

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

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**MANITOBA LEGISLATIVE ASSEMBLY**  
**Thirty-Eighth Legislature**

<b>Member</b>	<b>Constituency</b>	<b>Political Affiliation</b>
AGLUGUB, Cris	The Maples	N.D.P.
ALLAN, Nancy, Hon.	St. Vital	N.D.P.
ALTEMEYER, Rob	Wolseley	N.D.P.
ASHTON, Steve, Hon.	Thompson	N.D.P.
BJORNSON, Peter, Hon.	Gimli	N.D.P.
BRICK, Marilyn	St. Norbert	N.D.P.
CALDWELL, Drew	Brandon East	N.D.P.
CHOMIAK, Dave, Hon.	Kildonan	N.D.P.
CUMMINGS, Glen	Ste. Rose	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.
HAWRANIK, Gerald	Lac du Bonnet	P.C.
HICKES, George, Hon.	Point Douglas	N.D.P.
IRVIN-ROSS, Kerri	Fort Garry	N.D.P.
JENNISSEN, Gerard	Flin Flon	N.D.P.
JHA, Bidhu	Radisson	N.D.P.
KORZENIOWSKI, Bonnie	St. James	N.D.P.
LAMOUREUX, Kevin	Inkster	Lib.
LATHLIN, Oscar, Hon.	The Pas	N.D.P.
LEMIEUX, Ron, Hon.	La Verendrye	N.D.P.
LOEWEN, John	Fort Whyte	P.C.
MACKINTOSH, Gord, Hon.	St. Johns	N.D.P.
MAGUIRE, Larry	Arthur-Virden	P.C.
MALOWAY, Jim	Elmwood	N.D.P.
MARTINDALE, Doug	Burrows	N.D.P.
McGIFFORD, Diane, Hon.	Lord Roberts	N.D.P.
MELNICK, Christine, Hon.	Riel	N.D.P.
MIHYCHUK, MaryAnn, Hon.	Minto	N.D.P.
MITCHELSON, Bonnie	River East	P.C.
MURRAY, Stuart	Kirkfield Park	P.C.
NEVAKSHONOFF, Tom	Interlake	N.D.P.
OSWALD, Theresa	Seine River	N.D.P.
PENNER, Jack	Emerson	P.C.
REID, Daryl	Transcona	N.D.P.
REIMER, Jack	Southdale	P.C.
ROBINSON, Eric, Hon.	Rupertsland	N.D.P.
ROCAN, Denis	Carman	P.C.
RONDEAU, Jim, Hon.	Assiniboia	N.D.P.
ROWAT, Leanne	Minnedosa	P.C.
SALE, Tim, Hon.	Fort Rouge	N.D.P.
SANTOS, Conrad	Wellington	N.D.P.
SCHELLENBERG, Harry	Rossmere	N.D.P.
SCHULER, Ron	Springfield	P.C.
SELINGER, Greg, Hon.	St. Boniface	N.D.P.
SMITH, Scott, Hon.	Brandon West	N.D.P.
STEFANSON, Heather	Tuxedo	P.C.
STRUTHERS, Stan, Hon.	Dauphin-Roblin	N.D.P.
TAILLIEU, Mavis	Morris	P.C.
TWEED, Mervin	Turtle Mountain	P.C.
WOWCHUK, Rosann, Hon.	Swan River	N.D.P.

## LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, March 3, 2004

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

## ROUTINE PROCEEDINGS

## PETITIONS

**Minimum Sitting Days for Legislative Assembly****Mr. Kevin Lamoureux (Inkster):** Mr. Speaker, I wish to present the following petition:

The background to this petition is as follows:

The Manitoba Legislature sat for only 37 days in 2003.

Manitobans expect their Government to be accountable, and the number of sitting days has a direct impact on the issue of public accountability.

Manitobans expect their elected officials to be provided the opportunity to be able to hold the Government accountable.

The Legislative Assembly provides the best forum for all MLAs to debate and ask questions of the Government, and it is critical that all MLAs be provided the time needed in order for them to cover constituent and party duties.

Establishing a minimum number of sitting days could prevent the government of the day from limiting the rights of opposition members from being able to ask questions.

We petition the Legislative Assembly of Manitoba as follows:

To request the Legislative Assembly of Manitoba to consider recognizing the need to sit for a minimum of 80 days in any given calendar year.

It is signed by Cheryl Conley-Strange, James Millar and Duncan Geisler.

**Mr. Speaker:** In accordance with our Rule 132(6), when a petition is read it is deemed to be received by the House.

## INTRODUCTION OF BILLS

**Bill 20—The University College of the North Act**

**Hon. Diane McGifford (Minister of Advanced Education and Training):** Mr. Speaker, I move, seconded by the Minister of Aboriginal and Northern Affairs (Mr. Lathlin), that Bill 20, The University College of the North Act; Loi sur le Collège universitaire du Nord, be now read a first time.

*Motion presented.*

**Ms. McGifford:** The University College of the North Act establishes the University College of the North as a new, public post-secondary institution, one rooted in our northern communities and committed to ensuring that Aboriginal and northern people will receive a range of post-secondary education and will have control in matters of their post-secondary educations.

I am honoured to table this legislation, another important step in fulfilling the educational aspirations of our northern peoples and in fulfilling our Government's commitment to post-secondary education for all Manitobans. Mr. Speaker, I know you know that this is a historic day.

*Motion agreed to.*

\* (13:35)

**Bill 209—The Legislative Assembly Amendment Act**

**Mr. Kevin Lamoureux (Inkster):** I would move, seconded by the Member for River Heights (Mr. Gerrard), the Leader of the Liberal Party, that Bill 209, The Legislative Assembly Amendment Act, be now read for a first time.

*Motion presented.*

**Mr. Lamoureux:** I think that this bill can be explained very simply, and that is that in 2003 the

Manitoba Legislature sat for 37 days. Mr. Speaker, you will find, if you canvass Manitobans, that the overwhelming opinion of Manitobans is that that is not democracy when you only sit for 37 days.

For those that claim and make up the excuses, and there are plenty, that those excuses do not justify 37 days of sitting in any given calendar year. So the purpose of Bill 209 is to say that this Legislature will, in fact, sit for a minimum of 80 days in any given calendar year.

I think it would go a long way, Mr. Speaker, in making this Government and future governments more accountable for the types of decisions that are being made.

*Motion agreed to.*

#### **Bill 26—The Certified Management Accountants Act**

**Hon. Greg Selinger (Minister of Finance):** I move, seconded by the Minister of Justice (Mr. Mackintosh), that Bill 26, The Certified Management Accountants Act; Loi sur les comptables en management accrédités, be now read a first time.

*Motion presented.*

**Mr. Selinger:** This is a bill brought forward by a minister because these professions are regulating themselves in the public interest and we ensure by bringing the legislation forward that the terms and conditions under which they self-regulate do, indeed, meet the public interest.

*Motion agreed to.*

\* (13:40)

#### **Introduction of Guests**

**Mr. Speaker:** Prior to Oral Questions, I would like to draw the attention of all honourable members to the public gallery where we have with us from Riverbend Colony School Grades 9 to 12 students under the direction of Mr. Sam Hofer. This school is located in the constituency of the honourable Member for Turtle Mountain (Mr. Tweed).

Also in the public gallery we have from Shamrock School nine Grades 9 to 12 students under

the direction of Mr. Clarence Hofer. This school is also located in the constituency of the honourable Member for Turtle Mountain.

I would also like to draw the attention of all honourable members to the public gallery where we have with us today Veronica Dyck, Don Robertson, Kathleen Leary, Peter Geller, Gina Guiboche and Martha Jonasson. These visitors are the guests of the honourable Minister of Advanced Education and Training (Ms. McGifford).

Also in the gallery we have Bryan Hunt and Brian Ammann, who are the guests of the honourable Member for St. James (Ms. Korzeniowski).

In the loge to my left, we have Mr. Ed Mandrak, who is a former Member for Assiniboia.

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

#### **ORAL QUESTION PERIOD**

##### **Bovine Spongiform Encephalopathy Compensation for Producers**

**Mr. Stuart Murray (Leader of the Official Opposition):** Mr. Speaker, it is now day 289 of the BSE crisis. Our farmers are struggling and it is growing more challenging with each passing day. One would think that members opposite would understand by now how serious this crisis is and the significant impact it is having on rural families, on businesses and on our economy as a whole, but they continue to manipulate the facts and mislead the public. Yesterday the Premier was making hay about how the largest overexpenditure in government this year is for emergency aid in agriculture.

Would he now provide a dollar figure as to how much money has flowed to those 12 000 families and could he tell us what that works out to per family?

**Hon. Gary Doer (Premier):** This is day three of the session and I am glad the member opposite is now leading with the BSE crisis, which, I think, is a very important issue. Day one of the session he was complaining—

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

**Mr. Speaker:** Order.

**Mr. Doer:** Thank you, Mr. Speaker. Pursuant to some of the questions about overexpenditures on day one, I did point out and will continue to point out that the largest percentage of overexpenditure in this Budget, in fact in a couple of other budgets, on a percentage basis has been in the area of BSE crisis and agriculture.

The member will know the programs we have announced and they have gone through those in great detail. In the Estimates a few months ago, we announced both directly in the Department of Agriculture and indirectly in the Emergency Expenditures Special Supplementary Warrant that was signed, that it is well over \$50 or \$60 million in this fiscal year on an over \$100-million budget.

Mr. Speaker, we have on top of that provided for low-interest loans which I think have been subscribed close to \$50 million by now. It was over \$45 million the last time I had an update on it. When the slaughter program in Alberta, which was agreed to in Kelowna, was not working, we reallocated money for a short-term slaughter program that was announced. We then announced a transportation subsidy for distances for transporting hay.

Without the support of the federal government in November, we announced an amount of money to deal with the cull cow, the usual 8 percent of cattle that had to be culled each year that were no longer able to be culled because of the BSE crisis. We announced \$100 and said that that would not be tied to slaughter and urged the federal government to proceed with that program. I am encouraged that Mr. Bob Speller, the new Minister of Agriculture—

\* (13:45)

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

**Mr. Speaker:** Order.

I would just like to remind all honourable members, we have the viewing public and we have guests that are in the gallery. They came all the way here to hopefully hear the questions and the answers, and I hope all honourable members will be cooperative to give them that courtesy.

We have 40 minutes for questions and answers.

**Mr. Doer:** Mr. Speaker, I am encouraged that the new Ag Minister in Ottawa, Mr. Speller, has indi-

cated that the arbitrary and unfavourable criteria of required slaughter for the 8% cull program, feeding program, he is looking at that. We are encouraged by that. He is changing that.

That will mean for a cull cow that requires a cost of about \$350 to \$400 per head, to deal with the 8% cull cow numbers for a herd, that will mean that the \$100 that we are providing will be matched by about \$192 by the federal government, \$195. So that will close three quarters of the gap in that feeding gap for those cull cows.

A number of those programs add up to over \$50 million, but obviously the primary goal, I think, for all members of this Legislature is to get more of our border opened up because there is no solution inside the Treasury of this Government that will deal with the closure of the border and the requirement to open it up.

**Mr. Murray:** Mr. Speaker, clearly the issue is exactly what this Premier says, all sorts of programs announced but no money flowing to producers. We all know that the vast majority of farmers have not received the financial assistance they are desperately in need of. This Premier continues to lead and mislead Manitobans on the impression that they have all of this money available, but it is not flowing. The fact that the Premier continues to do that is reprehensible.

Little money is flowing. The bulk of the financial assistance to provinces make it available in the form of a loan, but Manitoba producers out there cannot access it because they do not want to take on more debt. That is the problem with this Premier's program.

Mr. Speaker, this Government is in the middle of finalizing its Budget. Will the Premier commit today to scrapping the plans to spend more than \$100 million on new VLTs and a laundromat for the Government and will he provide a cash advance for those cattle producers?

**Mr. Doer:** Mr. Speaker, I recall the member opposite calling on us during the election campaign to replace the machines at the Assiniboia Downs with new machines. So, again, the member opposite deals with issues. They talk about the rural economy and rural hotels and I would remind the member opposite that he himself recommended that low-

interest loans be provided as one of the alternatives for producers last July. We did that.

**Mr. Murray:** Mr. Speaker, the Premier stands in the House today to say that I talked about a low-interest loan, and they listened. I also said at the same time, provide a cash advance. I have been saying that for the past eight months. Listen to me today, do the right thing. Listen to me today and provide a cash advance. That is what the Premier should do. That is what the cattle producers need.

**Mr. Doer:** The member might not know the meaning of the word "or." It was not "and," so he can thump his fist as loud as he wants, but his signature is on a letter calling on a low-interest loan as an option for producers.

Mr. Speaker, the bottom line, though, notwithstanding the shifting sands of their position, one day they are calling for us to run a deficit. One day they are saying for us to break the balanced budget legislation. The next day they are saying, oh, do not break the balanced budget legislation. The next day they are saying pledge to support the balanced budget legislation, stand up for the balanced budget legislation. Oops, we changed our minds again.

Notwithstanding that, Mr. Speaker, there is lots of pain in rural western Canada.

\* (13:50)

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

**Mr. Speaker:** Order.

**Mr. Doer:** Mr. Speaker, I think we all acknowledge that the closure of the border pursuant to the May 20 discovery of a cow which, by the way, was not in the food supply in Canada. That has been extremely, extremely painful. We are pleased that boxed-beef is moving south of the border. We know that members opposite are joining with the minister to go to Washington next week to continue the pressure on the United States to open the border.

We think that, no matter what short-term program is announced and no matter how much money we spend, there is no substitute for this Legislature joining together to continue to call upon the Americans to have a livestock policy in Canada and the United States based on science, and open the borders today for Canadian cattle.

### CAIS Program Amendments

**Mr. Ralph Eichler (Lakeside):** Today is day 289 of the BSE crisis. Our farmers are struggling. The Doer government says the Canadian Agricultural and Income Stabilization program is one solution. Ontario, Alberta, P.E.I. have negotiated improved benefits under the CAIS program. But, in order for these to take effect, two thirds of the provinces need to sign on to the amended agreement.

Mr. Speaker, could the Minister of Agriculture tell this House what is included in these amendments?

**Hon. Rosann Wowchuk (Minister of Agriculture, Food and Rural Initiatives):** Mr. Speaker, we signed on to an APF agreement last year and one province did not sign on. When Ontario signed on, they negotiated some amendments and those amendments would be to raise the cap and to cover negative margins. The member is accurate in that it will take other provinces to come to an agreement as to whether these amendments will move forward.

Right now, there is serious concern by provinces in western Canada about the amount of money that will be required for this program and, in fact, we are asking the federal government to treat this as a disaster and cover it on the 90-10 instead of asking provinces to pay 40 percent.

**Mr. Eichler:** Mr. Speaker, obviously the minister does not know the amendments well enough to speak on them.

Mr. Speaker, time is wasting. Bills are mounting for our cash-strapped producers. The hardest hit in Canada, we had a growth of over 16 percent. They need answers now to the CAIS program.

Will the Minister of Agriculture tell the producers of this House what the position is on these amendments?

**Ms. Wowchuk:** I just told the member what our position was on those amendments, and we are waiting for an answer from the federal government. But the member seems to forget that there is a process for an interim payment. People can be making their applications under the existing CAIS program right now.

Instead of criticizing the program, he should be out there encouraging people to take advantage and make their application, so money, indeed, can flow from CAIS to producers, Mr. Speaker. Money can flow under the existing program without the amendments. The amendments are in discussion.

### **Agricultural Policy Framework Provincial Contribution**

**Mr. Ralph Eichler (Lakeside):** Will the Minister of Agriculture assure producers that the Government will unconditionally fund the Province's 40% contribution under the APF program?

**Hon. Rosann Wowchuk (Minister of Agriculture, Food and Rural Initiatives):** Manitoba signed on to the APF agreement. When we signed on to the APF agreement, our money was on the table, and our money is on the table for the existing program. Producers can make application, and I would encourage the member to talk to the producers and encourage them to apply for their interim payments because money can flow now.

\* (13:55)

### **Brokenhead Casino Smoking Policy**

**Mr. Stuart Murray (Leader of the Official Opposition):** While this Government should be moving away from their increased reliance on gambling revenue, as long as the Premier continues to make gambling his economic strategy, which means more VLTs and more casinos, that appears to be the reality for our province.

Mr. Speaker, his Government has control over who they approve to establish a new casino in Manitoba. If this Premier is so committed to expanding gambling, will he at least take into consideration the health of Aboriginal people by making it a condition of the licensing agreement for the Brokenhead casino, that it be a non-smoking facility? Will he do the right thing?

**Hon. Gary Doer (Premier):** I would remind members opposite that the legislation we have in the House is pursuant to page 20 of the all-party report. The section in legislation is exactly the same as has been recommended by the all-party report under section 9.4.

**Mr. Murray:** Each year some 1800 Manitobans die due to tobacco-related diseases. That is slightly larger than the community of Leaf Rapids here in Manitoba, every single year. In terms of smoking, 38 percent of First Nations people are smokers, as compared to 22 percent of non-Aboriginals. That is a rate of over 40% higher. According to the Canadian Institute for Health Information, based on the best available data, Aboriginal people have lower health status than Canadians as a whole.

Will the Premier respect and protect the health of all Manitobans by guaranteeing that his Government will not approve the Brokenhead casino proposal unless the licensing agreement contains a condition that the casino be smoke-free?

**Mr. Doer:** The matter is before the Gaming Commission, Mr. Speaker. But I would point out that members on all sides of the aisle signed a report consistent with—on page 20, and the legislation section 9.4 deals with the report dealing with clear jurisdiction. I would point out that, even today, the issues of legal jurisdictions are complicated. For example, all provinces in western Canada—

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

**Mr. Speaker:** Order.

**Mr. Doer:** A few years ago, all provinces in Canada challenged the jurisdiction of the gun registry and the cost and its jurisdictional issues of provinces. We lost, all the western provinces lost that court case. Today in Ontario, Aboriginal people just won a case against the constitutionality of the gun registration as brought in by the federal government.

That is just an example today why the all-party committee, which his members were part of, signed a report recommending that this smoking ban, which is the strongest in Canada, includes areas of clear provincial jurisdiction. We are honouring this report with the legislation that we are bringing in, Mr. Speaker.

**Mr. Murray:** Mr. Speaker, yesterday Heather Crowe sat up in the gallery in this House. Heather Crowe contracted cancer due to second-hand smoke. The Premier acknowledges that because it is a fact.

If he wants to ensure that no Aboriginal worker will suffer the same regrettable outcome that Heather

Crowe did, will he do the right thing, Mr. Speaker, because his Government controls the licensing arrangement. Will he do the right thing and ensure that the Brokenhead casino, through the availability of him providing the licensing agreement, will he make sure that it is a smoke-free casino?

**Mr. Doer:** Mr. Speaker, as I stated, the legislation that we brought in is exactly consistent with the all-party report—

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

**Mr. Speaker:** Order.

**Mr. Doer:** —that was signed off by members opposite.

**Mr. Speaker:** Order. I cannot hear a word you are saying. I want to once more ask the co-operation of all honourable members. If there is a breach of a rule or a departure from Manitoba practices, each and every one of you rightfully expects me to make a ruling on that, but how can I do it if I cannot hear what the breach is if there is a breach? So I ask the co-operation of all members, please. I need to be able to hear the questions and I need to be able to hear the answers. I ask for your co-operation, please.

**Mr. Doer:** The report that was signed by the members opposite, assuming the member opposite as a leader has any control or say in reports signed by his caucus, the task force recommends a province-wide smoking ban would apply in all enclosed public and indoor places where the provincial government has clear jurisdiction. For example: jails, Headingley, Stony Mountain; military bases; First Nations reserves; airports would not be covered by the legislation.

Mr. Speaker, Mr. McCrae, in 1996 says—

\* (14:00)

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

**Mr. Speaker:** Order. Please. Once more, I kindly ask you please. I need to be able to hear the questions and I need to be able to hear the answers. I ask the co-operation of all honourable members please. The honourable First Minister has the floor.

**Mr. Doer:** If I may continue. Mr. McCrae, the Honourable James McCrae, in 1996—I am talking

on public health—stated: There are issues that come forward when they respect public health. Our department has an involvement but the ultimate responsibility rests with the Government of Canada. The honourable member knows that, and that was dealing with First Nations communities, Mr. Speaker.

I think the all-party report is clear. The all-party report is being implemented in legislation. It is the strongest in Canada, and we are proud of the fact that we are not implementing more than or less than what was in the all-party report that hopefully was sanctioned by the Leader of the Opposition a few months ago, Mr. Speaker.

### **First Nation Casinos Smoking Policy**

**Mr. John Loewen (Fort Whyte):** Mr. Speaker, yesterday, once again, the Premier (Mr. Doer) stated that it would be wrong to have a government-owned casino with smoking operating across the street from a private owner who is not allowed to have his patrons smoke while using VLTs.

I would ask the Minister responsible for the Gaming Control Commission if he believes that it is fair to have workers in Aboriginal casinos subject to second-hand smoke, when those working across the road will receive the protection of the Government.

**Hon. Tim Sale (Minister charged with the administration of The Gaming Control Act):** First of all, Mr. Speaker, we are delighted that there are workers in Aboriginal casinos, and we look forward to there being more Aboriginal workers in Aboriginal businesses.

Secondly, Mr. Speaker, as the First Minister has made clear, the issue of jurisdiction is a complex one and that is why the all-party report signed off by members opposite, well, perhaps they were not looking at what they signed, perhaps they did not read it. I do not know. They signed it because they recognize that Stony Mountain Penitentiary is under the jurisdiction of the federal government. Kapyong Barracks is under the jurisdiction of the federal government.

The issue of federal property or property held by the Government of Canada on behalf of First Nations people is a First Nations federal government issue. We respect other governments, Mr. Speaker.



**Mr. Loewen:** I will remind members opposite that I did not sign on to that report, and I clearly asked the Government to remove the clause dealing with clear jurisdiction. We did not talk about casinos. The minister is sending a clear message—

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

**Mr. Speaker:** Order. I would just like to remind all honourable members when the Speaker rises all members should be seated and the Speaker should be heard in silence. I ask the co-operation of all honourable members. One thing, it is very difficult to hear. The other thing, we have a viewing public, we have guests in the gallery that want to hear the questions and answers.

I also remind all honourable members, we have 40 minutes for questions and answers, and the clock keeps on ticking. You are going to be cutting down on questions and answers. So I ask the co-operation of all honourable members.

**Mr. Loewen:** Mr. Speaker, the minister is sending a clear message to those working on reserves that he does not care. He does not care about their health. Is he content to have Aboriginals work in unhealthy conditions, or will he guarantee that one of the requirements of the licensing which he controls for the Brokenhead casino will be that it operates in a smoke-free environment? Will he protect the Aboriginal workers?

**Mr. Sale:** This, coming from a member whose party could not find their way north of the 53rd during the last election. Their great concern for Aboriginal people was expressed by ignoring the entire North last June.

Mr. Speaker, our respect for Aboriginal people has to do with agreements on child welfare. It has to do with agreements on northern development. It has to do with agreements on probation. It has to do with agreements to foster economic development in ethanol, to foster economic development in regard to gaming if that is their choice. We respect their right to govern their activities. We respect the jurisdiction of other levels of government and so did they when they signed on on behalf of the all-party task force.

Very convenient for them today to focus on Aboriginal people, not on service people, for example, not on convicts. Why are you not asking

those questions? Those questions would show the hypocrisy, Mr. Speaker, of the approach they are taking on this issue.

**Mr. Loewen:** Mr. Speaker, I should not have to remind the member that I went to Thompson and not only were we advised to include reserves—

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

**Mr. Loewen:** Yeah. Yeah. That is right. That is right. That is right. Mr. Speaker—

**Mr. Speaker:** Order. Once more, I would like to remind all honourable members that when the Speaker is standing, all members should be seated and the Speaker should be heard in silence. I have been standing for quite a while. At least have respect for the Chair. It is maybe not me, but for the Chair, because this is going on and on and on and it is getting a little out of hand, and we have the viewing public, we have members in the gallery.

I ask the co-operation of all honourable members, please. We have 40 minutes for Question Period and the clock keeps on ticking and we are going to be running short. We will not have as many questions as we should have. I ask the co-operation of all honourable members, please.

**Mr. Loewen:** Mr. Speaker, if the minister had the decency to check with any of the members of his side of the House on the committee, he would understand fully that not only were we requested by those presenting in Thompson to include reserves, but over and over again they stated how concerned they were with the condition of Aboriginal health in the North. Perhaps he should realize that.

The Premier again yesterday stated that he did not personally believe that it was necessary to ban smoking in bars but, to his good taste, he would go with the science. I would ask the minister today: Does he believe the science does not apply on reserves or in Aboriginal conserve?

**Mr. Sale:** This Government has supported the development of the health of Aboriginal people. For example, we are the only government in Canada that makes a prenatal allowance available to all Manitoba mothers for all Manitoba children, because we care about them.

Mr. Speaker, part of the process of the whole business of smoking, which is very much a health issue, is a long-term educational process, and I welcomed, as did I think most members of this House the all-party initiative not simply to study the issue of a ban, but to raise for all Manitobans the question of the appropriateness of smoking in a variety of settings.

The public has come a long way. There is still a distance to go. The federal government has a distance to go in this regard, Mr. Speaker, in regard to the armed forces and in regard to convicts. I note, for example, that—

**Mr. Speaker:** Order.

\* (14:10)

### **First Nation Casinos Smoking Policy**

**Mr. Mervin Tweed (Turtle Mountain):** Since the minister raises the issue, when the Premier (Mr. Doer) stated when the Healthy Baby initiative was brought in to First Nations communities although they did not have jurisdiction, he stated he was doing so because a baby is a baby is a baby, regardless of where they live. I would wonder if a worker is a worker is a worker regardless of where they live, Mr. Speaker.

Mr. Speaker, one of the 62 recommendations the minister's review committee on improving workplace safety and health called for steps to be taken to ensure that workers are not exposed to second-hand environmental tobacco smoke in the workplace. Obviously we are seeing that happen today. In fact, they even called the act The Workplace Safety and Health Act.

Mr. Speaker, I would ask the Minister responsible for The Workplace Safety and Health Act (Ms. Allan): Will she advise the Gaming Minister that agreements with Aboriginal casinos must include protection of the employees and patrons from second-hand smoke?

**Hon. Steve Ashton (Acting Minister of Labour and Immigration):** Mr. Speaker, having had the opportunity to be a small part of the all-party process, and certainly having the opportunity of being the Minister of Labour and now as Acting

Minister of Labour, I can indicate to the member that he should be aware that the basis of provincial labour law is clearly, again, one of jurisdiction.

There are many workplaces in this province that are under federal jurisdiction, and there are, in fact, separate statutes under federal law that deal with those workplaces. The spirit in which we have dealt with this issue, I think, has been exemplary. In fact, I am disappointed that when we have almost had consensus, one member refused to sign the all-party report.

Mr. Speaker, we are applying a smoking ban that deals with indoor workplaces in this province that are under provincial jurisdiction. I think that is something we should all be proud of in this province.

**Mr. Tweed:** Another history lesson for the Premier. When Jim McCrae, whom he quoted, was the Minister of Justice, he was the one that sent the RCMP onto reserves to deal with illegal gambling. He did not run and hide and call it a jurisdictional issue.

Mr. Speaker, yesterday, the Premier said we believe every province in Canada will eventually end up with smoking bans because litigation and second-hand smoke and the causation of carcinogens with second-hand smoke will result in Workers Compensation decisions and court decisions eventually banning second-hand smoke.

My question to the Minister responsible for Workers Compensation (Ms. Allan): Will she ask the Minister responsible for Gaming (Mr. Sale), who signs and creates the agreement with the Aboriginal casino, will he advise that they must include protection for employees, patrons from second-hand smoke?

**Mr. Ashton:** I appreciate the interest of the members opposite in terms of Workers Compensation. In fact, I would encourage them to be part of the review of Workers Compensation that this Government has initiated.

I want to stress again and, having the opportunity to be a small part of the all-party task force, that these issues were discussed at the committee hearings. They were discussed by members of the committee. The report itself is very clear that it is targeted at areas clearly under provincial jurisdiction.

That was the all-party report. That is what the legislation is. That is the right thing to do.

**Mr. Tweed:** What the minister fails to acknowledge is that the Minister responsible for Gaming has the responsibility and the ability to include it in the agreement that he signs with First Nations in regard to Aboriginal casinos. He has that authority. But you know, Mr. Speaker, we know that the Premier (Mr. Doer), he believes that smoking should be allowed in bars. I mean, he said it several times in the past couple of years that it is not a bad thing. It is probably good for people.

My question to the Minister responsible for the Workers Compensation, or whoever over there would like to answer this: When did excluding employees of Aboriginal casinos from the protection afforded by The Non-Smokers Health Protection Act become the policy of the Doer government? Or is their new policy, second-hand smoke, second-class citizens?

**Mr. Ashton:** Mr. Speaker, let us not forget how far we have come in this province in a very short period of time. Even a year ago, the idea of a province-wide smoking ban was not even on the political rise. Thanks to an all-party committee, and by the way, that all-party committee, the Member for Carman (Mr. Rocan), yes, indeed, he deserves a lot of credit for this, travelled the province with the introduction of the legislation brought in by the Minister of Healthy Living (Mr. Rondeau).

We will be implementing the all-party task force recommendations that are going to expand within provincial jurisdiction throughout this province, the most comprehensive smoking ban in Canada, Mr. Speaker. That is something we should all be proud of, and I wish members opposite would remember that they signed on to it with the all-party committee.

#### **Farmland Education Taxes**

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, in the election last year, the NDP promised to decrease the education tax paid on farmland. Instead of decreases, many farmers are going to see increases this year because of the approach the NDP is taking which has reduced provincial funding from 62 percent to 57 percent last year, and it looks to fall further this year.

If ever there was a time to lower taxes on farmland, it is now, because of the situation with BSE, PMU and other agricultural concerns. If this is to happen, it should be announced now, so that school boards will be able to make appropriate plans.

I ask the Minister of Finance (Mr. Selinger): Will the Government follow through on its election promise of last year to lower education taxes on farmland in this year's Budget?

**Hon. Gary Doer (Premier):** Mr. Speaker, the member opposite, of course, is very knowledgeable on reducing support to people with the last Budget he voted for in Ottawa.

Mr. Speaker, there are many items where the Province of Manitoba, through successive governments, has eliminated taxes for producers. For example, on the motive fuel tax, farmers spend some \$45-million minimum, I think, to Ottawa where they do not spend that here in Manitoba. There are over \$100 million in taxes, most of which Ottawa collects, the Province does not collect.

A Liberal has no business raising these issues in this Chamber.

**Mr. Gerrard:** Mr. Speaker, as a member of this Chamber, I am not going to hesitate to raise important issues to the people of Manitoba and to the farmers of Manitoba.

Why is the Premier not being clear on his commitment, his election commitment? The policies of the Government in pushing through amalgamations is leading to major increases in school board expenditures. The announced 2% increase in provincial funding is, in fact, much less for many school divisions. The Premier is following Tory policies, which he criticized, in off-loading on to school boards. The delay in the Budget should not delay this decision. The Government has made a promise. Are you going to carry through?

\* (14:20)

**Mr. Doer:** Mr. Speaker, the figures the member opposite uses do not include the two years of reduction of ESL, \$28 million. It does not include the increase in the property tax credit, some \$57 million, both measures of which have flattened out in most school divisions.

In fact, the Winnipeg School Division No. 1, the member opposite represents that area, he will know that the taxes in the nineties went up 69 to 72 percent, and the taxes went down in the Winnipeg School Division with the two measures that we introduced. He should know that. He should know that and bring accurate information to this Legislature.

Finally, Mr. Speaker, we certainly have not yet presented our Budget, but I can talk more specifically about measures we have already taken to reduce the portioning in property taxes on the producers in Manitoba, reducing the portioning from 29 percent to 26 percent, I believe. We did that and that saved farmers \$7 million over the Tory portioning policy.

**Mr. Gerrard:** Mr. Speaker, at this very time, the school board in Portage la Prairie is looking at having increased by 7 percent the taxes on education, including farmland.

The same is happening in almost every other rural school division. In the Borderland School Division, for example, it is likely to be higher than that because, in part, of the result of the amalgamation and the extra costs.

I ask the Premier: Is he going to carry through on his commitment in the election to decrease education taxes on farmland?

**Mr. Doer:** Every commitment we made on education funding, on taxes, in our first mandate, we followed; and our mandate on farmland taxation policy, in the second mandate, we will follow through on. It is not like abolishing the GST; we will do it, Mr. Speaker.

**Mr. Speaker:** Time for Oral Questions has expired.

### Introduction of Guests

**Mr. Speaker:** Before we go on to members' statements, I would like to draw the attention of honourable members to the Speaker's Gallery, where we have with us Mr. Todd Schwartz, who is the U.S. Consul to Manitoba.

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

## MEMBERS' STATEMENTS

### Jim and Vivienne Pearn

**Mrs. Mavis Taillieu (Morris):** I rise today to commend the generosity and community spirit of Headingley residents Jim and Vivienne Pearn, who recently announced their intention to donate their entire collection of service station memorabilia, valued at \$950,000, to the soon-to-be-built Headingley Heritage Centre.

The Pearn collection of rare five-gallon pumps, station façades and signage signify the couple's 35-year-long quest to collect a wide array of artifacts showcasing the role that petroleum producers played in the economy and social fabric of Manitoba's rural communities.

The Pearn collection transports visitors back in time to an era when there existed a service station on every corner, and signs advertising White Rose and Red Indian Motor Oil were familiar landmarks on roadways throughout Manitoba.

The Headingley Heritage Centre will be housed in a 5000-square-foot addition to the R.M. of Headingley's new recreation complex. It will showcase interactive displays that will appeal to car enthusiasts both young and old.

The Heritage Centre will open later this summer with the assistance of an infusion of \$300,000, courtesy of the Canada-Manitoba Infrastructure Program. It is hoped that it will become a major attraction for the estimated 20 000 drivers who pass through the community daily.

Mr. Speaker, I would like to take this time to thank Jim and Vivienne Pearn for their generous contributions as well as to congratulate the entire community of Headingley for pulling together to preserve the position of transportation and related industries in Manitoba's history.

On behalf of all Manitobans, I wish the Headingley Heritage Centre many years of success. Thank you, Mr. Speaker.

### Brent Scales Curling Team

**Hon. Rosann Wowchuk (Minister of Agriculture, Food and Rural Initiatives):** Mr. Speaker, I rise today to congratulate Brent Scales and his curling

team of Gord Hardy, Grant Spicer and Todd Trevellyan from Swan River, who recently won the Safeway Select Men's Curling Championship at the Keystone Centre in Brandon and became Swan River's first provincial men's champions. I would also like to wish them luck when they represent Manitoba at the Nokia Brier which will take place in Saskatoon March 6 to 14.

This recent win has been a moment of glory and pride for the residents of Swan River and has caused great excitement throughout the Swan River constituency, and, I have to say, throughout rural Manitoba. There is a high level of enthusiasm about this win because it is some time since there has been a rural representative that has won the provincial men's championship. This is the first time that a team from Swan River has won the provincial championship.

We all know that this win is due to Scales and his team's hard work, commitment to training and competition and competing in many bonspiels that has allowed them to achieve this momentous goal. This win was also a tremendous accomplishment, as they competed and won against a four-time champion who was No. 1 seed at the Safeway Select. The Swan River team was runner-up to the championship over the last two years. Although they were disappointed then, they continued to be very determined. Brent Scales and his team have finally reached their goal.

The result is a proud moment for the team and their families, who all have a long history of curling at the Swan River Curling Club. We are all excited about the upcoming event in Saskatoon, and we all wish that we could be there, but I can assure the team that we will be watching them very closely.

On behalf of all residents of Swan River and all residents of Manitoba, I wish the Brent Scales team best of luck. We are very encouraged and proud of your determination and your skill that you have developed, and we know that you will be successful. Thank you.

### **Oak Hammock Marsh**

**Mr. Ralph Eichler (Lakeside):** Oak Hammock Marsh is a world-renowned wildlife management area located just east of Stonewall on Highway No. 67. It is home to North America's birding hot spot. Apart from its vast marshland, Oak Hammock is

home to a restored prairie marsh, aspen-oak bluff, waterfowl lure crops, artesian springs, 30 kilometres of trails and some of Manitoba's last remaining patches of prairie tall grass. The Oak Hammock Marsh habitat features over 25 species of mammals and over 296 species of amphibians, reptiles and fish. During the migration season, Oak Hammock Marsh can exceed 400 000 different types of waterfowl.

\* (14:30)

Many different environmental associations have recognized Oak Hammock Marsh and Ducks Unlimited for their efforts. One of their global awards was in the 2002 Environmental Experience category, recognizing and encouraging sustainable tourism initiatives across the globe. To win the coveted prize, the interpretive centre topped entries from Australia, the Bahamas, Kenya, India and Mexico.

Mr. Speaker and my fellow members, I am proud that Ducks Unlimited has taken a stake in our environment and is committed to preserving our wetlands. Like many thousands of visitors from around the world and local students, I would like to encourage each and every one of you to take time to visit these preserved wetlands. Our environment is an important commodity, and I cannot stress enough the great work that Ducks Unlimited has done to keep our national wetlands intact. Thank you.

### **Partners in Learning Program**

**Mr. Gerard Jennissen (Flin Flon):** Mr. Speaker, students in remote areas of Manitoba and more than 1000 of the province's teachers will be the first Canadians to benefit from Microsoft Canada's new Partners in Learning Initiative just announced. This historic agreement between Microsoft and the Province of Manitoba will significantly improve the availability of information technology and training for many students in Manitoba. Through this program, Microsoft will make strategic technology and training investments in 134 Manitoba schools.

In its first year, the Province will receive \$3.75 million in software, services and support. The program's value in Manitoba is estimated at approximately \$15 million over the next five years. As a northern MLA, it is gratifying to see that Microsoft's first two strategic investments under this program in Canada will be made in two northern schools. The

schools selected are Frontier Collegiate Institute in Cranberry Portage and the Helen Betty Osborne Ininiw Education Resource Centre in Norway House. I am proud to say that I taught, along with the Minister of Healthy Living (Mr. Rondeau), at Frontier Collegiate Institute for many years.

Mr. Speaker, investing in our young people, regardless of the geographic location of their home communities and providing them the skills to excel in the new economy is a critical component of our Province's economic strategy. This new partnership will provide useful computer equipment, software and training for students and teachers in our Manitoba schools.

I urge all members of the House to support this positive example of a public-private partnership. It is a win-win situation for everyone. I congratulate the Province and Microsoft for taking initiative to create new and exciting opportunities for Manitoba's youth, and I congratulate the communities of Cranberry Portage and Norway House for being the first sites for this exciting initiative. Thank you, Mr. Speaker.

#### **Epilepsy Awareness Month**

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, I rise to say a few words about this month, which is Epilepsy month. During the last several years, I have several times raised concerns with epilepsy programs in Manitoba, the long waiting lists, the shortage of epileptologists, the lack of attention in this area by the present government.

I want to commend Epilepsy Canada and to salute the Manitoba Epilepsy Association, which has been working hard to make sure that there is greater awareness of epilepsy and that there is more attention given to this important disease.

In Manitoba, it is estimated that there are about 23 000 Manitobans who have epilepsy. It is clearly an important condition which needs to be seen and assessed and treated promptly. Sadly, at the moment, the waiting times are six months or longer.

It is a sorry and sad state that on the epilepsy month we have a condition where waiting times for epilepsy are so exorbitantly long. Hopefully, this can and must be improved in the future, for surely people with epilepsy deserve better attention than they are getting right now.

## **ORDERS OF THE DAY**

### **GOVERNMENT BUSINESS**

#### **House Business**

**Hon. Gord Mackintosh (Government House Leader):** Mr. Speaker, would you please call second readings in the following order: 18, 14, 15, 16.

Just one other item of business, Mr. Speaker.

**Mr. Speaker:** On House business?

**Mr. Mackintosh:** Yes. Would you please canvass the House to see if there is agreement to set aside consideration of Private Members' Business tomorrow morning in order to consider a condolence motion for Jim Penner?

**Mr. Speaker:** Is there agreement to set aside consideration of Private Members' Business tomorrow morning in order to consider a condolence motion for Jim Penner? [*Agreed*]

The honourable Government House Leader, on House business?

**Mr. Mackintosh:** Bills.

### **SECOND READINGS**

#### **Bill 18—The Improved Enforcement of Support Payments (Various Acts Amended) Act**

**Hon. Gord Mackintosh (Minister of Justice and Attorney General):** Mr. Speaker, I move, seconded by the Minister of Finance (Mr. Selinger), that Bill 18, The Improved Enforcement of Support Payments (Various Acts Amended) Act, be now read a second time and be referred to a committee of this House.

*Motion presented.*

**Mr. Mackintosh:** Mr. Speaker, just a few brief comments. I am pleased to introduce this legislation to improve the ability of the Maintenance Enforcement Program to better collect outstanding support payments and to compensate support recipients who do not receive payments as ordered by the courts on time.

With this bill, Mr. Speaker, Manitoba continues to lead the way in making sure that a wide range of tools are available to collect support owed to children and families. In 2001, this Government introduced legislation that prevents support debtors from evading their support obligation, or hiding or depleting their income and assets. The legislation created the ability to preserve assets and to pierce a corporate veil.

The legislation also provided for registration of support orders in the Personal Property Registry in addition to many other amendments that gave priority to and improved the mechanisms for collecting support debts. Changes were also introduced that made Manitoba children and families the winners when a support debtor won the lottery prize by allowing the Maintenance Enforcement Program to seize any lottery prize over \$1,000.

Those improvements were substantial but they were only the first step. Today, I am announcing the second stage of the Government's Maintenance Enforcement strategy. First, I am introducing legislation aimed at compensating a support recipient who does not receive support on time. Whether it be interest or a late payment charge, there is always a monetary consequence when other financial obligations are not paid on time.

We are introducing proposed legislation that imposes a late payment charge when the most important financial obligation an individual, a parent, has, support for the child, is not paid on time. As often as once a month, the penalty would be automatically assessed when support is not paid on time. The Maintenance Enforcement Program will collect this interest-like penalty that will be payable to the support recipient who has to meet financial obligations on time and provide for their children, regardless of whether or not support payments arrive on time.

There will also be a provision allowing the court, when fit and just, to award a compensatory amount to a support recipient who has suffered financial consequences as a result of support being paid late or not at all. A typical example that a court might consider would be the case where the support recipient has been assessed charges for overdue bills that would have been paid on time if support monies had been received on time.

Changes to legislation will allow garnisheeing orders to remain in effect for the duration of a

support payor's employment and support obligation. The legislation will be augmented by strict program policies regarding the placement of garnisheeing orders against wages and the length of time they must remain in place.

These changes will give Manitoba Maintenance Enforcement garnisheeing orders the effect of an automatic wage-withholding system where support payments are automatically deducted from a person's paycheque. The advantage of the Manitoba approach is that it recognizes that most parents do live up to their obligations to their children and do pay their support on time. Our legislation only targets support debtors that have failed in their responsibility to support their family.

A further efficiency contained in the legislation will allow the Maintenance Enforcement Program to serve garnishing orders by fax. The earlier garnishing orders are received by employers, the earlier wages can be attached and the earlier money will be received by Manitoba families.

\* (14:40)

There will be changes aimed at further breaking down maintenance enforcement barriers between jurisdictions. These changes build on the meaningful improvements achieved with the recent coming into force of the Interjurisdictional Support Orders Act. Manitoba will give legal recognition to garnishing orders for support received from other jurisdictions. This will allow a maintenance enforcement authority in another jurisdiction to attach funds that a support debtor has in Manitoba. This co-operative approach will benefit Manitobans as more and more jurisdictions adopt similar legislation that will speed up the ability to collect support across jurisdictional boundaries.

Mr. Speaker, the amendment will also reduce or eliminate the need for the Manitoba Maintenance Enforcement Program to become involved in straightforward cases involving another jurisdiction, thus allowing the Manitoba program's resources to be put to the best use. There will also be changes to allow the cost of some of the most expensive and most effective enforcement tools to be passed on to the person that fails to pay their support. For example, registering a lien against a support debtor's property is a very effective method of securing support arrears; however, it is also expensive. If the Maintenance Enforcement Program were to register

a lien in each case where there are support arrears, the cost to Manitobans would be substantial. The new legislation will allow the cost associated with certain enforcement actions to be borne by the support debtor.

This legislation sends a powerful message. Not only must those who have turned their backs on their obligations pay what they owe, they must pay it on time. Families, especially those with children, should not have to go without when they are legally entitled to support. Thank you, Mr. Speaker.

**Mr. Leonard Derkach (Russell):** I move, seconded by the Member for Emerson (Mr. Penner), that debate on this bill be adjourned.

*Motion agreed to.*

**Bill 14—The Gas Tax Accountability Act  
(Financial Administration Act Amended)**

**Hon. Greg Selinger (Minister of Finance):** I move, seconded by the Minister of Justice (Mr. Mackintosh), that Bill 14, The Gas Tax Accountability Act (Financial Administration Act Amended); Loi sur l'obligation redevable concernant la taxe sur l'essence (modification de la Loi sur la gestion des finances publiques), be now read a second time and referred to a committee of this House.

**Mr. Speaker:** The honourable Minister of Finance, do you have the Royal Recommendation? Could you table the Royal Recommendation?

**Mr. Selinger:** Yes. Sorry. Thank you. At the same time, I would like to table the Royal proclamation of the Lieutenant-Governor, recommendation of the Lieutenant-Governor.

*Motion presented.*

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

**Mr. Selinger:** The Gas Tax Accountability Act provides for transparent and clear annual reporting to Manitobans of the total revenues raised from taxing road use fuel in the province along with total expenditures on road infrastructure. It will show clearly to Manitobans that the Province is keeping its commitment to invest the entire sum of road use fuel tax into road infrastructure.

The proposed new act requires the Province to spend the entire amount it collects in road use gasoline and diesel fuel taxes on road infrastructure. To ensure transparency and accountability, the road-use fuel taxes and roadway operations and infrastructure amounts must be reported separately in the Department of Finance Annual Report. The first accounting will be in the '04-05 annual report.

Under the proposed new act, if revenue exceeds expenditure in a given year, the excess amount must be expended on road infrastructure within the next four years. Since we have a track record of reinvesting all road-use fuel taxes, and more, into roads, the legislation will not affect the Province's ability to maintain other expenditure programs that are our priority for Manitobans.

The federal government collects excise taxes on sales of fuel. However, it does very little to reinvest the revenue into provincial roads.

Manitoba and other provinces have repeatedly called on the federal government to invest its fuel taxes in roads and highways. Prime Minister Martin has indicated a willingness to share federal fuel tax revenue with provinces and cities. The act provides that if the federal government introduces a federal fuel tax-sharing arrangement with the Province and municipalities, that amount must be spent on municipal infrastructure.

In this manner, we are facilitating any federal movement on its promise to transfer a portion of its fuel tax revenues to municipalities.

**Mr. David Faurshou (Portage la Prairie):** I move, seconded by the honourable Member for Steinbach (Mr. Goertzen), that the debate now be adjourned.

*Motion agreed to.*

**Bill 15—The Highway Traffic Amendment Act  
(Police Powers Respecting Unsafe Drivers  
and Miscellaneous Amendments)**

**Hon. Gord Mackintosh (Minister of Justice and Attorney General):** I move, seconded by the Minister of Finance (Mr. Selinger), that Bill 15, The Highway Traffic Amendment Act (Police Powers Respecting Unsafe Drivers and Miscellaneous Amendments), be now read a second time, and be referred to a committee of this House.



***Motion presented.***

**Mr. Mackintosh:** Mr. Speaker, there are some points I would like to bring to the attention of all honourable members with respect to this bill.

First, with regard to police powers at roadside stops, Mr. Speaker, in the spring of 2003, the Manitoba Court of Appeal issued two rulings in the cases of the *Queen v. Orbanski* and the *Queen v. Elias*, which limit the ability of police to conduct roadside investigations to determine if a driver is driving while impaired, or is otherwise unfit to drive.

The court ruled that The Highway Traffic Act does not provide sufficient authority to enable police in Manitoba to question drivers stopped at roadside to determine if they have been drinking, or are under the influence of drugs, or to conduct standard field sobriety tests to determine if a driver is impaired by alcohol or drugs, without first providing the driver an opportunity to consult legal counsel.

The amendments in Bill 15 clarify the authority of police officers to conduct investigations of drivers at roadside. This includes the ability to question the driver about alcohol or drug consumption before driving, and the ability to demand that a driver participate in a standard field sobriety test, if the officer has reason to suspect that the driver has alcohol or a drug in his or her body. The bill also provides that police officers will be able to exercise those preliminary investigative powers without having to provide the driver with an opportunity to consult a lawyer.

Drivers who fail a standard field sobriety test will have their driver's licence suspended for 24 hours, and could also face an additional three-month licence suspension and vehicle impoundment if they refuse to participate in or fail a breathalyzer test.

Manitoba will be the first province to provide clear legislative sanctions for refusing to participate in a standard field sobriety test. Mr. Speaker, drivers who refuse to participate will receive an immediate 24-hour driver's licence suspension, a further three-month licence suspension and vehicle impoundment.

During the last election campaign, there was a commitment to implement vehicle impoundment for street racing. Mr. Speaker, that type of driving behaviour is inherently dangerous, and poses a significant risk to the safety of not only the

participants, but also to the safety of pedestrians and other innocent bystanders who can be seriously injured or killed as a result.

Bill 15 provides that vehicles used in street racing in Manitoba can be seized by police and impounded for 48 hours in order to provide an immediate halt to the racing activity and remove the drivers from the road.

Mr. Speaker, Bill 15 also includes provisions to change the drivers licence suspensions for persons convicted of theft of motor vehicle parts, or possession of stolen motor vehicle parts, in order to better reflect the nature and seriousness of the offences.

Currently, the driver's licence suspensions for those offences are not based upon the value of the motor vehicle parts that are stolen. This means that persons convicted of stealing a car stereo would receive the same suspension as someone convicted of having multiple vehicle parts in a chop shop situation, for example.

The amendments in this bill would introduce a new approach in which the licence suspension will be based upon the value of the stolen motor vehicle parts. Persons convicted of theft of motor vehicle parts or possession of stolen motor vehicle parts valued at \$5,000 or less will receive a lower range of suspension—it is one year, five years, ten years or life—while there will be a higher range of suspension if the motor vehicle parts are valued at more than \$5,000. That is five, ten or life.

The amendments will also ensure that the same levels of suspension apply regardless of whether the person is convicted of theft of motor vehicle parts or possession of stolen motor vehicle parts.

Mr. Speaker, I look forward to seeing this legislation debated at this stage and being referred to committee. I look forward to the support of this House in having this bill considered and passed. Thank you.

\* (14:50)

**Mr. Gerald Hawranik (Lac du Bonnet):** Mr. Speaker, I move, seconded by the Member for Portage la Prairie (Mr. Faurschou), that debate on Bill 15 be adjourned.

***Motion agreed to.***

**Bill 16—The Manitoba Public Insurance Corporation Amendment Act  
(Denial of Benefits for Offenders)**

**Hon. Gord Mackintosh (Minister of Justice and Attorney General):** I move, seconded by the Minister of Water Stewardship (Mr. Ashton), that Bill 16, The Manitoba Public Insurance Corporation Amendment Act (Denial of Benefits for Offenders), be now read a second time and be referred to a committee of this House.

***Motion presented.***

**Mr. Mackintosh:** Mr. Speaker, the Government is proposing changes to the act today to reflect in large part what we have heard from Manitobans. They have told us clearly that drinking and driving and auto theft will not be tolerated, must not be tolerated in this province, and that there must be consequences for those who are involved in these threatening activities.

Mr. Speaker, the MPIC Act currently limits a person's income-replacement entitlement to benefits for a period of 12 months when the person responsible for the accident is convicted of the Criminal Code offences of criminal negligence, manslaughter, dangerous operation of a motor vehicle, impaired driving and leaving the scene of an accident.

Today's changes not only expand the penalties to include death and permanent impairment benefits but also include the auto theft related offences, including theft of an automobile, taking automobile without owner's consent and flight from police.

If the claimant is 50 percent or more at fault for an accident and convicted of one of the offences, the penalties include loss of income replacement indemnity payable in the first year, death benefit to be reduced by the amount of fault if convicted and 50 percent or more at fault.

This Government also knows that when meting out penalties, it must have a compassionate eye to ensure that actions do not penalize the vulnerable. That is why these changes include provisions that ensure that if the claimant has dependants, the benefit reductions are calculated on the sliding scale based on the number of dependants.

It should be noted, however, that permanent impairment benefits will be reduced by the degree of

fault with no allowance for dependants. For the vast majority of Manitobans these changes have no direct impact. In nearly every case, an auto insurance payment is not related to a criminal situation. However, all Manitobans should know that we are pursuing a clear message that must be sent to those who are engaged in drinking and driving and auto theft. Thank you, Mr. Speaker.

**Mr. Gerald Hawranik (Lac du Bonnet):** I welcome the opportunity to say a few words on this bill on behalf of the residents of Lac du Bonnet and, of course, on behalf of our caucus.

I would like to thank the members previous for their debate on Bill 17 and, also, for their enthusiasm in debating Bill 16. I look forward to hearing their debate on Bill 16.

It is a basic rule of law that those who participate in and are convicted of criminal offences should be punished. There are different ways that individuals can be punished once they are convicted of a criminal offence. First of all, they can be punished under the criminal law, whether it be a fine or whether it be a term of imprisonment. Either way they can be convicted under the criminal law and punished under the criminal laws of the country.

*Mr. Conrad Santos, Deputy Speaker, in the Chair*

Another way that they can be punished, of course, is under the civil law, in spite of the fact that they were convicted under the criminal law. They can be punished under different statutes of the province under the civil law provisions. This is one of those statutes. This is one of those bills that will depend on a criminal conviction in order to produce a civil punishment in addition to the criminal law that punishes people for criminal infractions.

It is a basic tenet of law that those who commit criminal activity which causes a death or an injury, then the perpetrator who caused the death or the injury ought not to benefit from that criminal activity and certainly should not benefit from the criminal activity on a financial basis.

Historically, there have been many cases, before a body of law was created, whereby those who murdered individuals or caused them bodily harm collected on life insurance policies or other policies, even unknown to the victim. There are cases where

perpetrators insure the life of a victim and then take the life of the victim simply to collect on the life insurance policy. Because of this situation, the law eventually recognized the fact that the criminal ought not to benefit from the crime. We have all seen television programs or have read books in which victims are insured for their lives and then the owner of the policy takes the life of the victim just to collect on the life insurance. We have also heard or seen situations where people's lives are taken by those who know that they are a beneficiary in a will, and, just to speed up the process and to ensure that the testator or the person who makes the will does not change their mind, the beneficiary takes the life of the testator.

This is generally speaking the same type of situation that is being addressed under Bill 16 today. Bill 16 amends The Manitoba Public Insurance Corporation Act. Under the act, it currently limits victims or their dependants entitlement to benefits when the victim wilfully causes the accident or is convicted of a Criminal Code offence relating to certain Criminal Code infractions such as criminal negligence. It includes manslaughter, dangerous operation of a motor vehicle, impaired driving or leaving the scene of an accident. So, if an individual wilfully causes an accident or is convicted of any one of those Criminal Code offences, the Manitoba Public Insurance Corporation already includes provisions that limit a victim's or a dependant's entitlement to benefits under the act.

What this bill does is, first of all, it expands the list of Criminal Code offences to include offences relating to theft of a motor vehicle and flight from police. I can understand the amendment by this Government to include theft of a motor vehicle in particular with respect to one of the offences which will limit benefits.

The reason I can understand the theft of a motor vehicle is because of this Government's pathetic record with respect to auto theft and their inability to arrest auto theft rates in the province. They have really got a terrible record when it comes to trying to reduce auto theft rates in Manitoba. In fact, Winnipeg's auto theft rate jumped 6.7 percent last year from 2002—6.7 percent. MPI spokesman Brian Smiley said that overall vehicle theft rates increased 5.6 percent in Manitoba in 2003 versus 2002 according to claims received by the Crown's auto insurer. He further went on say that 6611 vehicles were

stolen in Winnipeg last year compared to 6190 vehicles stolen in 2002.

In rural Manitoba, 1662 vehicles were stolen compared to 1643 the year before. In every case, whether it is in Winnipeg or in rural Manitoba, the number of vehicles that were stolen in 2003 dramatically increased from 2002. This increase comes at the same time that police and MPIC and the Government have stepped up efforts to combat auto theft by doing more curfew checks on high-risk teens and bringing in tougher penalties. This all comes in spite of the efforts of the Government. This bill will further penalize those who have stolen a motor vehicle and cause an accident and then have a claim to MPIC, whether it is for a death benefit for their estate or whether it is disability benefits. I think the Government is looking at this as an extra penalty to help deter motor vehicle theft.

However, the effect of this bill may be minimal in terms of deterrence since most motor vehicle thieves are joyriding youths, those between 10 and 15 years of age who do not think of the consequences of their actions before stealing a motor vehicle. I really do not think that they will have this in mind before deciding whether to steal a motor vehicle in Manitoba or in Winnipeg.

\*(15:00)

Smiley, who is the MPIC spokesman, also said in that same article that with respect to the war on auto theft, Winnipeg has one of the worst vehicle theft rates per capita in North America. That is something that the Justice Minister ought not to be proud of, and all the members on the opposite side of this House should not be proud of. He also added that the best theft prevention device is an ignition immobilizer. Most of those are now factory installed on many of the newer vehicles. There are after-market immobilizers also available, but most of the anti-theft devices that are currently on the market were factory installed in newer vehicles. This will only help over time with the older vehicles being replaced by newer vehicles. This will only help over time to reduce auto theft rates. It will not depend entirely on what the Government does or does not do.

No matter what programs they have out there, those rates should go down. What we have seen in 2003 versus 2002, those rates have substantially

increased. When I look at the 1998 statistics for motor vehicle theft in Manitoba, there were 10 539 thefts. When you go to 2002, four years later, there are 12 121 motor vehicle thefts according to Statistics Canada, which means essentially that there has been about over a 10% rate increase in terms of motor vehicle theft.

In Winnipeg in 1998, there were 8590 motor vehicle thefts. In 2002, it went up to 9471 thefts, which means there is almost a 15% increase in motor vehicle thefts according to Statistics Canada. As I said before, that is not something that the Government should be proud of. In spite of what they think are effective methods or efforts that they have put forward over the last number of years, it certainly has done nothing to reduce auto theft rates in Manitoba.

Another provision that they are introducing in this bill is to include flight from police, in other words police chases, one of the Criminal Code offences to reduce benefits to those who are hurt in that accident or to an estate if an individual is killed in the accident. I can understand why they did that as well. To be honest with you, I fully support that amendment. The reason I do is because from personal experience, I can tell you that about 10 years ago, my wife's brother was killed in a motor vehicle accident at an intersection. At the time, he was driving along the road innocently and going through an intersection in a green light. An individual who had stolen a motor vehicle, a youth who was out on good behaviour from the Manitoba Youth Centre, was involved in a police chase.

The police were chasing him down the street. He went through the red light and smashed into my brother-in-law's vehicle killing him instantly. It really concerned me about the fact that we found out later that in fact the individual who was the driver of that vehicle who was in fact on bail, or on release from an institution and who was involved after he stole the motor vehicle in a police chase, collected a benefit from Autopac.

That certainly did not seem right. It did not seem just and it certainly flies in the face of the principles of natural justice.

Mr. Deputy Speaker, under the current act, if a claimant bears some responsibility for the accident and is convicted of those specified Criminal Code

offences which I spoke of, the income replacement indemnity payable in the first year after the accident is reduced. The bill goes further on to double that reduction and similarly reduces benefits relating to any lump sum death benefit payable to the claimant and any permanent injury compensation payable to the claimant.

Except in the case of permanent injury compensation, some relief is provided if the claimant has dependants. My concern about that, there is a bit of a concern about that in the sense that, of course, we are not only penalizing the individual who was involved in the criminal activity but we are also penalizing their family members who, of course, should be benefiting from any accident. That is why we buy insurance. But, in any event, the bill doubles the loss of the benefit compared to what it is today.

My concern, of course, is for the young children who may suffer as a result of the reduced benefit that otherwise might be payable. The bill also reduces payments to injured auto thieves, which, I think, is just reward for what they have just done. The amendments in the bill would deny death benefits to a claimant who is at least 50 percent responsible for an accident that caused the death or who is convicted of an impaired driving or related offence in connection with the accident.

Now the bill is a result of a reaction by the Justice Minister to a very senseless and needless death that occurred in Portage la Prairie in September 2001. This death occurred as a result of an individual who was impaired and drove over his own spouse. In Portage in September 2001, a Robert Irving, after a night of drinking, returned home with his common-law wife. While details remain sketchy, two hours after returning home, Irving called the police to say that his wife was dead in the lane with the right side of her body and face crushed and tire tracks on her shirt. On May 9, 2002, in a plea bargain, Mr. Irving, twice previously convicted of impaired driving, pled guilty to impaired driving and driving while disqualified. The original charge of impaired driving causing death was dropped at the time.

He received a six-month conditional sentence which, of course, as we know is really just house arrest and is served in his own home. As Mr. Irving was not convicted of a greater offence and because he was outside the terms of the legislation at that

time, which I will discuss with you shortly, MPI was obligated to pay him death benefits totalling \$46,000. If he had been convicted of a greater offence or if he did, in fact, qualify under the MPI legislation, in terms of the strict wording of the legislation, in fact, they would not have had to have paid out any benefit to him at all.

At that time, just after that accident and that incident, the minister promised to review the MPI legislation to determine whether any changes should occur to the entitlement of benefits under the act. The minister, on May 15, 2002, was quoted in the *Free Press* as saying he has asked MPI to consider whether there should be changes, to who should be kept out of the entitlement to benefits under the act. He also further stated that, clearly, this is a very unusual and, certainly, a sad situation in respect to that accident, and he recognizes that it has been of interest and concern to members of his department as well as to MPI. This senseless and needless death that occurred in Portage la Prairie, in fact, is what really brought on the amendments that we see here today.

I notice that one of our members as well commented with respect to the accident, stating that he found it difficult in the fact that people who are convicted of being drunk and driving can get into a vehicle, kill a Manitoban, and then collect an MPI benefit as a result of it.

Now, amendments in this bill amend section 79(1) of the MPI legislation and what it does, in fact, is to change some of the wording, first of all, in that section. It changes the wording to "all claimants." It changes one word in the legislation under that particular provision to delete the word "victim" from that section and add the word "claimant" instead. What happened in Portage la Prairie is that, first of all, Mr. Irving did not qualify under that section as being excluded from the benefits because he was not the victim and nor was he a dependant of the victim. As a result of that, he was able to qualify for those benefits.

\* (15:10)

This bill changes the word "victim" to "claimant," and as a result, he would be impacted by the legislation by the amendments that we see here today. In fact, he would receive reduced benefits or no benefits at all.

That is a very small change to the legislation in terms of section 79(1), but its effect is very far-reaching and, in fact, would have reduced Mr. Irving's benefits.

There is also under the proposed bill a new section which is added to reduce death benefits if a person claiming the benefit is convicted in connection with the accident of an offence, including causing death by criminal negligence; causing bodily harm by criminal negligence; manslaughter; dangerous operation of a motor vehicle; dangerous operation of a motor vehicle causing bodily harm; dangerous operation causing death; and so on. This new section would appear to fulfil, though, the minister's earlier commitments in May 2002 to ask MPI to review the legislation in terms of changes to the entitlement that resulted from the public outrage over the death benefit of \$46,000 payable to Mr. Irving in Portage la Prairie.

There is a concern by myself and other caucus members that Bill 16 will off-load costs that are normally borne by MPIC onto Manitoba Health and onto all taxpayers of this province. In fact, there may be a shifting responsibility for the cost of health care from MPIC to Manitoba Health because, depending on whether an individual is convicted of those listed Criminal Code offences and causes an accident and causes death or permanent injury, the cost of that permanent injury may be off-loaded from MPIC, which normally covers those under the MPIC regulations to Manitoba Health and, of course, to all taxpayers who will have to pay the medical bills as a result.

This bill just deals with the inadequacies or the shortcomings of The Manitoba Public Insurance Corporation Amendment Act, but when you look at other bills or other legislation, inequities could be addressed in those other pieces of legislation as well. I point out to the minister that there are inequities in The Intestate Succession Act of Manitoba, and that act determines who the beneficiary is to estates when a person dies without having left a will. So, when a person dies without having left a will, The Intestate Succession Act of Manitoba applies. The same inequity that is seen in the Irving case in Portage la Prairie would occur that had occurred in the Irving case under The Intestate Succession Act.

If, for example, Mrs. Irving had died at the hands of her husband and she had no will, Mr. Irving

would be the sole beneficiary, because a person who dies without a will is compelled by The Intestate Succession Act to leave his or her entire estate to his or her spouse.

Perhaps, if we are dealing with Bill 16—to amend The Manitoba Public Insurance Corporation Act—we should be dealing with other amendments to other pieces of legislation, which, in fact, would limit benefits in the same way. One of those pieces of legislation, as I mentioned to the minister, in fact, is The Intestate Succession Act of Manitoba that could possibly use an amendment as well.

The same applies when one dies with a will and leaves everything to the spouse. Take, for example, if Mrs. Irving had died with a will in the same set of circumstances, where her husband was intoxicated, was impaired, and backed over Mrs. Irving and killed her. If she dies with a will and leaves everything to her husband under that will, and she died, of course, at the hands of her husband as she did here, should that will be valid? Should that will stand?

If not, if the minister believes that it should not, then The Wills Act of Manitoba should also accordingly be amended similarly to The Intestate Succession Act of Manitoba and The Manitoba Public Insurance Act of Manitoba.

It is curious when I look through the bill, in terms of Bill 16 and in terms of reading some of the language in the bill, that, in fact, it does reduce death benefits. It also reduces not only death benefits but also impairment benefits. But when you look through the bill and try and determine what the formula is, and how, in fact, it does reduce the benefits, I would say that you almost need a lawyer in order to determine exactly what the formula is.

So, if we are expecting people to, as a result of this bill, that there will be a reduction of auto theft rates in Manitoba or in Winnipeg—if we are expecting that to happen and that the bill is to act as a deterrent, certainly anyone who is reading the bill would certainly not have a clue in terms of how that affects them.

Because of the formulas that are there, I am certain that the language could have been more simplified. It should not really require a lawyer or an actuary to read the bill in order to determine whether or not benefits, whether they be death benefits, or

whether they be permanent or partial impairment benefits, to determine whether they are, in fact, reduced.

When I look through the language of the bill, as I say, the language of the bill is very convoluted. I think that improvements could have been done to, in fact, improve the language so that the general public would know that those benefits are reduced, without, as I say, having to hire a lawyer or an actuary.

So I am a bit concerned about the language in the bill, although after having read the bill many times, in terms of the formula, I know how it operates, but certainly those who are not legally trained may have a lot of difficulty with that.

I would like to close by saying that we can support the principle of the bill at this point. It may require and may come with some amendments at the committee or third reading stage. I look forward to hearing the comments of the minister at committee and third reading, as well as the comments and the debate that will be put forward by my colleagues here today. Thank you very much.

**Mr. Mervin Tweed (Turtle Mountain):** Mr. Deputy Speaker, I am pleased to have the opportunity to rise today and put a few comments on the record on Bill 16, The Manitoba Public Insurance Corporation Amendment Act (Denial of Benefits for Offenders). Before I do, I would like to, just for the record, show that the Minister responsible for MPI is right now holding the briefing meeting on this bill. As the critic, I find it a little bit disgusting that he would call the bill and then perform the briefing on the bill to former members.

I am not beating him up on it, but I think it is just something other members might want to pass along to him—

#### **Point of Order**

**Mr. Deputy Speaker:** Point of order being raised.

**Mr. Doug Martindale (Burrows):** On a point of order, Mr. Deputy Speaker, it is against the rules of the Manitoba Legislature to refer to the presence or absence of any member of this Chamber, and I would ask the member to recall that rule and to rephrase his remarks possibly.

**Mr. Tweed:** Same point of order, Mr. Deputy Speaker.

**Mr. Deputy Speaker:** On the same point of order.

**Mr. Tweed:** Mr. Deputy Speaker, I do not believe that I suggested that someone was in or out of the Chamber. I suggested that the minister responsible was conducting a meeting and I am not making any reference to anybody being here or not being here.

**Mr. Deputy Speaker:** Literally, the member is technically correct, but anybody who can make a deduction or inference from that statement would be able to deduce the consequences. Everybody, please be careful about the language we use in the Chamber.

\* \* \*

**Mr. Tweed:** Thank you, Mr. Deputy Speaker, and I respect your ruling. I would probably suggest that there are people out there that are listening to this or reading this, at some point in history, who will wonder exactly what we were talking about, regardless of how clear or unclear it may be.

I did think it was important. When you are creating and drafting legislation, I know the efforts and times that are put into it by ministers, by their departments, the collection of information, developing it into a process where we can present it to the public, and I just thought it was disappointing, if nothing else, the fact that I am the critic and have not had the opportunity to be briefed on this particular bill before I am being asked to speak on it. So, Mr. Deputy Speaker, I think that is an important thing to put on the record.

\*(15:20)

Mr. Deputy Speaker, whenever a tragedy happens in the province, or in someone's life, it gives people time to reflect. Family is often impacted by an accident or a tragedy, feel the pain and react accordingly. I think governments often do the same. I think we look at certain instances and we try and create and develop laws around those instances to prevent it from happening again, if possible, but to address the conditions that follow. I think this is one such bill.

I can remember, in my previous sessions in this House, we had a young person that was involved with a—I am guessing, or I am saying what I under-

stand is, that the person over-imbibed in some alcohol because it was a cheap night, a drink night, and tragically lost his life. The Government responded, they brought back legislation that dealt with that issue, although on this side of the House we had some questions about developing policy based on one accident or one issue. Is that good government policy? Many would argue that it was, and I think that debate is still open for people.

This particular bill has spurred, again, that type of reaction. It was a tragedy. It was a tragedy that happened in the community of Portage la Prairie. No matter what we do with legislation and the changing of the laws and regulations, the effects of the tragedy will never be brought back. We cannot turn back the clocks of time. What we can do is, hopefully, prepare future governments, future law enforcement and future insurance and benefits in dealing with issues like this.

I found it quite interesting, Mr. Deputy Speaker, when I was reading the briefing note that our staff had prepared for us. I think we all have been victims of it at one time or another in our lives. That is, we buy insurance, we are comfortable with the insurance that we have and feel that we have coverage on everything that we do, and then in our time of need, our most time of need, we discover either that there is a clause that exits us from this insurance or there is something, another reason why we cannot access this insurance.

I think that is what creates a lot of the frustration from all people of Manitoba in all walks of life. It is the comfort of knowing that you have got insurance, but it is the discomfort of finding out that it really does not cover some of the things that happen to us in our lives. I think we all can share personal experiences, but I do know of friends of mine that had a cottage at a small lake, and it burned to the ground. They had insurance, so they were comfortable with that. Unfortunately, the insurance had a clause in it something like if the fire happened between one o'clock in the morning and four o'clock in the afternoon they did not have insurance, and, I mean, it devastated them. That is part of, I think, what this legislation is trying to cover off and trying to make sure that people understand some of the issues and some of the concerns that they have.

I noticed when we reviewed the ad that there was a new section added to it which reduces death

benefit if a person claiming the benefit is convicted in connection with the accident of an offence including. Now, I understand that if you were a lawyer that might all make sense to you, but, I think, like most Manitobans, we either trust the people that we are buying it from to understand it and to have knowledge of it or perhaps we could go back in our terminology and put it in more layman's terms so that I can understand it and I suspect so that most of my colleagues can.

I want to read that again because I think it is important. It is an important issue about lawmaking and it is an important issue about insurances and coverages for people.

There is a new section added which reduces death benefit if a person claiming the benefit is convicted in connection with the accident of an offence including. I do not know about anybody else, but I find that very confusing, but it even confuses me more because it is involved in connection with the accident of an offence including. I did not even realize this, but these are the things that were not covered in prior legislation that are now being covered—caused death by criminal negligence.

I would have just assumed that anybody involved in an accident that causes death by criminal negligence would be under the criminal law system and charged. From what I understand, the benefit side of it did apply before that and now does.

It reduces the death benefit if a person claiming the benefit is convicted in connection with the accident of an offence including caused bodily harm by criminal negligence, again, something that I would have assumed would have been in our laws now.

It seems like this type of issue highlights what we have not covered for people. I do not think anybody wants to be over-regulated. But I think perhaps common sense would suggest that some of these things, whether in writing or not, probably should have been at least thought of and included at some point in time in the process.

Manslaughter. I mean, who would have thought that manslaughter would have allowed you to collect the death benefit on the person that died? It does not make sense to me, but somewhere in the laws of the past they neglected to include that. Now, they are doing so.

Dangerous operation of a motor vehicle. I would expect that if I was operating a motor vehicle without due care and caution and created an accident in which a benefit had to be paid, I should not be paid if I was negligent in the first place. Whether it was there or not, it is now being included. I think it is a good thing. I just question—it is kind of a pox on all of our houses—where we have been for the last 20 years when these issues arise.

I suspect that these issues have come up over time, and we have had no way of dealing with them except going back to the rule book. That is quite often where people get frustrated about rules and no understanding of what was the intent when the legislation was written and were there any notes around it. Quite often the intent is more important than the actual words that are put down. This legislation will clarify some of those issues.

It reduces a death benefit if a person claiming the benefit is convicted of an offence in connection with the accident, including dangerous operation of a motor vehicle causing bodily harm. I suspect that could be all encompassed when they talk about dangerous operation of a motor vehicle. If you are in an accident in a motor vehicle, I am not sure what the statistics are, but I would suspect that it is high that there is some sort of injury involved, be it a sore arm, a bump in the head.

Again, perhaps for clarity and for understanding with people that have been in the system, they need this type of language to make it more understandable to people like me. The new section added reduces the death benefit if a person claiming the benefit is convicted of an offence in connection with the accident, including dangerous operation causing death. I would suspect that we would all have believed in the past that if we were in a vehicle operating it and we ran over somebody or had an accident where a death was involved, we would be unable to collect the death benefit from that person's tragedy that we were responsible for. Yet it was not in the previous legislation. Common sense would suggest that it should have been.

There is another section in here that talks about reducing the benefit if a person claiming the benefit is convicted in connection with the accident of an offence including failure to stop at the scene of an accident. I thought that might fall under the old saying that we always stop and help our friend and



neighbour no matter what the situation is. Now they are suggesting that we should not collect the benefit if we are directly responsible or if we fail to stop at the scene of an accident. That would be perfect common sense. It says "reduces death benefit," and because I have not had a complete briefing on this, I would look to other people for qualification. Does it actually reduce it to zero, or does it just reduce the amount that you can collect?

\* (15:30)

I am not sure, but it is something that we probably should ask the minister, and perhaps in future deliberations, we will get that opportunity to ask him. In reality, if you are partially or fully responsible for any of these, I am not sure why anybody should be able to collect a benefit from it. By using the word "reduces," it creates that question as to the fact that maybe they are not saying you do not collect any, you just get less. Then I might suspect that the law really is not the way it is meant to be or should be or the way the public would want it. I do not think anybody in the general public in Manitoba would agree that someone should be able to collect the death benefit from someone that they were directly involved in harming and creating that tragedy.

They talk about impaired driving causing bodily harm or impaired driving causing death. Again, I think, that would be a natural that we would all understand, that that is the way it should be. I look forward to my opportunity to discuss this with the minister about the reduces. I think just that, when you say the word "reduce," you are actually not, you are maybe absconding, or, I am not exactly sure of the right word, but you are acknowledging the death and the responsibility but you are still going to pay a certain portion of the death benefit to the person claiming it.

I would have to ask my colleagues on both sides if they feel that that is something that we would want to do. Obviously, as of today, we are still doing that. It might be something that we might want to correct and correct completely.

The three articles, and I talked about the first two: impaired driving causing bodily harm; impaired driving causing death; failure to comply with the demand for a breath sample. Again, I thought our laws said that if you refused to take a breath sample,

you are guilty. I presume that that is still the way things are. You are considered to be impaired, it may be charged as refusing, but you still face the same punishment as if you were impaired. In fact, I think the former Minister of Justice, now the sitting M.P. for Provencher, brought that rule forward and was recognized by his colleagues across Canada for being a leader in the impaired driving situations.

There is also, and, again, I think that these are being done for clarification, but certainly good that they are including it. Again, I think the general public would assume that they would be. It talks about that you would get a reduced death benefit if a person claiming the benefit is convicted in connection with the accident of an offence including flight from a police officer.

I would hope, again, that anybody who is probably running from the police has a reason to do so. I suspect that they would—*[interjection]* Yes, as stated from the member from Steinbach, perhaps not a good reason, and would fall under this new act and under these new regulations or I guess the new act, denial of benefits, that they are putting forward.

Another issue that they bring forward on it is talking about reducing death benefit if a person claiming the benefit is convicted in connection with the accident of an offence including theft of a motor vehicle. It would make sense to me. It would make sense before I read this that it would be good legislation and would probably make me think that it should have already been in that type of legislation, or common sense, I think, might be the word.

The last one of the new section added reduces death benefit if a person claiming the benefit is convicted in connection with the accident of an offence including take motor vehicle without consent. I guess the onus would be on one or both parties to prove that there was no theft involved or that there was theft involved and that the person involved in the accident had done so without the consent of the person's car or vehicle that it belonged to in the first case.

We know, Mr. Deputy Speaker, that this legislation is being brought forward because of the history and because of the Portage example. A tragedy occurred. Unfortunately, life was lost and a person charged. Although that person was sentenced to

a conditional sentence, he did collect the benefits, and Autopac, Manitoba Public Insurance, was obligated to pay him \$46,000 in death benefits.

Not fully understanding the circumstances and the issues involved, on first blush, I think most people in Manitoba would be offended to think that someone would be able to collect a benefit from an insurance company based on what would be suggested an accident that they caused to happen creating that loss of life.

I think that was the reaction of Manitobans. They were mad, obviously, frustrated enough to raise the level of attention by the Minister of Justice and the Minister responsible for MPI (Mr. Mackintosh) to act upon this.

I know that our members on this side had asked the minister, there is one thing to have law and have legislation and have policy, the other is to give it the ability and the strength and the power to actually act on that legislation. We see many circumstances throughout our lives where there is a law, but actually the implementation of that law or the outcomes of that law are not necessarily what we expected because someone else's interpretation, or someone else's understanding of that particular law is presented to a group of people in a different manner. They agree with that person or his argument as opposed to the intent of how the law was first presented to the public.

I suspect that is how lawyers make their living. They interpret all the laws in a way that they can best serve their client. Many of them, as we know, try and get into the Legislature as early in their career as they possibly can. I am not sure if there is a suggestion of trying to escape one profession to get into a higher calling, or if they are perhaps trying to escape a profession to—maybe I just will not go there.

Mr. Deputy Speaker, I know that the minister has been asked many questions about this and has responded. I am hoping that the minister has gone out and discussed the issues, not only with MPI, the insurance provider, but also with the impacts from families and situations. The amendment to section 79(1) will now allow for all claimants to be impacted by the reduction of benefits where the claimant wilfully causes the accident or is convicted. My biggest concern is in the word "reduces" death benefit. If anybody is involved where it can be proven that

the person claiming the benefit has been convicted in connection with the accident, that person should not benefit from that particular accident. I would hope that is what this bill actually means and what it states.

\* (15:40)

I know that there have been some concerns out there expressed by people. One is the fact that this bill may offload some costs normally borne by Manitoba Public Insurance. I am assuming, or hoping, that the minister has addressed these issues in the briefing that he has prepared. I know that the concern was the fact that MPI would actually shift costs or offload costs onto Manitoba Health instead of the insurance company which people pay into with the expectation of insurance. I would not want this to become a taxpayers' issue as opposed to an insurance issue.

I think the bill is timely, Mr. Deputy Speaker. I think that it addresses many of the things that people believe to be already there. I suspect, if we were to go out and take this bill to our constituents, many of them might suggest to us, I already thought that is the way it was or the way it should be and might even question how we write laws, and, sometimes, why could we not figure that out ahead of time and, perhaps, not have to have it make front page news before we respond to something as tragic that has put us in this position today.

Mr. Deputy Speaker, I look forward to further debate. I am sure that there are many people in this Legislature that would like to speak on it. I look forward to members opposite, members of the Government who, I believe, will be supporting this bill. I think it is beneficial for us all, from both sides of this House, to hear the Government's position and hear some of their members speak on a bill that they are going to be asked at some time to stand and support by their Government.

We on this side look forward to their comments and some of their concerns, and, perhaps, as the debate moves forward and into the committee stages, members on this side of the House, after reviewing the briefing that was given by the current minister, we may have some suggestions or offers of improvement. But I certainly look forward to some members opposite's position on this bill, and I look forward to the continued discussion on this same.

**Mr. Kelvin Goertzen (Steinbach):** Mr. Deputy Speaker, it is a pleasure to rise today in the House to put just a few words of comment regarding the bill before us here this afternoon, Bill 16, The Public Insurance Corporation Amendment Act.

Certainly, I think I would like to begin by commending the comments that I just heard from my colleagues. Previously the honourable Member for Lac du Bonnet (Mr. Hawranik) put some words on the record. Again, I think it is important to note that in preparation to speaking towards this bill we rely very heavily, I would say, on the advice and on the briefings from the Member for Lac du Bonnet. As he did yesterday on debate on a particular bill in this House, he did an admirable job for our caucus. I know each member of our caucus would thank him for the work that he has done in putting forward those records.

Just prior to me, I had the pleasure, and it certainly was a pleasure, to listen to the comments that were placed on the record by my colleague and my friend the Member for Turtle Mountain (Mr. Tweed). Always, as a new member, I find it instructive and informative and very useful to listen to the comments of those who are more senior than me in this House, and certainly the Member for Turtle Mountain is no exception. I have had the opportunity to know him for a number of years and to be able to hear the advice that he has given on this bill is helpful to me as a new member.

Certainly, I would know that it is probably somewhat ironic in these days of increasing fees for MPIC and of various licences that I would stand in the House today and support legislation that would reduce benefits under MPIC. It is perhaps ironic that while fees are going up I am in fact going to stand up and support legislation that will reduce benefits for those who are participants under the MPIC scheme in Manitoba.

The support will be found on this side of the Legislature for this particular piece of legislation because it follows a fundamental principle in law that we know that those who commit crimes, that those who participate in criminal activities should not benefit as a result of that particular participation. I think that this bill, Bill 16, takes a step in that direction by ensuring that those who are participating in and then ultimately convicted of certain offences are not able to be benefited under the MPIC scheme.

Without doubt, I think that fulfils that important principle of law. I think that it is why it will find support from members throughout this particular House. I note that the bill will expand the list of Criminal Code provisions to which offences that are undertaken and ultimately result in a conviction in a court of law, that those who participate in Criminal Code provisions such as theft of a motor vehicle and flight from police will not be able to claim benefits under The Manitoba Public Insurance Corporation Act.

That, I think, makes perfect sense. It does lead us to ask certain questions as it relates to theft of a motor vehicle. Certainly, the Government will have some motivation in this current time of increasing motor vehicle theft in Manitoba to remove it from the coverage under MPIC, not only because it makes sense as legislation, as a principle of justice, but also because of the increasing numbers.

We do not say that lightly, Mr. Deputy Speaker. We have heard some of the statistics that were put on the record by previous speakers. I think that they bear repeating, not because they are good statistics, but in fact because it is time I think that certain issues are addressed as they relate to vehicle theft in our province.

We know that there are a variety of reasons that thefts continue to increase. One of them, I would note, would be the proliferation of gangs, organized crime in the province. A variety of gangs, of junior gangs or senior gangs like the Hells Angels, have participation in these crimes. That causes the rates to go up.

We know that the current government does not have a very good track record, does not have a very good track record at all as it relates to organized crime in our province, Mr. Deputy Speaker. That is something that has been considered in this House, and it has been debated.

Whether in the context of Question Period, whether it is in the context of various bills, that is an issue that simply has not been addressed properly by the Government, that has not been taken seriously, that in fact there has been a great deal of paper that has been used. There have been a great number of trees that have fallen in the sacrifice of news releases of what the particular government is doing on issues of organized crime, but the results have not been there.

Certainly, that is a concern to myself and to my colleagues on this side of the House. I daresay that it is a concern to all Manitobans across this great province that there is not any type of substantive effort being made to ensure that organized crime and the resulting crimes such as vehicle theft are reduced in this province.

But I mentioned that it would be worth it to put some comment on the record regarding the sad statistics, the increase of vehicle theft within the province. Certainly, I noted in one of the statistics that I recently saw that in 1999 there were just over 10 000 motor vehicle thefts in Manitoba, not a number that anyone is pleased with. We would like to see that number to have been down. But then we look in the year 2002, for example, there were over 12 000.

So we see the increase of vehicle theft in Manitoba over that very short period of time. I suspect that if we did a corresponding study to also look at the increase of gang activity and gang proliferation within our province, we might see a corresponding number. So it is not obviously the only cause of increased vehicle theft in the province, but it is one that needs to be considered, and certainly it is one, I think, that needs to be addressed.

In the context of this particular legislation, when we look at things such as vehicle theft in Manitoba, I notice that there were some comments by a spokesperson for MPIC, Mr. Brian Smiley, who said that overall there was an increase of 5.6 percent in Manitoba in 2003 when it comes to vehicle theft.

\* (15:50)

*Mr. Speaker in the Chair*

It makes one wonder what the overall plan is of this particular government to have a reduction in those numbers. We have seen news releases. We have seen press conferences, probably more press conferences than I can remember, more press conferences than the media can remember, but that has not really changed the statistics.

In fact, the numbers continue to grow and grow each year. Manitobans, I think, who are victims of this crime become increasingly frustrated, increasingly disappointed that they do not see any real plan of the Government to bring those numbers down,

that they do not see a real movement or any kind of initiative or creative initiative of the Government to bring it down.

So it is not anything that we are proud of when we see in the newspapers that a spokesperson for MPIC states that Winnipeg has one of the worst vehicle theft rates per capita in North America. It is not something that we will be putting on our licence plates. We will not be removing the slogan of "Friendly Manitoba" and "Welcome to Manitoba." We will not be putting on there, "Welcome to Manitoba, the Vehicle Theft Capital of Canada."

**An Honourable Member:** Of the universe.

**Mr. Goertzen:** Of the universe, my honourable colleague from Springfield suggests.

It is not something that we would be proud of. One wonders what kind of real measures this Government is prepared to take rather than just simply sending out another press release, rather than simply issuing another statement and having a press conference. It all sounds good and probably, for the supper news, it might convince a few Manitobans that action is happening. When you look at the statistics, the real raw data, you realize that nothing positive is happening. In fact the only thing that is happening is negative, as numbers increase and they increase and they increase.

We know that, in the context of the current legislation, there are also those who are convicted of, for example, impaired driving do not receive certain benefits under MPIC. I think we would suggest, all members of this Chamber, I would daresay, would suggest, that is a good thing. There again, it fulfils one of the principles of justice that those who participate in crime or criminal activity should not benefit from their participation in that particular activity. It also brings the questions about the incidences of impaired driving within the province. There has been a great deal of attention that has been brought regarding stricter punishments of those who are convicted of impaired driving. I think each of us would say that that is good.

A lot of the initiatives were brought in by the former Conservative government, bringing in some of the strictest legislation against drunk driving. I know the former ministers of Justice that were involved in that particular government took very

seriously the crime of drinking and driving and led the country in terms of bringing in punishments. It has served a couple of purposes and the principles of justice and of sentencing when we talk about specific and general deterrents.

One wonders in the state that we are in if the Government is doing enough, not just on the punishment side or the conviction side, but what is happening on the preventive side. When you talk about prevention, I would say that all of us would hope that the Government is doing all that it can to ensure not just those who are convicted of drinking and driving are punished but there is some type of scheme, some type of overall policy to ensure that there is prevention of drinking and driving. One element of that is education. That is an ongoing type of concern that we have in the province—to ensure that there is enough education so that there is an awareness that drinking and driving will not be tolerated in the province.

You wonder if there are other things that the Government could do in terms of providing resources to our police officers and ensuring that there are enough resources on the ground to ensure that there was also a reduction. I understand that the current minister of highways and transportation is considering allowing photo radar in rural Manitoba. There again is an issue of education versus punishment. One wonders if the Government is also as committed to putting up such things as reader boards for speeders. There are a number of my constituents who have said that those particular measures like reader boards, when they see them, it causes them to slow down and causes them to be aware of their speed immediately at the time that they see that. That truly is a measure of prevention because it causes somebody to slow down or be aware that they might be speeding in that particular area, and it brings safety right at that moment. Issuing a ticket two weeks later to somebody in the mail might have a particular punitive effect and, perhaps, over the course of time, if there are statistics, perhaps there would be a general deterrence. I am not certain if even those statistics are available, but there is the contrast between punishment and prevention, and about education and punishment.

I would certainly recommend that the Government not only look at the punishment side of offences as relates to motor vehicle infractions, but also that they would look at the prevention and the

education side, because that, certainly, is an important component of any legislation that comes forward.

I know that I have mentioned in this House before about the voluntary measures that I have taken to educate myself about the work of the police in our province. I have had the opportunity in recent months to do voluntary ride-alongs with the RCMP. I stress that they were voluntary. Certainly, they gave me an insight as to the work that the RCMP does on a day-to-day basis. There is no doubt that one of the significant concerns that they have is regarding drinking and driving and also vehicle theft.

We note also, and it was noted by my colleague from Turtle Mountain, that also included now in the Legislation will be reduced, and I believe it is reduced, benefits for those who are involved in flight from police. That again, Mr. Speaker, seems to be a common sense addition to this particular Legislation and probably one that is overdue. On that ground, I would say that the Government has taken a positive step.

We know that often the public perceives that we do not agree on anything, on issues within this Legislature. But we know, as those who are here every day, that there are often things that we agree on, often things that we can say that this makes sense and we know we have to move together on this in agreement and consensus. Certainly, the addition and the expansion of the bill to include Criminal Code offences of theft of a motor vehicle and flight from police would be one of those times where I think we will find a wide range of agreement in this House and will be thankful for the bill and move forward in a positive way.

The cautions that I put forward in terms of trying to reduce the number of instances of theft of a motor vehicle, I would ask the Government to take to heart. In some ways I think it is unfortunate that issues like theft of a motor vehicle or perhaps if I could relate it to hallway medicine or the amount of time people wait trying to get diagnostic care, trying to get service in an emergency room, it seems that these are issues that people have learned or it seems that the expectations of Manitobans perhaps are not as high as they once were.

They have become frustrated that there is a long waiting time for diagnostic treatments and there is a

long waiting time for care within hospitals. They become frustrated that in fact there are a great number of thefts. They have almost become desensitized, in a way. I think that that is unfortunate. I do not think that there should ever be a time when a Manitoban would look and say that it is acceptable to have 12 000, 13 000 and 14 000 cases of vehicle theft a year.

I do not think there is ever a time when a Manitoban should think it is acceptable to be in a waiting room for eight or nine hours waiting for the attention of a medical professional. I do not think it is acceptable for somebody to be in a hospital hallway for days on end as they await a room.

It is one of those cases, I would say to you that we have to expect better from our Government. We cannot simply say that this is the way it is. We cannot simply say that it will never improve. We cannot simply say that there are no new ideas and there is nothing new under the sun, there is nothing new to bring forward to the discussion.

\* (16:00)

I think when we move in that direction and we kind of shrug our shoulders and suggest that there is nothing different that can be brought to the debate that we do a great disservice to all Manitobans.

I would ask that the Government consider strongly not only means of punishment for those who have been involved in the specific crimes that we have looked—and, I think, that that is a reasonable way to go—but also that there is a means for prevention, because only then, I think, will we have made up a real difference. The difference that has been made here is, of course, for ensuring that those who have committed crimes are not rewarded for the acts they participated in.

It will also, of course, be beneficial to the ratepayers of MPIC, that those ratepayers are not participating in something that they would not want their fees to go into. I think that that is consistent with other stances that we have taken as a party. Certainly, we were quite concerned when the government of the day was looking at, I believe, taking \$200 million from MPIC and putting it into general revenues, essentially taking the money from ratepayers, taking the money from people who had signed up for an insurance scheme, and using it for

something entirely different. There is a parallel, I think, here, Mr. Speaker, in that here the Government has done the right thing, realized that those who are paying into an insurance scheme, into an MPIC system, would not want their premiums to be going to pay for somebody else who participated in a crime, who had participated in something that was illegal.

So, it is, I guess, interesting to see how the Government responds differently to different situations. As a new member, it is certainly interesting for me to see the different approaches that the Government takes on one hand. They were not concerned about taking money out of this particular crown corporation, were not concerned about protecting the ratepayers by taking money and throwing it into their own general revenues, into their own pockets.

But, in this case, they have reacted and decided that it is not something that those Manitobans who participate in the insurance scheme that would not want to have their rates go to. So a bit of a contrast, Mr. Speaker, and, certainly, we will be watching this Government in the days ahead to see where there is any other contrasts and any other concerns that will go along.

My colleague from Lac du Bonnet also raised the question or perhaps the concern about whether or not, in fact, the costs that will be borne by the public will just be transferred from MPIC into general revenue as through the health system. I think that that is a legitimate question. Obviously, if somebody is involved in an accident that prevents them from working or that leaves them with a long-term disability there will be costs that will be borne in one manner or another. So where do those costs flow to now that this particular legislation is coming in? Is it simply going to be put on the back of taxpayers through the general revenue of the healthcare system?

I am not certain what the answer is to that. I guess we are going to have to watch the legislation, watch how it plays out over time and in the days ahead to see if, in fact, that is where the costs are going to go and whether or not that will be something that in the long run is a benefit for Manitobans, whether or not it makes things better or whether or not it will, in fact, make things worse. So I think those are essentially the comments that I wanted to place on the record here today regarding this

particular piece of legislation, but noting specifically that I would ask that the Government consider to find ways of prevention as it relates to vehicle theft. I think it is a fair summary to say that simply looking at the legislation and saying that it is not appropriate for those who are involved in vehicle theft and involved in actually fleeing from police to receive a particular compensation through the Manitoba Public Insurance Corporation. Simply doing that and nothing else is not enough, Mr. Speaker.

I respectfully say that the Minister of Justice (Mr. Mackintosh) needs to look at other ways and more creative ways to ensure that theft of vehicles is reduced in the province because it is, in fact, a crime that affects all Manitobans and it affects the rate-payers of the Manitoba Public Insurance Corporation, now, less so, probably, through this legislation. But we are all concerned that we do not have the reputation of a province that does not have clear and a grip and a handle on that particular piece of crime.

So I would conclude by commending the Government on this particular piece of legislation. I think that they have made a step in the right direction. I think they are going to find support for the particular piece of legislation. Right across the floor, they are going to find a broad base of support because it is a step forward. But it is not the only step that needs to be taken. It is not the only thing that is going to make a difference within the province. There are other things that need to be looked at.

So, with those comments, Mr. Speaker, I would like to conclude my debate and thank you for the opportunity to put these words on the record.

**Mr. Ralph Eichler (Lakeside):** Mr. Speaker, being a new MLA, I would like to put a few statements on the record regarding Bill 16. Of course, this side of the House is definitely going to support it in this upcoming session. The way the law is set out here, my interpretation of it brings to light an accident that happened in the R.M. of Rosser this past month. A drunk driver was taking another person home back to Winnipeg and under the influence came back to the party and ran over four other teenage youths, killing one of them and the other one has been left in critical condition.

The unfortunate side of this is that the school has been in turmoil ever since that time, an amount of money has been spent in bereavement counselling, and the community itself has been in a turmoil. Just

the same weekend the Minister of Education (Mr. Bjornson) had a member killed as well just along Highway 7. Again, that was under the influence of alcohol, and I think that this is probably an indication that we probably need to spend a little more money in education and bring these programs forward to the education system. If money that we could save off this would be partly used to educate our youth, it would be very beneficial.

The youth is definitely what we are going to be concerned with. The number of accidents involving youth is unprecedented in the numbers, and, of course, the insurance rates as a result of these youths have made it skyrocket quite high. I know, in my particular area, the death rate has been skyrocketing. The youths from Winnipeg are getting bored with just the challenge of picking a vehicle up and going for a joy ride throughout Winnipeg. They now started to come out into the rural areas, and of course they bring three other children with them. That just seems to start a fire effect.

Not being from Saskatchewan, but from Manitoba, once you start a prairie fire, it goes very quickly. That trend just goes on and on. So I think whatever we can do as a government to stop the prairie fire, as you may want to call it, is something we need to address, and if we could do that by educating those students and passing that on to our children and our grandchildren, it would be a benefit that would go on forever.

In regard to the Irving case, there was a case similar to this up in the Interlake riding back in the early nineties, and the same type of a situation occurred, whereby they were at a house party and they had a little bit of a spat through the drinking arrangements, and he ran over his wife on the way home. This fellow, even though I am sure he did not intend to do it, but under the influence, sometimes you get carried up with the emotion of the moment and end up having a settlement where the Government paid out a substantial amount of money for this particular individual and now, even though we are less one very important citizen of our community, he received a huge amount of insurance money for this unfortunate incident.

\* (16:10)

When we think about the idea of somebody benefiting from an alcohol-related incident, I find it

very disturbing that we would let this go on. When I read that the lump sum death benefit would be reduced, I wholeheartedly endorse that idea.

The member from Lac du Bonnet, when he asked me to speak on this, not being a lawyer, some of this stuff is a little bit hard to interpret, but definitely we would like to move on and the idea of these conditional sentences and so on makes me wonder whether or not we are handling these crises the way we should be. When the claimant comes forward and has a conviction and then gets an insurance settlement on top of that, it makes us wonder if we are funding the criminal activities or not. We want to make sure that this is done in the right manner

The minister also has pointed out here that Mr. Irving's case, the \$46,000 payment, is a substantial amount of money. I am sure this family probably will not be able to live on that the rest of their life, especially without their mother. But, anyway, they were still under the influence, and I stand by what I had mentioned earlier, that I somewhat wonder whether or not we should allow people to benefit from our actions—especially an action that goes on record as being under the influence.

Also, what I wanted to bring about here is the idea of when the theft goes on in a motor vehicle, the MPIC has started a program that I think is another good idea, and that is with the tracking system for motor vehicles that are stolen or taken away. I think that is a great idea.

Having said that, the other thing that comes to mind is the motorcycle theft which has driven up the prices on insuring our motorcycles. However, the motorcycle industry has not been recognized when it comes to alarm systems and tracking systems, that of the motor vehicle, but they have not received the deductions and recognition that they should have received. I think that the Government should have a look at that, because this is definitely on the rise, as well. The motorcycle people are committed to trying to cut back on it and anything we can do in government and as legislators to help with that would be definitely a benefit.

The idea of bodily harm and criminal negligence is another idea that has been brought forward here. When they do that, there was a situation again, not in my particular area but a neighbouring area, where a

fellow had been out drinking with his buddies one night and took off in his vehicle at a very high speed. The woman he was living common-law with had a young baby, and they had the infant seat in the back. While this young fellow is running around the country in his high-speed motor vehicle, he had an accident and the baby seat came flying out. The police spent hours and hours searching for that baby. The cost that was involved, just with this particular incident, I am sure, would be astronomical.

So, sometimes, I wonder, when we are looking at these incidents that are becoming more and more prevalent, when we are looking at the negligence that was brought on by a particular individual, I can kind of understand why maybe we should be looking at something a little more statistical where we could follow through on instances such as this. The costs that these particular officers had put into it, my understanding was it was close to 16 hours. Now that 16 hours could have been spent a whole lot better, in my opinion, than worrying about a case like this. They found out that he was negligent and should be punished accordingly. That is not counting the court costs that are going to be going into it, the documentation that has been brought forward.

The job of a police officer is very tough as it is, by most standards, and then to take it to court, all in the likelihood of trying to bring forward the charges which this person should have been charged with. This same particular person refused a breathalyzer, just playing the timeline, and that timeline as you all know and have some sympathy towards a particular individual like this, that he wants to be able to keep his job and maintain his livelihood, but at the cost of who? Our costs just go on and on and I think that is something we should be trying to make the victims, or the people that are a misrepresentation of the criminal, let him off.

The last thing that I would like to bring forward here is getting back to the theft. When we have a police officer that has been in chase of a particular theft vehicle, and they bring the dogs in and try and hunt this particular person down, especially up in Lakeside in the Interlake, we have an awful lot of bush and there are a lot of places for him to hide. We have had situations where they brought the dogs in and, fortunately, and not unfortunately, sometimes, we have not been able to find them all. But we found a large number of them.



Again, I think that that is something maybe we should be looking at: making some of these people pay for some of these costs, so that whenever they come forward they will be able to pay for these costs, and not just let them off with a slap of the wrist. Most of these young people are people under the age of majority so they do not face the charge. That is disturbing in itself, because when you think about somebody damaging property and taking other people's lives into hand, it makes me wonder whether or not our system is living up to the standards that we want it to do.

So those are my comments for now, Mr. Speaker, in Bill 16. I thank you for the opportunity to speak on this bill.

**Mr. Ron Schuler (Springfield):** Yes, thank you very much Mr. Speaker. I would like to thank my colleague for his comments, and I appreciate the opportunity also to have some time to put a few comments on the record.

Bill 16, The Manitoba Public Insurance Corporation Amendment Act (Denial of Benefits for Offenders), is an important piece of legislation. I refer the House to an article coming out of May 10, 2002, and it deals with really one of those incredibly bizarre cases that we read about in the paper. You often wonder if this is something out of a *National Enquirer*, where an individual who had twice before been convicted of driving with a blood alcohol level over the legal limit decides that he is, one more time, going to get himself all liquored-up and runs over his common-law wife while drunk.

If that, in itself is not terrible enough, this individual then gets compensation from our corporation—The Manitoba Public Insurance Corporation. The daughter of the woman who was killed clearly indicates that she was not happy, and she is quoted as saying that the payout to this individual was in the neighbourhood of \$46,000 and that is just incredulous at best and obscene at worst.

After the incident, this individual was originally charged with impaired driving causing death. He pleaded guilty to impaired driving and driving while suspended and receives a six-month conditional sentence, which he served at home, which I guess you, could argue, de facto, he got paid \$46,000 to stay at home.

I just think that most of us, all Manitobans, look at this and are disgusted and find this very hard

to comprehend that this actually happens and just believe it is time that the issue be dealt with.

\* (16:20)

*Mr. Deputy Speaker in the Chair*

In fact, the individual is quoted as saying after a night of drinking he returned to the rural home about 2:30 a.m., and later on called the police and indicated that his wife was dead on the driveway.

So this bill deals with situations like that. I think as we move as a society—for instance, if you go back 30, 40 years; certainly I remember 15, 20 years ago when there was no seat belt law, mom and dad used to drive with all six children in the backseat. But anybody would have thought of a seat belt at that point of time, what for?

We recognize now that seat belts are an important part of safety. Parents used to take their newborn children home. One parent would sit in the front seat holding their precious new child and the other parent would drive home—no car seat, not a bucket, not a strap-in device of any kind. No, no, you would just drive home with the child. That was completely accepted.

By the time my children came around, we could not leave the hospital unless there was, it is called the baby bucket, unless there was a bucket. It is like an infant child seat which you carry. The child was not allowed out of the hospital unless the child was placed in the baby bucket. It had to be appropriate. They had a look at it. They made a very conscious effort to look into the car and make sure the child was strapped in. We would never accept that kind of thing today, that we would somehow drive children around.

In fact, when I was in high school, I took driver training. I had just the most wonderful driving instructor. His name escapes me, but very calm and actually quite a witty individual. The only time that I ever saw him lose his cool was he was telling us about parents driving with the child on their lap. Yes, that used to happen where parents would actually drive, as incredible as that sounds, parents used to drive with a child on their lap. I faintly remember where the child would be holding onto the steering wheel and the mother or father would drive and the child would be steering with them. We look back at it and think, you must be kidding.

Anyway, my driving instructor at this time now, the whole safety issue was coming up with restraints in vehicles. He said, when I drive up at a light and I see a parent with a child on their seat while driving, I could roll down my window and tell them, throw the baby out the window. We all sat and looked at him. He said, that is the same effect if you have an accident, exactly the same effect if you have an accident with the child on your lap and you hit a car, even at 15 miles an hour, even at 10 miles an hour, probably even at 5 miles an hour. You hit another car in the back and the weight and the inertia and the pressure of you against the steering wheel can kill that child. It is the same effect as throwing your child out the window.

Things have changed over the years. We have seen it and we have accepted it, whether it be with smoking by-laws. Somebody said to me the other day they remember going into a grocery store and people would stand over the meat counter and be smoking and ashes would be dropping onto the meat and they would be picking up meat. We would never accept that kind of thing again.

I faintly remember back in my childhood, flying on an airplane and there were smoking and non-smoking sections. The worst thing was if you were seat 20, the last seat in the non-smoking section and the smoking section started in seat 21. What would happen is the person would be behind you smoking in the smoking section. It was not as if there was a Plexiglas barrier and for the next three or four seats in front of you, of course, had all the smoke blowing your way. We would not accept that anymore. In fact, I just had the opportunity to fly a couple days ago and every flight very clearly states: This is a non-smoking flight. They go so far as to mention that in the bathrooms, because that seemed to be a problem, they have put smoke detectors in so that you cannot sneak a puff in the bathroom. They are very strict about it. We would never go back to that again.

These are all issues that, at one point in time, nobody had a concern about. In fact, one of my former colleagues, the Honourable Harry Enns, used to tell us of when they used to smoke in this very Chamber, the thought of which is preposterous. That they would sit in here and you would have one person with a good Cuban cigar smoking and another person with a cigarette or a pipe, we would never accept that. Smoking in theatres, I think I still

remember when they used to say: No smoking during the showing of a movie.

**An Honourable Member:** Relevance.

**Mr. Schuler:** One of my colleagues, the member from Selkirk, asks about relevance. He should have been in the Chamber for the entire speech. The point is that we accept all kinds of changes as we move along as a society. Certainly we would not go back to allowing smoking in this Chamber. In fact, now we have no smoking in the building.

We have seen all these changes. It is now time that an individual who can get drunk, completely intoxicated for the third time, drive over an individual, get paid \$46,000, give or take for it, be incarcerated at home for six months, and basically get paid to stay at home by Manitoba Public Insurance Corporation.

That is not acceptable. In fact, the whole drinking and driving, I have friends of mine in the military who say the whole culture of drinking, there used to be this incredible culture of excessive drinking in the military. Even at the universities, there was a real emphasis on heavy drinking.

Over time, there has been a shift in that. We have seen in this province of Manitoba, at one point in time it was sort of like, well, you know, you got caught drinking and driving, oh, well, you know, that does happen, and, you know, we have to forgive and forget. The laws of the province have hardened and hardened towards drinking and driving.

We have seen all kinds of supports coming up behind that, that if in fact you feel that you have had a lot to drink, you can call up a service and they will drive your car home, nothing wrong with that. You call a taxi, we have designated drivers, we have all kinds of systems in place that mitigate people having or feeling that they have to drink and drive afterwards.

So I think we have accepted all that. We have accepted the kinds of steps that we have taken over the years towards drinking and driving. Now what we see in front of us is really a natural progression.

What do we do, for instance, with somebody like this individual, third time drunk, and it should not really matter whether it was the third time or the first time, but in this case third time completely intoxi-

cated, that we know of, driving over his spouse and killing her and then getting six months suspended sentence and getting paid to sit at home by Manitoba Public Insurance Corporation?

So the legislation, and, certainly, we are going to hear more about it when we get to committee, deals with that and deals with other issues. For instance, if somebody were to steal a car, what kind of compensation if there was injury or had injured someone else in the vehicle? Basically, do we somehow encourage this kind of criminal activity by still giving them some kind of monetary compensation for something they have done?

This bill, without going into the details, because that is really what committee is all about, the committee is going to go line by line, we will hear presentations, but basically it is going to make it much more difficult for individuals to collect. Basically, this bill would have mitigated the individual that we have been discussing. He would have not have gotten his \$46,000 or whatever the case may be.

It would have actually denied him that benefit. That, Mr. Deputy Speaker, is very, very important, because one of the points that, you know, makes it very clear, no compensation is payable under this part to a victim or any dependant of the victim in respect of bodily injury to the victim that is the result of an accident that was wilfully caused by the victim.

That is very, very important that, whether it be with car theft, and it is a problem that we really do have in Manitoba. We have seen this problem driving up. Certainly, the car, auto manufacturers have responded with all the chips in the keys, and, you know, it is very difficult to get the cars going, but still there are a lot of older vehicles that do not have the same kind of security measures that we have right now.

\*(16:30)

So what happens with car theft? What happens? For instance, the bill addresses parts or components of vehicles that have been stolen. This bill really deals with that whole thing. What it should do, and we are waiting for committee to go line by line, but what it is supposed to do and where it is sort of gearing towards is that there be real responsibility placed on the individual.

You must be responsible for what you have done. I think as a society we have had a tendency to back off of that, where we get into the mode of the victim mentality and so on and so forth. Basically, what this bill does or purports to do, and we will find out in committee how far it goes, is it takes away the whole victim mentality and starts to place some responsibility on individuals for the actions that they have taken. It is very important that people not be given payment for illegal or criminal activities.

We have seen a lot of criminal-activity increases in Manitoba when it comes to autos. I think that we cherish our roads and our highways. We cherish our whole transportation, and it is important that we protect the growing number of motorists on our roads and our highways. It is important that we see to it that those individuals who, without any shame, without any kind of concern or care for others, go onto the highways and roads and kill or maim and then still somehow feel that some compensation is coming to them.

I think it is important as we move forward as a society, and we know that cars are becoming increasingly safer, we know that there is a lot of attention and care being put into vehicles and, certainly, the independent candidate now running for the president of the United States, Ralph Nader, had a lot to do with it and needs to be credited for what he has done. He has encouraged and forced, in a lot of cases, auto manufacturers to make their vehicles safer, but that does not mitigate all of it. It is important that autos not just be made safer, but that we also ensure there is a responsibility on behalf of those who drive them and that there not be compensation for criminal activity.

The bill also deals a lot with the entire indemnity. As mentioned previously, it limits a victim's or their dependant's entitlement to benefits where the victim wilfully causes the accident or is convicted of a Criminal Code offence relating to criminal negligence, manslaughter, dangerous operation of a motor vehicle, impaired driving or leaving the scene of an accident. We are now at a point in society where we accept all of those as just not being acceptable. We certainly believe that flight from an officer of the law, flight from police is very important, especially when it has to do with a criminal activity or theft of a vehicle.

Again, the claimant must bear some responsibility if they have been convicted of a specific

Criminal Code. That is important. It would also deny benefits to a claimant who is at least 50 percent responsible for an accident that caused a death and who is convicted of an impaired driving or related offence.

It is time that this kind of a bill comes forward. We certainly look forward to hearing the response at committee when we will have the opportunity to go line by line and find out where Manitobans are on this particular legislation. I certainly appreciate the opportunity to have had time to put a few comments on the record. Thank you very much.

**Mr. David Faurichou (Portage la Prairie):** I appreciate the opportunity to rise in the Chamber today to participate in the second reading debate of Bill 16, The Manitoba Public Insurance Corporation Amendment Act. This particular act is one that I have studied, and I am able to say that I do support the spirit of the legislation in regard to the amendments to The Manitoba Public Insurance Corporation Act that expand the number of charges that will see a restriction to the income replacement and indemnity, as well as the death benefit. Those particular criminal activities involve the flight from police officers and also theft where the property stolen is a motor vehicle, as well as the section involving taking a motor vehicle without the consent of the owner.

I do appreciate that all of us in the Legislative Assembly believe that the persons involved in criminal activity should not benefit in any way, shape or form from that activity. It should be incumbent upon all of us in this Chamber to make absolutely certain that areas that come to our attention that are not currently covered by the existing act that amendments such as this come forward.

No one that shows disregard for the law and is fleeing from police officers and those acts involving the theft of motor vehicles or taking motor vehicles without the consent of the owner certainly is falling within the area which I believe should come under restriction to see benefits, either by death benefits or income replacement, from Manitoba Public Insurance Corporation, a Crown corporation of the province of Manitoba.

Mr. Deputy Speaker, in regard to adding additional criminal charges, I want to make absolutely clear that this is upon conviction and that the individuals must be convicted of the charges before

these restrictions take place. The act also provides a formula that will recognize that if individuals that are involved in these infractions have dependants, that the dependants are still recognized for these benefits and that the formula cites the number of dependants to which an individual that is involved in this infraction does have and is responsible for. The benefits, though, are still available to the families of individuals that are involved in such infractions that would pay for the funeral arrangements.

This was a concern of mine as to whether or not the restrictions extended to, within the death benefit, whether funeral costs would still be covered. I have been assured by the minister and by the Crown corporation staff that funeral charges will still be covered so that the family of those involved in the infraction will be able to take care of the funeral arrangements and not come under significant financial duress. In fact, I wanted to be assured by the corporation personnel that the funeral arrangements would in fact be able to be carried out, because, in any situation, regardless of whether an individual is found criminally responsible for an incident where someone loses their life, it is vitally important that we make certain that the individual has the dignity of a funeral and a celebration of their lives. It is something that I believe is very important, to recognize and celebrate the life lost, regardless of whether it was intentional or unintentionally caused through a criminal act.

\*(16:40)

I know that there was a case that could be affected that took place in Portage la Prairie that this legislation will now change, insofar as that an individual that was convicted of impaired driving caused the unintentional death of a family member that brought significant grief to the family and that there was an individual of a dependent nature involved.

I might say the individual that was charged grieved for the loss which he ultimately was responsible for. However, it was not intentional and he did receive benefits, a death benefit, from the Manitoba Public Insurance Corporation. But I believe that the benefits that were received, although highly publicized, were ones that helped the family deal through the grieving period without financial duress, being that the individual involved derived his employment from operating a transport truck and having lost his ability to carry out those activities because you need

a driver's licence in order to do so and those driving privileges were revoked because of the criminal charge.

So, in the case in Portage la Prairie, the death benefits that were received allowed this family to continue on as a family without having to call upon income assistance to see themselves through when the primary resources of the family were being derived from that of long-haul driving because of the driver's licence privileges being revoked.

I believe that the highly publicized incident in Portage la Prairie resulted in some of the language within Bill 16. However, I want to stand and say that one must be extremely cautious about commentary without all of the facts known. In this particular case, I want to express caution in making judgments as to the incident to which some of Bill 16 is premised.

So I do support the intent of Bill 16 and some of its amendments and especially drawing forward a clear formula for reduction of benefits when it involves persons that have been convicted of a Criminal Code offence. I do want to also stress, though, that this does not negate the opportunity for individuals to make appeal to the Manitoba Public Insurance Corporation to make certain that there is full disclosure of the circumstances to which the death benefit and income replacement reductions are being based so that one has a very clear understanding of all circumstances so that fairness will remain within the dealings of the Manitoba Public Insurance Corporation when these particular benefits are being dispensed.

Mr. Deputy Speaker, it is always the intent of the members of the Legislative Assembly, I believe, that we consider all aspects prior to passage of bills. I am certainly looking forward to the opportunity to hear from the public when this bill comes before committee for any further commentary and possible amendment.

I do appreciate the opportunity that affords me the time to hear from the public, as the practice that we have in the province of Manitoba is unique, whereby all legislation of this Assembly provides time and opportunity for individual members of the public to make their thoughts known and to participate in the legislative process. I believe that we are proceeding correctly with this legislation. There has been a great deal of deliberation prior to this coming

before us. It will assist the corporation in dealing with individuals involved in criminal activity.

I want to state at this time that I am very, very concerned about the level of activity that is cited and note that there have been many more incidences of individuals trying to flee capture through speeding away from police officers trying to apprehend them. I want it known that I believe any and all resources should be provided to police officers to apprehend those persons involved in criminal activity. I think it is incumbent upon the Government of Manitoba to fully evaluate the merits of employing all resources.

\* (16:50)

I speak specifically of the aerial surveillance that would have been afforded us through helicopter. Other communities such as Calgary and Edmonton have those resources deployed and have seen significant reductions in criminal activity in this regard. Also, with the deploy of these resources, do it in a much safer environment not only to the police officers that are engaged in apprehending individuals that are committing offences but also the general public. Pursuit can be made in relative safety as well as the opportunity to keep in contact with the fleeing individuals without having to navigate sometimes busy streets and roadways.

Should the individuals that are engaged in this criminal activity leave the motor vehicle, which happens in many of the cases when the vehicle becomes inoperable, whether it be by collision with objects either on the roadway and sometimes vehicles, because of the high speed, do leave the roadways and come in contact with other structures. The fleeing individuals could very well be observed from the air. The helicopters that are deployed in Calgary and Edmonton have state-of-the-art technology that is able to track individuals at night and as they enter and exit buildings because of the infrared and heat-seeking capabilities. Once contact has been made with individuals engaged in criminal activity, it is a rare occasion that the helicopter with the technology loses contact with the individuals.

Because of these particular points, I believe that the Government should take this opportunity to examine the pros and cons and the cost-effectiveness of the deployment of this technology in the apprehension of criminals, and also to consider the number

of injuries and, yes, death, that comes from trying to apprehend criminals, because it has occurred.

It is difficult to weigh in dollars and cents the loss of someone that was a contributing individual to society, to their families, and I think that the Government should look at this very, very seriously. I do support the deployment of these resources because I believe that, once all of the evaluation has taken place, this is a very, very good investment in making certain that criminals are brought to justice and that society is protected during the apprehension of these individuals and that, effectively, their removal from the general population so further criminal activities do not take place.

Mr. Deputy Speaker, I am very, very concerned about the criminal activity involving theft of motor vehicles. I know that Winnipeg city, through Statistics Canada, is ranked No. 1 as far as per capita of large cities in the motor vehicle theft criteria, and that there are more vehicles stolen in Winnipeg per capita than in any other large centre in Canada.

Mr. Deputy Speaker, I do want to go further than that, though. I represent the community of Portage la Prairie, and the number of auto thefts in and about Portage la Prairie exceeds significantly per capita that of Winnipeg. If Winnipeg is ranked No. 1 in major centres, what does that say about Portage la Prairie, when we have a higher per capita? In fact, we are almost three times per capita higher than Winnipeg, insofar as that there are approximately 10 000 vehicles—sometimes it is 8000, sometimes a little more than 10 000 vehicles, but in and about that area—stolen each year from Winnipeg. Now, if we relate that as a per capita back to the auto thefts in Portage la Prairie, we would have to see more than 20 000, in fact, 23 000-24 000 vehicles stolen in Winnipeg to equate per capita to the city of Portage la Prairie.

I hope I can impress upon the members of the Manitoba Legislative Assembly that auto theft is a real concern for not only the citizens of Winnipeg, but the citizens of Portage la Prairie and area.

Mr. Deputy Speaker, I would like very much to say that this act speaks specifically to flight from police and theft of motor vehicles, and taking motor vehicles without owner's consent, which is a topic of grave concern to this member. I would like to once again impress upon the government members that we

do all that we can, and to make absolutely certain that we deploy the resources necessary to curb this outrageous statistic, and I would like nothing better than to see the numbers of auto theft fall dramatically in the next short while. I believe that the deployment of a helicopter would be a significant asset to the police services, whether they be RCMP, Brandon Police Service, or Winnipeg Police Service, in the apprehension of individuals that are involved in theft of vehicles.

So I do appreciate the opportunity to participate in debate today. I hope that some of what I have brought to the Assembly is considered by government. I do believe that if government participates in the acquisition and operation costs of a helicopter for police services here in the province that that resource be made available not only just to Winnipeg but to surrounding areas for this very vital consideration for Manitobans.

Thank you very much, Mr. Deputy Speaker, for this opportunity. I look forward to the standing committee's entertaining of the public for comment on this bill.

**Mr. Kevin Lamoureux (Inkster):** I too have a number of words that I would like to get on the record before this bill actually passes on to committee, whenever it does pass on to committee. I think the principle of the legislation is something that can be supported.

First off, Mr. Deputy Speaker, you know, at times government does some things that are relatively positive in supporting individual members of the Chamber. I would commend the minister, the Government House Leader, the minister responsible for this legislation in terms of making available the opportunity for myself or my leader and I suspect for all members of the Legislature, making available the opportunity to be able to meet with staff to get an explanation about not only this particular legislation, but other pieces of legislation.

I think that goes a long way in terms of assisting us being able to at least have access to information that we might not normally have been privy to if we were not able to meet with those civil servants. I know that this minister is not alone. As we go through the session, this is the first bill that I am speaking on. I would throw in that same comment in essence for most of the legislation, as ministers tend

to provide us the opportunity to meet with some of the bureaucrats to get a better understanding.

Having said that, one of the things I find very interesting about this particular minister is that he seems to have some sort of a radar that is out there that has identified a number of issues. In one sense one could applaud the minister for taking the initiative in bringing forward a lot of legislation, legislation that is really going to have significant impact on the lives of Manitobans.

In just going over the legislation that we have before us, it is quite pleasing to see a minister of the Crown take such an active interest in bringing so much legislation that has some substance to it in hopes of getting it through second reading, going into committees and then ultimately receive Royal Assent.

As a suspicious person, as many say that I might be, some of that legislation appeals dramatically to the public. I trust and hope that the intentions of the minister are, in fact, to make sure that it does become law.

There is a bill that we talked about in committee in which I am a little bit suspicious because of the way in which the minister brought it in, not only for second reading, but also into the committee stage.

Listening to the presenters, there were two of the presenters on it, Mr. Deputy Speaker. I kind of get the feeling that the minister, because it will not come into effect until it is proclaimed, is going to be very reluctant in proclaiming it, because it appears as if he might have maybe sped it through a little bit too much.

But, having said that, I do not think that principle applies to all the legislation. I do not think that principle applies to this piece of legislation.

\* (17:00)

The only question I would have to the minister would be more so the timing of it. You know, this has been a minister that has held this office for quite a while now. It is not like it is his first year as Attorney General.

The big push for this legislation is as a result of two things. First and foremost, one would argue that

the public wants to see legislation of this nature. There might be some modifications, and we will wait and see what happens in the committee and so forth, but, in principle, the public as a whole would like to see this type of legislation brought and being discussed inside this Chamber.

The second issue is one of the big pushes in dealing with the theft of a motor vehicle. Mr. Deputy Speaker, as you know, vehicles in the province of Manitoba and the number of vehicles in the province, it has just been amazing the numbers that are being stolen every year. In fact prior to my getting up, my assistant brought up a stat that I thought was quite interesting. It showed that, according to Statistics Canada, the 2002 Uniform Crime Reporting Survey showed that Manitoba had the highest motor vehicle theft rate in all of Canada, 1069 offences per 100 000 people. The next closest was B.C. at 869 with just over 81 percent of the motor vehicle thefts that Manitoba has. The Canadian motor vehicle theft rate was less than half of Manitoba's at 514. Manitoba has led the country in motor vehicle theft rate for years now. That is something that is not new, yet why is it that the minister has brought forward the legislation today? Why would this legislation not have been on his radar screen a few years back?

Manitobans are very much concerned with the issue of automobile theft in the province. I have talked to so many people in regard to this particular issue, and the sense of frustration that they cannot leave their vehicle without the possibility of it getting stolen. A lot depends on the type of vehicle also. We have far too many automobiles being stolen in our province. One has to ask the question: What is the Government actually doing to address the problem? This is legislation that will have some impact, but to what degree is it going to get at the real root cause. How many of these future vehicles are we going to be able to prevent from being stolen?

I do not hear of initiatives coming from this Government on how and what they are going to do to prevent vehicles from being stolen. It is one of those areas that would have been wonderful to ask Manitoba Public Insurance, but we all know what happened with MPI and how some were not necessarily entitled or provided the opportunity to ask questions. That would have been a wonderful opportunity to find out what MPI is actually doing in a very formal way. We do not hear from the government of the day what it is doing. It seems to want

to pass on the responsibility solely to MPI. We do not hear of the types of initiatives that are actually having an impact. Over the years, maybe the minister has said some things, but in a very real sense, say what you might, but the record speaks volumes and the volumes have not changed. Manitoba is still the worst. This Government has to take responsibility for that.

It chooses in most part not to take that responsibility. This is something that could have taken place years back. I would have welcomed an opportunity to say to MPI, what is MPI? MPI has had some decent commercials dealing with this. I think that there are other programs that the Government could get involved in or at least we should be talking about. Maybe some of that stuff will come out during the committee meetings. For myself, I am really concerned about individuals that continually go through that revolving door. If I can put it that way, the criminal element revolving door, in which they will steal a car and they do not really sense any sort of consequence to stealing that vehicle and, if they happen to get caught, well, they happen to get caught, but they tend to want to continue to steal vehicles.

You know, it concerns me because I do not think that maybe we are doing what it is that we could be doing in order to address that particular issue. I was listening to the news a while back, and Alberta had something rather interesting. I think it was in Edmonton that they actually have a division or a number of police officers that are responsible for following or tracking dangerous drivers with the idea of trying to get some of these dangerous drivers off the road.

Well, maybe there are individuals out there that we know or suspect are causing a lot of the problems. Is there any value in terms of trying to address this problem in some sort of a nature like this? At the very least, government should be giving it some sort of consideration or at least come up with some ideas of their own on how to deal with the number of car thefts.

I am truly amazed. I have talked to police officers that have told me that they will actually pick up a kid, a child of 10, 11 years old, who has stolen a car, return the child to their home, because there is absolutely nothing that they can do. Who knows if

this is the first vehicle they have stolen? One speculated that this is not the case.

They know that there have been more vehicles stolen by a particular youth, but we, for whatever reasons, seem to want to turn a blind eye in terms of taking or doing something that could really have an impact.

It is not just good enough to say go out and buy the safety bar or get this type of ignition put onto your vehicle. Those are all wonderful things, and we can advise our constituents. We can advise Manitobans as a whole, as MPI has done, in terms of the advantages of having those sorts of security mechanisms, but even those do not necessarily help the overall numbers of vehicles that are being stolen.

This is where the minister and this Government, because by extension any member of Cabinet ultimately can come up with an idea, sit down in Cabinet and say, hey, why are we not moving in this sort of a direction, but it seems to have been lost, and I think that is unfortunate.

I would like to see this Government take a more proactive approach at dealing with let us reduce the number of vehicles stolen in our province in a very real and a very tangible way. This might have somewhat of an impact, this particular legislation, and if it does, that will be wonderful. I welcome that.

The other issue that this legislation incorporates into the act now, first was the theft of the motor vehicle, the next one is the flight from police officers. Again, I suspect that the police and the public as a whole will really get behind an amendment of that nature because they recognize the value of what is actually being stated here, that in fact if someone is running from the law in the form of a police chase, there is a very good chance that there is a good reason for them doing that.

\* (17:10)

That good reason is likely not a positive societal reason. It is likely something that is relatively negative and possibly against the law that is causing them to try to evade being pulled over by the police. So again it stands to reason that this is something that would be a positive, positive thing.



Well, these two new components complement other areas that are already there, whether it is criminal negligence, manslaughter, dangerous operation of a vehicle, leaving the scene of an accident. Another one is impaired driving, which is there today.

It was interesting listening to the Member for Springfield (Mr. Schuler). He was talking about how things have changed, how public perception has changed. That really can be applied. When you look at impaired driving, a number of years back, I guess I would have been maybe around 10, so it would be about let us say 30 years ago, I can recall being around different types of work atmospheres where it was nothing for individuals to have a drink, two, three, or, forget the two or three, they would get completely wiped and they would get behind the wheel and drive. It was not, oh, my goodness, so and so is driving drunk, or anything of this nature. It was generally tolerated. That was when I was 10, 11, 12 years old and I saw that first-hand. In fact I can say that I was in vehicles that were driven by individuals, adults, who were completely intoxicated.

I can relate to when the Member for Springfield said that the child—[interjection] No, I was not driving at the time, I can assure you of that. I can recall when the Member for Springfield was saying the child sitting on the lap, well, that was a little bit uncomfortable. Some of us, myself included, have been there. I was on my dad's lap, excited, oh boy, I get to drive the car. I am only 12 years old at the time, maybe even 11, but I was on Dad's lap. There are certain things that were acceptable back then, but it is not acceptable today. That is a very strong positive because people are becoming more aware of the dangers.

So, when we talk about impaired driving, today, the perception is, look, it is wrong, it is morally wrong. We have high schools that have safe driving campaigns, or safe grads, stuff of this nature. Well, I cannot ever recall having that kind of stuff. The perception is changing and that is positive. We all benefit for that. Our roads are better for that and the legislation reflects that, which, again, it is reinforcing, it is positive.

Seat belts, I guess it would be back in the early eighties when they legislated seat belts in the province of Manitoba. It took a bit of political courage to do that, but today most people, it would be nice if it was universal, all people, but a vast majority of

people recognize the value of the seat belts. So they put on the seat belts. Here is where the legislation actually had very positive impact. It has saved lives. It has saved endless millions of dollars because of legislation of that nature.

*Mr. Speaker in the Chair*

That is why, even though it might seem I am being a little bit critical of the minister, the principle of the legislation itself is something that is positive and it could have a very positive, long-term impact.

The money issue, I do not know how much money, I do not know if the minister actually has any sort of assessment of how much money is going to be saved by this, by having the individual have to cover a cost, but I think the money is really the secondary issue.

It is the message we are giving that is the primary one. That is the message that is going to stick with the population as a whole. If there are a number of millions of dollars that end up coming in as a result of this or that is being saved, well, I trust and I hope that money will in fact be going back in some fashion. I should not even say back because it would not be awarded out. The end beneficiary of that should be the individual Manitobans who are paying premiums. That, too, then is of benefit.

There are some really strong positives that could come out of this. There are other aspects of the legislation, especially on the money issues, which I do not think should be the selling point of this, because I do believe that is the secondary issue, even though it is an important issue.

As I know different MLAs might take the opportunity to inform constituents of different pieces of legislation that we pass, I think, if presented well, not only would the majority of Manitobans accept it because I think, in most part, they would support it, but I think it is important that we let them know, as legislators, what it is and the types of legislation that we are passing. I think then it gives them some sort of reassurance that government in certain areas is moving forward. I cited some examples and some benefits of that.

In reference to the act that is currently in place, there are a number of cases that come to mind that always generate. There are so many sad stories of

individuals who have had a direct impact because of someone in some form of abusive way was behind a wheel and as a result of that individual someone has died who was completely innocent. My heart goes out to those individuals, those victims. That is why I get maybe a little bit excited in the sense of the importance of, when we see an issue which we can attempt to address, that we do what we can.

Earlier today someone was reflecting on an accident that occurred a while back out by the Health Sciences Centre where it was a pregnant mom that was hit by a driver that was drinking, I am not too sure if he was absolutely intoxicated, but where the baby and mom died. There are so many stories that are out there.

That is why the appetite for the public, Mr. Speaker, is to see initiatives such as this in principle be acted upon. For individuals such as myself, it is to ensure as much as possible that government is as thorough as it can be in terms of bringing in legislation and then ultimately bringing it into committee.

The process we have from here is to see it go to committee. I look forward to be able to hear, either myself or it could be the Leader of the Liberal Party, listen to what other Manitobans might have to say about this legislation, always open to ideas, potential amendments that could in fact enhance it and then see it come back to the Chamber for further debate on third reading, if necessary, and then passed.

As I say, I suspect that this is one of the pieces of legislation ultimately that the Government will be able to proclaim into law and, in principle, I do think it is a good piece of legislation that should be going into committee at this stage, or some time over the next couple of weeks, or when members have had full opportunity to be able to address this bill.

With those few words, Mr. Speaker, I thank you for the opportunity to speak.

\* (17:20)

**Mr. Leonard Derkach (Russell):** I know that I just have a few minutes to address the issues on this bill, but I am pleased to rise and to put some comments on the record because this bill contains within it an amendment which I think is very important. This stems from an incident in Portage la Prairie where a woman was killed as the result of I guess what could

be termed as an accident, but it was also done because of the careless nature of the person who was behind the wheel of a semi truck. When that happened, the reality of the situation was that the man was charged, I believe, with a criminal offence and, through the course of negotiations and plea bargaining, the charge was reduced to a lesser charge. As a consequence, the individual received a death benefit for having run over his spouse. Mr. Speaker, it seems kind of unfair when one receives a benefit like that of cash from the Manitoba Public Insurance Corporation after having committed a fairly serious offence under The Highway Traffic Act. I am happy that the minister responsible has come in with an amendment that addresses that.

Having said that, Mr. Speaker, I am also a little bit concerned about some of the amendments in this proposed legislation because what it is doing is, it is penalizing the dependants of a perpetrator of a crime or of the individual who has committed the offence. To me, that seems hardly fair to the families of that individual, because the family has nothing to do with the person who has caused the problem. If the person who has caused the offence has some small children at home, those children now suffer because of the offence that was caused by their father or their mother. Although this was in the old legislation, I see by the formula that has been adopted in this proposed legislation there are more severe restrictions of monies flowing to dependants of the individual. I have some difficulty with that. I would ask the minister to clarify that because I do not understand how a dependant can possibly be responsible for a crime that was committed by his or her parent, although I know that the purpose of that, as I understand it, is to at least allow for the person who is intending to commit the crime to give some second thought to what they are about to do.

In most of these instances, Mr. Speaker, we are talking about people who are impaired, people who have had too much alcohol, or who are under the influence of some kind of a substance and are out there and do not clearly think about what their actions are. You cannot, at that point in time, hold a dependant responsible for what that individual does.

Mr. Speaker, I think that is something we as a society owe to the people who are left, perhaps, after that offence has been caused, especially when the person who causes the offence also becomes the victim and, perhaps, dies in that action. I know in the

past we have seen how families of people who have caused this kind of hardship have suffered greatly, not only the emotional trauma, but also the financial trauma as well. I think that that is something that we should be debating; we should be discussing; we should be asking questions about of the minister. I am sure that we will as this bill moves through the process of the House.

The other issue that I have some difficulty with, Mr. Speaker, is where an individual, perhaps, causes an offence under this act and then is disallowed any kind of benefit in terms of medical expenses or rehabilitation or whatever the need may be in order to get that person back into society. Technically, we are then expecting that individual to be responsible for some of those costs. The reality is, I think, some of those costs can then be shifted over to the Department of Health, because if those benefits are not received from the Manitoba Public Insurance Corporation, the Manitoba health system will then have to pay for medical costs for hospitalization or whatever it might be of that individual. I think that there is some unfairness there to the budget of the Department of Health. It is my hope that the minister who is responsible for this legislation will have at least discussed this with the Minister of Health to ensure that this does not become an extra cost to the Department of Health. I do not see in this bill where that kind of a situation is alleviated, or where the Department of Health can be absolved from having responsibility for someone who has been responsible for injuries to him or herself through neglect, through causing an accident, or through causing an offence.

Mr. Speaker, I guess some of the realistic situations one can look at is if a youth were to steal a vehicle and were to be involved in a police chase, run into an accident, become injured in the accident, or perhaps even to the point where that person is crippled for life, as I understand it, the insurance corporation can then reduce the benefit this person would receive as a result of that accident. I can see that there is some good thinking to that, but I also think that it would be improper for the costs to be shifted from the corporation over to the Department of Health. That would not be fair to the budget of the Department of Health.

I have not discussed this with the minister, so, therefore, I do not have the answer to it, but I am hoping in the course of our debate and our dis-

cussions on this legislation that can be clarified so that we can all move ahead in supporting this legislation, because I think there are some good elements to it. I think this legislation does protect some of those glaring inadequacies that were in the legislation before and I commend the minister for moving ahead in that regard.

I also have some questions about such things as dependant children, especially young people who are dependent on that person as a parent and those youth and those children who are left behind or who have no responsibility for the accident then are denied benefits simply because this person was under the influence of alcohol or in some way committed a crime or an offence which was against the law.

Mr. Speaker, those are just a few comments. I note that we are getting to the hour when the House is going to rise. I think that, by and large, all of us can, I think, thoughtfully support this legislation with the kind of amendments or explanations from the minister as to why he has moved ahead in the way he has.

I note also in the legislation or in the briefings that were provided that there is a formula that is fairly complex in this legislation. I am not sure whether there was not an easier way to arrive at some of the amounts that dependants would receive. Although in the first legislation or in the old legislation there were restrictions on how much money dependants would get, I see that in this legislation the minister has moved forward in even becoming more restrictive in terms of the benefits that victims would receive.

Mr. Speaker, I look forward to the rest of the debate on this bill. I look forward to the committee stage when we can then ask some questions of the minister. With those few remarks, I think this bill is one that will help in the overall situation of Manitoba safety and insurance.

**Mr. Speaker:** When this matter is again before the House, the honourable member will have 22 minutes remaining.

The hour being 5:30 p.m., this House is adjourned and stands adjourned until 10 a.m. tomorrow (Thursday).

# LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, March 3, 2004

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