The benefits provided includes the increase of the personal care amount, which we, in opposition, had told member opposite—had told members opposite when the bill was passed, it was too low, and we've increased it. It ignores the fact—it ignores the fact, Mr. Speaker, that with the non-tort system all people who fit this category will apply. In the old, mean Tory days, you had to go to court and get lawyers and apply and only then, when you were sanctioned by the court in negligence, were you allowed to recover. And even then most private insurance companies set a cap on it. Under this system, it applies to a wider range of individuals. It applies to everyone. It'll apply retroactively. Indeed, it'll raise the minimum payment to those individuals who are on coverage; plus it provides a provision of a million dollars that can be used for unforeseen—unforeseen eventualities, after all of the coverage, the best coverage, I would suggest, in North America

that's being paid to individuals who are catastrophically injured.

And, Mr. Speaker, after looking at the experience of Saskatchewan who put in this category and Victoria in Australia, we put in place this legislation. It's good legislation. I suspect that all members will support it. MPI's dealt with 200,000 PIPP claims—200,000 PIPP claims and the member opposite suggests, because he heard a presenter or two at committee, that somehow his views and his views alone represent the majority of Manitobans. I represented a constituency where a place called Ten Ten Sinclair is, Ten Ten Sinclair, where people go to be rehabbed or to get care to live on their own after having been, in most cases, catastrophically injured. I take my sons there so they understand what it's like to be in the shoes of someone who is not as blessed as we are.

The person who was deputy minister of Health for the first five years when I was Minister of Health was the director of Ten Ten Sinclair, which one of the reasons why we have a brain injury program in Selkirk, and we have a lot of the initiatives that we have in place, because of a recognition of those issues of Manitobans who are hurt and/or injured, Mr. Speaker, and this bill is flexible enough to include all of those Manitobans, and the legislation and the quarterbacking being done by MPI, to include Child and Family Services and health care and other services in this bill, will serve those people much better than in the past, and much deserved than in the past, and that's why I'm proud of what the corporation has come up with. That's why I don't deal with the political barbs thrown in by member opposite like the rebates that've been ordered by PUB, like his—like the fetish with our leadership convention.

\* (16:30)

The comments of the member from Steinbach talking about civil war—Mr. Speaker, you know civil war. Members on that side know civil war, and I know they know of what they're speaking. They know it and I know they know it.

But that's not the way we operate. We operate as a government for all Manitobans—going forward, going backwards, offering hope, Mr. Speaker, looking back when there's been a problem, not prepared to admit mistakes.

Going forward, I'm proud of this legislation. I urge all members of this House to pass this

legislation as soon as possible so those individuals in our society can get the benefits they deserve. Thank you, Mr. Speaker.

**Mr. Leonard Derkach (Russell):** And I'm not going to lend a lot of debate to this amendment, but I just wanted to remind the minister that rather than getting all excited and making some fairly outlandish remarks about the intentions of this amendment, the minister should just keep in mind that there are real people out there who are suffering as a result of not being able to settle their accounts, if you like, or the amount that is owing them legitimately with the Manitoba Public Insurance Corporation. And all we are trying to do is to assist those people who have come to us and have come to committee, asking the minister to open his mind, to look at the legislation and to see whether or not there is a way in which it can be clarified so that these people who have catastrophic injuries can indeed qualify for what is owing to them.

Mr. Speaker, I spoke the other day about a constituent of mine, and we should never make legislation that only fits one person's needs. We need to look at the broad spectrum and I think that's what the amendment is speaking to as well. And, if it means that to clarify the legislation, we should include a term that would allow those people to unequivocally then be eligible for that kind of compensation that is due to them, then I think the minister should consider it carefully.

And, Mr. Speaker, that is all I want to say. We have tried our very utmost to ensure that those people who have been catastrophically injured are indeed going to be looked after, so that there are no loopholes that would allow MPI—or for that matter, the government—to be able to jump through in terms of not addressing the very real needs that are out there.

And so, Mr. Speaker, I ask the minister to think twice, to look at this amendment, and if this amendment needs clarification there is still time to do it. But we should not ignore the needs of the people that have come to us and have come to the minister, have come to committee, and have asked us in earnest to do what is right with this legislation. Thank you.

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

**An Honourable Member:** Question.

**Mr. Speaker:** The question before the House is the amendment moved, by leave of the House, by the honourable member for Emerson (Mr. Graydon).

Is it pleasure of the House to adopt the amendment?

**Some Honourable Members:** Agreed.

**Some Honourable Members:** No.

#### Voice Vote

**Mr. Speaker:** All those in favour of the amendment, say aye.

**Some Honourable Members:** Aye.

**Mr. Speaker:** All those opposed to the amendment, say nay.

**Some Honourable Members:** Nay.

**Mr. Speaker:** In my opinion, the Nays have it.

**Mr. Goertzen:** On division.

**Mr. Speaker:** On division.

### CONCURRENCE AND THIRD READINGS

#### Bill 16—The Police Services Act

**Mr. Speaker:** Okay, the next order of business we'll now move on to concurrence and third reading of Bill No. 16, The Police Services Act.

**Hon. Dave Chomiak (Minister of Justice and Attorney General):** I move, second by the Minister of Agriculture (Ms. Wowchuk), Finance, rural development and Hydro and Civil Service Commission and responsible for numerous other activities—very official, indeed—that Bill No. 16, The Police Services Act; Loi sur les services de police, as amended and reported from the Standing Committee on Justice and subsequently amended, be concurred in and be now read for a third time and passed.

**Mr. Speaker:** Moved by the honourable Attorney General, seconded by the honourable Minister for Agriculture and Food, that Bill 16, The Police Services Act, as amended and reported from the Standing Committee on Justice and subsequently amended, be concurred in and be now read for a third time and passed.

**Mr. Chomiak:** Mr. Speaker, all I want to say, in my closing comments, is, thanks to members of the Chamber, the public, all of the organizations that were consulted, all of the people—the it was an incredible undertaking on the part of the staff of the department to do this act. I take—for them, I'm very

proud of the fact that in B.C. and in other provinces, they are looking at Manitoba's act to emulate. And I want to thank, including members of this House, everyone for their input, and a big thanks that this act, though not perfect, is a step forward and will move—will move Manitoba into the 21st century with respect to interaction between police and the public, and that I'm very pleased to have had the opportunity and honour to be a part—a small part of ensuring that this bill becomes law, even though, I suggest, there's a tremendous amount of work ahead, including, I suspect, subsequent changes when the bill comes up for review.

But I do want to thank everyone in the Chamber, and I want to thank the staff who worked for years—many, many years on a—on a new police act, and as well as my critic for being supportive on this—on this particular bill, because I don't think this bill could have got through the Legislature without the support of the people who have provided the support, and for that I am very thankful. And those are my comments. Thank you, Mr. Speaker.

**Mr. Kelvin Goertzen (Steinbach):** Mr. Speaker, a pleasure to add just a few words to the many words that have been spoken in this House and in committee on The Police Act—The Police Act, which needed to be reviewed, needed to be revamped. Certainly, members of our party and our caucus have been calling for the rework of The Police Act for many years, and so we're glad that—that it's come to this point.

I've said to the minister in the past, privately and on the record, that I think there are more things that are right in this act than are wrong, things that needed to be done for some time, including the new special investigation unit, including, we'll see, the new—the new police commission in the province of Manitoba, which will review, I understand, a number of issues, including the potential for a police college, something that we have called for for a number of years in the province of Manitoba. And my guess is that the police commission will see the wisdom of it and move forward with a police college in the province—somewheres—to be established in the province of Manitoba and will come on-line with other provinces. I wish that would have happened sooner. I think it'd be an important addition to help policing, as done in the province of Manitoba, but we are moving in that direction.

I have expressed concerns and many have expressed concerns about the foisting of police

boards onto smaller municipalities in the province of Manitoba. There are many municipalities who operate quite well right now with the current structure of their police and the reporting structure to their individual municipal councils, and they've expressed concern that that relationship will change in a negative way with the foisting of a new body in-between the councils and the new police boards.

And some very small municipalities—I think that that may be an issue, because we visited, at some point—I appreciate at committee the representatives from police and from municipal bodies coming forward and putting forward those concerns that they had regarding the act. We did bring forward an amendment in regard to that particular piece of the act. The minister chose not to accept it, and we'll see. Time will tell in the future how things work out. But, again, I do think that there are more things positive than negative in the act, and we're prepared to see it move forward even if it falls a little short of where we'd have liked it to land, Mr. Speaker.

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

**Some Honourable Members:** No.

**Mr. Speaker:** No.

**Mr. Kevin Lamoureux (Inkster):** Yes, prior to seeing it passed, I think that we'd like to be able to, just at least get on the record in terms of in general supporting the bill. I appreciate the minister's comments in terms of that there will, no doubt, be some changes as the sessions come and go.

I know that there is one area in which we did have some difficulty with and that would, in essence, be in regards to the investigators in ensuring as much as possible that there's this strong sense of independence, Mr. Speaker. The idea of having individuals—when you're having an internal investigation, those investigators are, in fact, appointed from outside of the province. The legislation does make reference that you can do that. I think that it would have been better had it been more specific in stating, where there is that form of an internal investigation, that there is more of a need to have an independent investigator that doesn't reside in the province of Manitoba.

\* (16:40)

We were pleased to see the inclusion, in terms of the commission, with the Aboriginal community. We would've liked to have seen more specific in regards to the Manitoba Métis Federation in terms of an

amendment. And, as I say, I think that if you look at the bill, the concept and the reforms that are being suggested, I think, all in all, are being received quite well, but we do recognize that there—whenever you have legislation of this magnitude—that there are going to be some changes, as a number of presenters had brought forward some thoughts and some ideas. In particular, Mr. Speaker, some of the smaller police forces and some of the problems that will—could potentially arise, that they would have liked to have seen addressed.

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

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

**Some Honourable Members:** Question.

**Mr. Speaker:** The question before the House, concurrence, third reading of Bill No. 16, The Police Services Act.

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

**Bill 8—The Civil Service Superannuation Amendment Act (Enhanced Manitoba Hydro Employee Benefits and Other Amendments)**

**Mr. Speaker:** Okay, we will now move on to concurrence and third reading, Bill No. 8, The Civil Service Superannuation Amendment Act (Enhanced Manitoba Hydro Employee Benefits and Other Amendments).

**Hon. Dave Chomiak (Government House Leader):** I move, seconded by the Minister of Agriculture (Ms. Wowchuk), that Bill No. 8, The Civil Service Superannuation Amendment Act; Loi modifiant la Loi sur la pension de la fonction publique (presentations améliorées à l'intention des employés d'Hydro-Manitoba et autres modifications), reported from the Standing Committee on Legislative Affairs, be concurred in, be now read for a third time, and passed.

*Motion presented.*

**Mr. Speaker:** Do we have any speakers?

**Mr. Rick Borotsik (Brandon West):** I've had the opportunity to speak to this bill in second reading as well as report stage coming back from committee, and I, Mr. Speaker, put forward an amendment which I believed was a reasonable amendment. Unfortunately, members of the government didn't quite see it that way, but I think it's important that, in third reading, once again, we—we, as a party reiterate

that the bill in itself is a good bill. It deals with an expanded, enhanced benefits opportunity for Manitoba Hydro employees, which is a part of the superannuation program plan. And we believe that some of the changes that have been implemented in this bill are good, positive changes with respect to pensionability for the civil servants of the Province of Manitoba. We all recognize that civil servants do a yeoman's duty on behalf of the citizens of Manitoba, and when they have ultimately served their time, if you will, and put in the numbers of years of pensionability, that they should have the ability to have a fairly decent quality of life in their golden years so that they can enjoy their retirement, and this speaks to that. In fact, it speaks to it in a number of ways. Certainly, it speaks to the need for a cost of living adjustment in the pension, commonly referred to as COLA, and it does speak to that in this piece of legislation, which we support.

However, we do have a couple of red flags. One way that the government has identified in this legislation that they're going to fund the cost of living allowance is to transfer \$145 million from the pension fund into the COLA fund. And, again, I say there's some red flags that are raised in that particular area, because there is no \$145-million surplus in the pension fund. What happened is there was an actuarial report that was provided, and that actuarial report did say that there was an actuarial surplus in the account back in 2005, 2006 and 2007.

*Mr. Daryl Reid, Acting Speaker, in the Chair*

They identified an actuarial surplus, but, as has been identified before in this Legislature, that there's been a bit of a downturn in the markets. There's been a bit of a recession, even though the new Minister of Finance (Ms. Wowchuk) doesn't want to identify it, even though the old minister, the previous Minister of Finance, new and old, the previous member, Minister of Finance, certainly never admitted to the fact that there is some serious financial clouds on the horizon—

**An Honourable Member:** Would you rather be called new or old?

**Mr. Borotsik:** —new. I know that the new Finance Minister's been much more forthcoming in some of the detail with respect to the finances of the Province because she is new and inexperienced, and she does realize that there are some serious challenges that are facing Manitoba, but also serious challenges facing this particular budget, this particular pension account, Mr. Deputy Speaker.

The pension account no longer has \$145-million actuarial surplus—quite the opposite. In fact, it has a \$510-million deficit in the account. Therefore, it's very difficult to make sure that \$145 million is taken out to put in a COLA account when you have \$510-million shortfall in the pension account.

So I—it's fascinating accounting, but what I did put forward was an amendment that said that what we would like to see is actuarial reporting every year on the \$145 million and how much is available just simply for the COLA account. Now what's been promised here is two-thirds percent or two-thirds of COLA that the civil servants would receive, two-thirds COLA out of that \$145 million transfer in, and we would like to see that. We would like to see a two-thirds COLA. I, personally, would like to see a 100 percent COLA. I think if there's an inflationary factor that's going forward and eroding people's pensions, that that should be—that inflation factor should be covered off by either the pension or the COLA account. It's necessary in order to maintain that purchasing power going forward.

*Mr. Speaker in the Chair*

Now, when you retire at 55 or 56 or 57, when you get some age out, 10 years or 15 years beyond that, if you don't have the ability to have your pension increase with the cost of living, then 10 or 15 years down the road, you're going to find yourself in some serious financial difficulties, similar to what the Province finds itself in right now. That amendment wasn't accepted. We don't know whether the \$145 million is going to be sufficient to go 30 years out with COLA increases, and I would say that that's a red flag that has to be identified.

In general, we do support this. The reason we have some concerns is not only because of the COLA account, whether it's going to be funded in this pension account. We have some serious concerns that another group of provincial employees weren't treated quite as fairly as what the civil servants were treated, and I refer to the retired teachers because the retired teachers asked for this very same concession in their pension. And it seemed the Minister of Education (Mr. Bjornson) didn't have the same clout or the same influence as the Minister of Finance had, who has the carriage of the civil service pension, whereas the Minister of Education has the carriage of the teachers' pension and the retired teachers are, I might put, I might say, are somewhat miffed that they were treated with

disrespect, that they were treated in a totally different fashion than what the civil servants were treated.

Now, in true fashion of the conciliatory opportunity from TRAF, the retired teachers, RTAM, they said we're not here to say don't give it to the civil servants—in fact, quite the opposite. They spoke at our committee meeting and they said: No, what's happening here and what's proposed in Bill 8 is the right thing. You should do it for the retired civil servants, but all we would like to be is treated equal, we would like to be treated with the same kind of respect that's been shown in Bill 8 to the civil servants. We would like to have equality. We would like to have—to be treated equally—so please give us the ability to have the same COLA go forward as what's happening here with the civil servants

And that didn't happen, and the retired teachers still, Mr. Speaker, are not terribly happy about the inequality that's been shown by this government between two groups of provincial employees, one being the retired teachers and the other ones being the retired civil servants.

\* (16:50)

So I'm very disappointed that this government would treat two different groups of people so differently, and one—one, as I say, with total disdain and disrespect. That may well come back to rear its ugly head at some time in the future, because I do know that these individuals, these retired teachers, particularly, haven't taken this very well. As a matter of fact, they just spoke—they spoke at committee. I know some of the members from the government side were there, didn't say an awful lot, didn't ask any questions, certainly weren't prepared to answer questions as to why there was the inequality, why one's being treated totally different than the other one. So I suspect that that battle has not yet been over and not yet been fought, Mr. Speaker. There are other options, I'm sure, that the retired teachers have in going forward over the next numbers of years.

One of the other things that's in the legislation that's good is it's enhanced the benefits for the Manitoba Hydro employees, and, as I said, Manitoba Hydro's a part of the superannuation. They've taken their cash that they collect on an annual basis and they put it into this big fund, the superannuation fund, because it's easier managed. However, the Hydro employees were a little disappointed that they couldn't get some additional enhancements to the benefits, and this legislation speaks to that. They allow for different options that are available now to

Manitoba Hydro employees, and that's good. We're not unhappy with that. We think that it's a good change to the enhanced benefits. It's also said in the legislation that this is a non-cost issue, that the enhanced benefits will not cost the plan any more money than is already there at the present time, and that's a win-win situation, where employees have an opportunity to have better choice as to how they would like their pension paid out when, in fact, they reach that magic retirement age.

So we are not opposed to the legislation. We do want to raise some red flags. We want to do say—or we do want to say that the government has raised some expectations, perhaps, that they can't live up to, and that would be a dangerous thing to promise one thing to a retired individual and not being able to maintain that expectation going forward. And I speak to the 145 going into the COLA account. And the other disappointment, obviously, is, as I said earlier, Mr. Speaker, that not treating one other group of individuals in the same fashion as what they've treated the civil servants, I think, is rather deplorable on behalf of the government.

And I would just like to say that we will support the legislation, and, hopefully, this government will be able to live up to its expectations. Thank you, Mr. Speaker.

**Mr. Kevin Lamoureux (Inkster):** At the end of the day, we see the legislation is progressive towards assisting pensioners in the province of Manitoba and, to that degree, we do support it.

Having said that, Mr. Speaker, there's no doubt a number of actuaries that reside with the Minister of Finance over the last little while that has put together these dollars—and we anticipate that the government is fairly comfortable in the dollars that are actually being referred to. In this case, it's 145 million.

Having said that, like the member from Brandon, I, too, sat through hours and hours of discussion when we had the retired teachers come forward, and they, too, were of an opinion in terms of annual increases that would ensure that they would have a good standard of living when they—when they retired. And every second or more presenter that came to talk about the teachers' pensions issue last summer, the summer of 2008, was talking about how they were disappointed. And I think it speaks to the concluding remarks that the member from Brandon made reference to, and that is the expectation. And we are very much dependent on these actuaries and, in good part, the overall performance of the economy

to try to meet what is the needs of pension programs going into the future. We like to believe that we are going to be able to provide whatever those needs are going to be, and it's difficult at best to be able to make those type of projections, but we have to, in good part, rely on the best advice and expertise, those actuaries and others, to ensure that we're doing the right thing.

I wanted just to take the opportunity to also make reference to what I believe is a sector of our province that is often, far too often, overlooked, and that is those individuals that do work for 40-plus years and find that their pensions really haven't been vested to the same degree. And I would suggest to you that governments do need to play a more significant role in pensions that go beyond just RRSPs and tax breaks for RRSPs and so forth. I've walked picket lines in the past where I've been told how individuals have worked for 30 years, and they have a company pension of somewhere in the neighbourhood of 5 to 7 hundred dollars, and it often makes you, you know, wonder in terms of, well, what if the government was to be a little bit more proactive at ensuring that individuals outside of the civil service were able to get better pension entitlements as they enter their retirement years.

Suffice to say, Mr. Speaker, that'd be a debate for another day. Having said that, in regards to Bill 8,

it is a bill in which we do see as a positive step. We trust and hope that the government has run the numbers and that we are going to be able to protect the pensions going forward with respect to COLAs in particular. Thank you.

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

**Some Honourable Members:** Question.

**Mr. Speaker:** The question before the House is concurrence and third reading of Bill No. 8, The Civil Service Superannuation Amendment Act (Enhanced Manitoba Hydro Employee Benefits and Other Amendments).

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

**Mr. Kelvin Goertzen (Deputy Official Opposition House Leader):** Could you canvass the House to see if it's the will of the House to call it 5 o'clock?

**Mr. Speaker:** Is it the will of the House to call it 5 o'clock? *[Agreed]*

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

# LEGISLATIVE ASSEMBLY OF MANITOBA

Monday, October 5, 2009

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The Legislative Assembly of Manitoba Debates and Proceedings  
are also available on the Internet at the following address:

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