

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

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

**Vol. LXIII No. 8 - 1:30 p.m., Thursday, November 25, 2010**

ISSN 0542-5492

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

<b>Member</b>	<b>Constituency</b>	<b>Political Affiliation</b>
ALLAN, Nancy, Hon.	St. Vital	N.D.P.
ALTEMEYER, Rob	Wolseley	N.D.P.
ASHTON, Steve, Hon.	Thompson	N.D.P.
BJORNSON, Peter, Hon.	Gimli	N.D.P.
BLADY, Sharon	Kirkfield Park	N.D.P.
BLAIKIE, Bill, Hon.	Elmwood	N.D.P.
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CULLEN, Cliff	Turtle Mountain	P.C.
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DRIEDGER, Myrna	Charleswood	P.C.
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EICHLER, Ralph	Lakeside	P.C.
FAURSCHOU, David	Portage la Prairie	P.C.
GERRARD, Jon, Hon.	River Heights	Lib.
GOERTZEN, Kelvin	Steinbach	P.C.
GRAYDON, Cliff	Emerson	P.C.
HAWRANIK, Gerald	Lac du Bonnet	P.C.
HICKES, George, Hon.	Point Douglas	N.D.P.
HOWARD, Jennifer, Hon.	Fort Rouge	N.D.P.
IRVIN-ROSS, Kerri, Hon.	Fort Garry	N.D.P.
JENNISSSEN, Gerard	Flin Flon	N.D.P.
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LEMIEUX, Ron, Hon.	La Verendrye	N.D.P.
MACKINTOSH, Gord, Hon.	St. Johns	N.D.P.
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MARCELINO, Flor, Hon.	Wellington	N.D.P.
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<i>Vacant</i>	Inkster	

## LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, November 25, 2010

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

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

### ROUTINE PROCEEDINGS

#### INTRODUCTION OF BILLS

##### Bill 9—The Summary Convictions Amendment Act

**Hon. Andrew Swan (Minister of Justice and Attorney General):** I move, seconded by the Minister of Labour (Ms. Howard), that Bill 9, The Summary Convictions Amendment Act; Loi modifiant la Loi sur les poursuites sommaires, be now read a first time.

*Motion presented.*

**Mr. Swan:** This bill builds upon efforts by this government to make individuals and businesses who break the law responsible for their actions. Where individuals and businesses do not pay their court-ordered fines, the costs incurred to enforce the payment of these fines will become the responsibility of the debtor and added to the total amount owed.

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

### PETITIONS

#### RCMP Rural Service

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

And these are the reasons for this petition:

Manitobans deserve to live in a safe environment and feel secure in their homes and their communities. Some regions of rural Manitoba have been hard hit by crime, including residential break and enters,

property theft, vandalism and other offences that threaten people's security.

In some areas, RCMP detachments are not staffed on a 24-hour basis. Criminal elements capitalize on this, engaging in crimes at times when officers may not be readily available to respond to calls for service.

Some believe the current RCMP detachment boundaries need to be redrawn so that the service delivery could be faster and more effective.

We petition the Legislative Assembly of Manitoba as follows:

To request the Minister of Justice to consider working with the RCMP, the federal government and communities to develop strategies to address services—service challenges in rural Manitoba, such as the possibility of having response units that could be dispatched to regions affected by crime waves.

And to request the Minister of Justice to consider working with the stakeholders to determine if the current RCMP detachment boundaries are designed to ensure the swiftest and most effective service delivery.

And this petition is signed by T. Anderson, E. Waczko, T. Dayholos and many, many other fine Manitobans.

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

#### Auto Theft—Court Order Breaches

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

And the background for this petition is as follows:

On December 11th, 2009, in Winnipeg, Zdzislaw Andrzejczak was killed when the car that he was driving collided with a stolen vehicle.

The death of Mr. Andrzejczak, a husband and a father, along with too many other deaths and injuries involving stolen vehicles, was a preventable tragedy.

Many of those accused in fatalities involving stolen vehicles were previously known to police and identified as chronic and high-risk car thieves who had court orders against them.

Chronic car thieves pose a risk to the safety of all Manitobans.

We petition the Legislative Assembly as follows:

To request the Minister of Justice to consider ensuring that all court orders for car thieves are vigorously monitored and enforced.

And to request the Minister of Justice to consider ensuring that all breaches of court orders on car thieves are reported to police and vigorously prosecuted.

And, Mr. Speaker, this petition is signed by H. McAulay, C. Wendt, J. Kirkland and many, many other Manitobans.

### **Bipole III Project**

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

The background to this petition is as follows:

In September of 2007, the Minister responsible for Manitoba Hydro directed the utility to abandon an east-side route for its Bipole III project. Five days later, Manitoba Hydro announced that the utility will be proceeding with a west-side route.

Manitoba Hydro staff, technical experts and regular Manitobans have communicated to the provincial government that they would prefer an east-side route.

A west-side route will be almost 500 kilometres longer than an east-side route, less reliable, and cost taxpayers at least an additional \$1.75 billion.

The extra cost being forced on Manitoba Hydro and Manitobans by the provincial government will mean that every Manitoba family will end up paying \$7,000 for this decision.

Since the current provincial government has come into power, hydro rates have already increased by almost 20 per cent. If this decision is not reversed, it will result in further rate increases for Manitobans.

We petition the Legislative Assembly of Manitoba as follows:

To urge the provincial government to allow Manitoba Hydro to proceed with a shorter, cheaper

and greener east-side route, subject to the necessary regulatory approvals, enabling the utility to keep our hydro bills lower and to ensure a more reliable electricity system.

And this petition is signed by C. Wolf, L. Middleton, L. Carlson and many, many more Manitobans.

**Mrs. Mavis Taillieu (Morris):** I wish to present the following petition to the Legislative Assembly of Manitoba.

And these are the reasons for this petition:

In September of 2007, the Minister responsible for Manitoba Hydro directed the utility to abandon an east-side route for its Bipole III project. Five days later, Manitoba Hydro announced that the utility would be proceeding with the west-side route.

Manitoba Hydro staff, technical experts and regular Manitobans have communicated to the provincial government they would prefer an east-side route.

A west-side route will be almost 500 kilometres longer than an east-side route, less reliable, and cost ratepayers at least an additional \$1.75 billion.

The extra cost being forced on Manitoba Hydro and Manitobans by the provincial government will mean that every Manitoba will end up—every Manitoba family will end up paying \$7,000 for this decision.

\* (13:40)

Since the current provincial government has come into power, hydro rates have already increased by almost 20 per cent. If this decision is not reversed, it will result in further rate increases for Manitobans.

We petition the Legislative Assembly of Manitoba as follows:

To urge the provincial government to allow Manitoba Hydro to proceed with the shorter, cheaper and greener east-side route, subject to necessary regulatory approvals, enabling the utility to keep our hydro bills lower and to ensure a more reliable electricity system.

And this is signed by R. Collition, K. Johnson, G. Collition and many others, Mr. Speaker.

**Mr. David Faurshou (Portage la Prairie):** Mr. Speaker, I wish to present the following petition to the Legislative Assembly of Manitoba.

The background to this petition is as follows:

In September of 2007, the Minister responsible for Manitoba Hydro directed the utility to abandon an east-side route for its Bipole III project. Five days later, Manitoba Hydro announced that the utility would be proceeding with a west-side route.

Manitoba Hydro staff, technical experts and regular Manitobans have communicated to the provincial government that they would prefer an east-side route.

A west-side route will be almost 500 kilometres longer than the east-side route, less reliable, and cost taxpayers at least an additional \$1.75 billion.

The extra cost being forced on Manitoba Hydro and Manitobans by the provincial government will mean that every Manitoba family will end up paying \$7,000 for this decision.

Since the current provincial government has come to power, hydro rates have already increased by almost 20 per cent. If this decision is not reversed, it will result in a further rate increase for Manitobans.

We petition the Legislative Assembly of Manitoba as follows:

To urge the provincial government to allow Manitoba Hydro to proceed with the shorter, cheaper and greener east-side route, subject to the necessary regulatory approvals, enabling the utility to keep our hydro bills lower and to ensure a more reliable electricity system.

This is signed by S. Urban, R. Vermette and K. Lee and many, many others.

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

And the background to this petition is as follows:

In September of 2007, the Minister responsible for Manitoba Hydro directed the utility to abandon an east-side route for its Bipole III project. Five days later, Manitoba Hydro announced that the utility would be proceeding with a west-side route.

Manitoba Hydro staff, technical experts and regular Manitobans have communicated to the provincial government that they would prefer an east-side route.

A west-side route will be almost 500 kilometres longer than an east-side route, less reliable, and cost ratepayers at least an additional \$1.75 billion.

The extra costs being forced on Manitoba Hydro and Manitobans by the provincial government will mean that every Manitoba family will end up paying \$7,000 more for this decision.

Since the current provincial government has come into power, hydro rates have already increased by almost 20 per cent. If this decision is not reversed, it will result in further rate increases for Manitobans.

We petition the Legislative Assembly of Manitoba as follows:

To urge the provincial government to allow Manitoba Hydro to proceed with the shorter, cheaper and greener east-side route, subject to necessary regulatory approvals, enabling the utility to keep our hydro bills lower and to ensure a more reliable electricity system.

And this petition is presented by M. Crowe, T. Tulk, R. Kliever and many, many other Manitobans, Mr. Speaker.

## MINISTERIAL STATEMENTS

### H5N2 Avian Influenza

**Hon. Stan Struthers (Minister of Agriculture, Food and Rural Initiatives):** I do have a statement for the House.

I rise to update the House about the confirmation of avian influenza at a turkey breeding farm in Manitoba. CFIA testing indicates that this is H5N2, a low pathogenic form of the virus. All of the approximately 8,200 turkeys in the infected flock will be humanely euthanized. The situation continues to be closely monitored and we continue to proceed with an abundance of caution even though the potential risk to human and animal health is very minimal.

Since 2006, the federal-provincial multi-agency response to detecting avian influenza in domestic birds has been developed and co-ordinated under the Manitoba avian influenza co-ordination plan. This work is supported by the provincial Premises Identification Program which is a part of the national livestock traceability system.

Mr. Speaker, I am proud to say that 100 per cent of Manitoba's turkey producers are in compliance with the Premises Identification regulations. This means that officials were able to quickly inform

producer groups across the province about the situation and identify potential risks.

All people who were in direct contact with the poultry have been identified and contacted by Public Health officials. While they have not displayed signs of illness, they were offered antiviral drugs, and Public Health will continue to monitor them in the unlikely event the disease was transferred from animals to humans.

I want to reassure members of the Legislative Assembly and the public at large that properly cooked turkey continues to be safe to eat.

Mr. Speaker, I want to thank the public officials and members of Manitoba's turkey industry for their continued efforts to deal with the situation.

**Mr. Ralph Eichler (Lakeside):** I want to thank the minister for his statement in updating the House on this very important issue. I want to also pass on my thanks to CFIA for the job well done and, of course, the provincial people as well.

And I hundred per cent concur with the minister in regards to—the food is safe, and we're certainly glad that the department has extended the health issues out there for not only the workers but also the people in the Turkey Marketing Board on their job that's such of an important issue, and also identifying those farms also which is also very important.

So we want to thank the minister for the update and congratulate those people involved on a job well done.

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, I rise to speak to the minister's statement.

Do I have leave?

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

**Some Honourable Members:** Leave.

**Mr. Speaker:** Leave has been granted.

**Mr. Gerrard:** I thank the minister for his statement, for the information that this is an H5N2 strain of influenza which is of low pathogenicity. This news, and it is important, that properly cooked turkey is safe, is particularly important at the moment as we go into the holiday season when there tends to be quite a lot of turkey consumed in Manitoba.

So I thank the minister. We're certainly watching this very closely and will continue to do so. But so far it looks good except for the producers, and it's sad

that the producers are affected in this way. And we just hope this will be cleared up as soon as possible.

### Introduction of Guests

**Mr. Speaker:** Prior to oral questions, I'd like to draw the attention of honourable members to the public gallery where we have with us today, we have Orisia Sinatovich Gorski, who is the artist of the Holodomor portrait and the guest of the honourable Minister of Culture, Heritage and Tourism (Ms. Marcelino).

Also in the public gallery, we have from Steinbach Christian High School, we have 45 grade 9 students under the direction of Mr. Curt Plett. This school is located in the constituency of the honourable member for Steinbach (Mr. Goertzen).

And also in the public gallery, we have from Kelvin High School, we have 26 grade 9 students under the direction of Mr. Randy Medeiros, and this school is located in the constituency of the honourable member for River Heights (Mr. Gerrard).

\* (13:50)

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

### ORAL QUESTIONS

#### Phoenix Sinclair Death Public Inquiry

**Mr. Hugh McFadyen (Leader of the Official Opposition):** It's now well over five years since the tragic and terrible death of Phoenix Sinclair. It's now more than five months since the appeal period for her convicted killer expired. The director of Legal Aid has said that the path is clear for a public inquiry.

Why is the Premier dithering on this important inquiry for the future of children in Manitoba?

**Hon. Greg Selinger (Premier):** Mr. Speaker, again, we're not going to compromise the possibility of the justice system providing the family the justice that it's searching for, and that is why we have said only when the process is entirely exhausted, and only when the process is entirely exhausted will we then launch the inquiry. We've committed to that. We will do that.

**Mr. McFadyen:** Mr. Speaker, the Court of Appeal rendered its decision in March. The 60-day period to file an appeal has gone by. Five more months have gone by since then. The director of Legal Aid has denied coverage. The only thing that keeps the

possibility of the appeal alive are the unreasonable musings of a convicted killer.

I want to ask the Premier: Why is he using that excuse to delay this inquiry when, at the end of the day, all it is is a pretense for his political interests, Mr. Speaker, which he puts ahead of the well-being of children in this province?

**Mr. Selinger:** Mr. Speaker, I'm going to table three copies of a letter from the executive director of Legal Aid Manitoba to the *Winnipeg Free Press*, and I'll just hold one until I can give some of the content of it. And the letter says, with respect to: Baby Phoenix inquiry still on hold—article posted November 25th 2010. The comment, quotes, it appears the Province is essentially free to call an inquiry, quotes, attributed to me, is taken out of context. In fact, I was very specific in stating that it was proper to hold off on an inquiry while the appeal press—appeal process is ongoing. During the interview I was advised that counsel for the accused took the position that Legal Aid Manitoba had refused to fund the case. I suggested that clarification from counsel for the accused be obtained regarding whether the appeal to the Supreme Court was ongoing. Up until that point in time, it was apparent from counsel's reported comments that the Supreme Court appeal was ongoing. My comment, more accurately stated than in your article, is that once it can be determined that the Supreme Court appeal is no longer ongoing, an inquiry can be called.

I'm glad for this clarification, Mr. Speaker. I hope it helps the member opposite.

**Mr. McFadyen:** Mr. Speaker, what he is in effect—what the Premier is in effect saying is that as long as this convicted killer continues to muse out loud about the remote possibility of an appeal, now that five months has gone by from the deadline to file that appeal, as long as the convicted killer can't make up his mind whether he's going to appeal or not, this government will use that as a pretense for delay. It's abundantly clear the reason for delay is their political interest, the fact that they don't care. It's all about their politics.

Why won't he show leadership, Mr. Speaker, and put the care of children in Manitoba ahead of his own political interests?

**Mr. Selinger:** Mr. Speaker, I want to thank the member opposite for now leaving the director of Legal Aid out. We've made that clarification. He can no longer misquote him. He can no longer misquote

him, and, again, he's very specific. I was very specific, he says, in stating that it was proper to hold off on an inquiry while the appeal process is ongoing. And that's essentially the same position this government has always had.

As long as there's any risk to the possibility that a conviction will stand in this heinous case, we will not act on the inquiry. The public inquiry will come, as we have promised, once all of these matters are finalized with respect to the appeal to a Supreme Court.

### **Phoenix Sinclair Death Public Inquiry**

**Mr. Kelvin Goertzen (Steinbach):** The only risk this minister, this Premier, should be worried about is the risk to children by not moving forward with an inquiry.

This government is stalling a public inquiry into this horrific death of Phoenix Sinclair. It's a callous and a desperate move by a desperate government. Instead of putting the interests of children first by having this inquiry and improving the state of care for children in Manitoba, they are delaying simply to protect themselves from political damage. It's disgraceful and it's disgusting, Mr. Speaker.

Can this Premier (Mr. Selinger) justify—how can he justify putting his own political interests ahead of the interests of children? He—let him tell Manitobans why he's protecting himself, instead of protecting children.

**Hon. Andrew Swan (Minister of Justice and Attorney General):** And I'm disappointed, in light of this tragedy, we have the member from Steinbach and his leader taking a simplistic and out-of-touch understanding of this situation, and I'm actually shocked that the member for Steinbach and the Leader of the Official Opposition (Mr. McFadyen) would threaten to complete prosecution of a serious case to try and score political points.

There will be an inquiry; that has been promised. However, unlike the members opposite, particularly the member for Steinbach and the Leader of the Official Opposition, we are not going to play politics with the successful conviction. We don't want that to be prejudiced should a new trial be ordered by the Supreme Court of Canada. The inquiry will proceed as soon as those proceedings are completed.

**Mr. Goertzen:** Mr. Speaker, the delay of this inquiry is all about politics. It's all about protecting the NDP

government; it's not about protecting children. What the NDP government has essentially done is put it in the hands of the killer of Phoenix Sinclair to decide when the inquiry is going to be called. That little girl didn't have a voice when she was alive, and now they've turned it over to her killer to decide when the inquiry is going to be called.

Mr. Speaker, it's crass, it's transparent. It's obvious what they're doing. If this Premier had a shred of concern about child safety, he'd call the inquiry. Will he do it today or does he not care?

**Mr. Swan:** Again, Mr. Speaker, we have the member from Steinbach and the leader playing politics with this tragic situation. It is a shame the member for Steinbach has so little regard to the police officers who investigated this horrible incident. It's a shame he has so little respect for the Crown attorneys who do their job every day in the courts of Manitoba to make sure that those who commit serious acts are brought to justice.

There have already been two reviews done to make sure the evidence is there, to make sure that the work is preserved, but we are not going to compromise a possible—successful prosecution of this case because the member for Steinbach or the member for Fort Whyte (Mr. McFadyen) want to play political games. That is not the way we do things in this Legislature.

**Mr. Goertzen:** Mr. Speaker, it's clear, they simply don't want to compromise their own government. They're worried about compromising power; that's all they're concerned about. Manitobans and other members of this House are concerned about learning the lessons from the tragic death of Phoenix Sinclair, an unimaginable death, and now they've turned it over and put it in the hands of Phoenix Sinclair's killer to decide when the public inquiry is going ahead, and they've only done it to protect themselves.

I ask this Premier to get out of his chair and tell Manitobans that he'll put aside his crass political interests, and put ahead of that the interests of children and call that inquiry today. Sir, you have the power, do it today.

**Hon. Greg Selinger (Premier):** The reality is, Mr. Speaker, that nobody wants the conviction in any way to be compromised by a premature calling of the inquiry. The members opposite may wish to be reckless so they can pursue their political agenda.

We choose to be prudent and ensure that the conviction—it stands and will not be reviewed by the Supreme Court. We have fully committed to an inquiry. Evidence has been collected; reports have been done. We are convinced that we can both have the inquiry and not compromise the conviction which has occurred up to this stage. The members want to roll the dice and be reckless; we want to be prudent and have the inquiry.

\*(14:00)

### **Child Welfare System Children-in-Care Fatalities**

**Mrs. Bonnie Mitchelson (River East):** And that was a very weak, desperate answer from a Premier who should be showing leadership on the issue of protecting children.

And, Mr. Speaker, more than—it's been more than five years since Phoenix Sinclair's death, and this NDP government is still failing children. Children are still dying at an alarming rate in our child welfare system.

Yesterday we learned of the horrific, sickening, stomach-turning details of a 20-month-old baby girl's death under the care of the child welfare system.

How could this minister say that proper processes were followed in this little girl's case?

**Hon. Gord Mackintosh (Minister of Family Services and Consumer Affairs):** Mr. Speaker, every week in this province hundreds of children are saved from death or abuse by hard-working child welfare workers.

But even if there's so much as one case where there are questions raised—as was the case, the tragic case, that the member references—there is a very robust interview and investigation process that unfolds in this province, a process, by the way, that members opposite voted against. But we brought it through. We proceeded to make sure that the Children's Advocate had powers, unlike anywhere else in Canada, to make sure that questions are answered about the work of a front-line child welfare worker when there are those questions about life and death.

Mr. Speaker, we always have serious questions when there is a serious incident, and this was most serious.

**Mrs. Mitchelson:** But the process of this government failed that little girl, Mr. Speaker.

Mr. Speaker, children are being failed by the secrecy, by the lack of accountability and the lack of transparency by this NDP government.

When is this minister going to stop hiding behind so-called confidentiality and provide some answers on what went so terribly wrong with this little girl's case?

**Mr. Mackintosh:** Well, there's a little theme today, and that is there's certainly some interest on the part of members opposite to help those who have been brought before the courts of justice in this province when children are killed.

Mr. Speaker, it's shameful that they would like to undo and give arguments to the defence counsel of this province. That's not our position. Our position is to back up the police and prosecutors when they go and make investigations and prosecute these matters in the courts.

Right now there is a sentencing hearing that is pending in this case. And it is important to be reminded at this point, in this juncture, is that the Children's Advocate has full powers and has launched an investigation, as has the police, as has the branch, into the shelter where the woman was housed.

It's important that we always get to the bottom of these matters and not make political presumptions like members opposite are prepared to do.

**Mrs. Mitchelson:** And what a weak answer from a weak minister who has showed no leadership on the issue of protecting children.

Mr. Speaker, how many more children, like Phoenix Sinclair, Gage Guimond, Breana Belanger, Jaylene Sanderson-Redhead and many others, will die before this NDP government acts to protect children who can't protect themselves?

**Mr. Mackintosh:** Well, once again, the member would like Manitobans to believe that no children—or even there was a lesser rate of child-in-care deaths under her watch, Mr. Speaker, and that is so unfortunate.

And I'm always reluctant to talk about statistics, because one death alone can affect generations of a family and profoundly impact so many Manitobans, Mr. Speaker, with grief and loss.

But, Mr. Speaker, that is why, when there's ever a case involving child welfare—and I know the member's always said, oh, if child welfare was involved, it must be their fault. Well, it's important that there be an analysis to find out if standards in place were not reasonably followed. That is a question to be addressed in each and every one of these cases.

And often we can find shortcomings and address them. That's why, just a four short years ago, 166 kids in hotels in Manitoba; today, an average of two. Things are getting better, Mr. Speaker.

#### **Child and Family Services Agencies Child Abuse Investigations**

**Mr. Speaker:** The honourable member for River Heights, on a new question. [*interjection*] No, third question, second—just wait.

The honourable member for River East, on her second—on a new question.

**Mrs. Bonnie Mitchelson (River East):** Mr. Speaker, I just can't believe that the minister would say that things are getting better.

Mr. Speaker, in April of 2008 the Minister of Family Services introduced legislation that said every child would be seen every time.

My question to him is: If this little girl was seen, what or how could the abuse that was on her body have been missed by the workers that were supposed to have seen her? This was his policy. He said it was in place. What happened?

**Hon. Gord Mackintosh (Minister of Family Services and Consumer Affairs):** Well, at least she's asking questions now and not being the judge and jury, Mr. Speaker, of these tragedies. That's why it's important that in this province there is a—that's why it's important in this province that we have an outside independent review process that is like none other in this province. And as well, of course, the Chief Medical Examiner has the ability to call inquests, which he often does.

But, Mr. Speaker, I know that the member wants to keep saying, well—the question remains, what were the breaches of standards that's she's saying? She has no evidence. She's just saying, you know, things went terribly wrong. Things went terribly wrong in the family; we know that for darn sure. Our job now is to make sure that things did not go wrong in child welfare and if they did, to fix it up to make sure it doesn't happen again. That's our job.

**Mrs. Mitchelson:** Wow, Mr. Speaker, the Minister of Family Services in 2008, April of 2008, brought in legislation that said he would put safety first and every child would be seen every time. Is this his definition of safety first when a little child can be so abused and no one notices? Does he define this as safety first for children?

**Mr. Mackintosh:** Well, now I understand why the members opposite voted against enhanced powers for the Children's Advocate because they don't want to rely on an outside independent review, not at all. They just want to jump to conclusions.

And, of course, when they were in office—and I asked this question of the member once before—you know, before devolution, before our government, who did she blame for all the child deaths under her watch? She's never told us that. With an even higher rate of children-in-care deaths, who did she blame?

This is a very, very serious matter, Mr. Speaker, that is before the courts of Manitoba. It's before the courts for sentencing. She would like to get up and just hand over, just lob over some arguments for defence counsel. That's not on.

**Mrs. Mitchelson:** That kind of a desperate weak answer from a government that's been in charge for 11 years and is failing children and children are dying within the system that they created is shameful.

I'd like to ask the minister now: Will he get his head out of the sand? Will he recognize and realize that children are dying in his child welfare system that he created and do something to fix it today, Mr. Speaker?

**Mr. Mackintosh:** We were told in 2006, thanks to outside reviews that were insightfully called by my predecessor, the member for Riel (Ms. Melnick) to make sure that there were—there was an outside analysis—

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

**Mr. Speaker:** Order, a little decorum, please. The honourable minister has the floor.

**Mr. Mackintosh:** And we were told by the Children's Advocate and the Ombudsman that the child welfare system, for a long time, had been broken. So we know how helpful the members were to child welfare. We know of the cuts. We know of what they did for the funding for foster children, for their food, for their mitts, for their presents. Yeah, they cut it time after time after time. They got rid of

the Foster Family Network. They made sure that the Children's Advocate had the rug pulled out from underneath him. We know what they did to child welfare.

They were told that it was in crisis. They broke it; we're fixing it, Mr. Speaker.

\* (14:10)

### **Jaylene Sanderson-Redhead Death Crown's Charge Reduction**

**Mr. Kelvin Goertzen (Steinbach):** Mr. Speaker, it's clear that child safety will not improve under this minister or under this government.

Jaylene Sanderson-Redhead is another child who died another horrific death after a short and difficult life, another tragedy that didn't have to happen, Mr. Speaker. The mother, who murdered this child, yesterday was given a plea deal to have the charge reduced from murder to manslaughter and the possibility of a much lighter, lighter sentence.

Has the minister asked for a review as to why this case was pleaded down from murder to manslaughter?

**Hon. Andrew Swan (Minister of Justice and Attorney General):** Mr. Speaker, of course, I can't comment on a specific case. What I can tell the member for Steinbach is that our Crown attorneys prosecute cases based on two factors. Number 1, is there a reasonable likelihood of a conviction? Number 2, is it in the public interest to proceed?

Certainly, with cases of this type that involve children, it's always in the public interest to proceed. The question that Crowns have to answer in cases like this is, what is the most serious disposition they can get without jeopardizing the case? In many cases there are difficulties with witnesses, there's difficulty with evidence.

We support our Crown attorneys. As minister, I support the work that our Crown attorneys do everyday in our province, making sure that justice is reached across the province, Mr. Speaker.

**Mr. Goertzen:** Well, Mr. Speaker, it's ironic because prosecution fought, they fought to have the right to prosecute on a murder case and not a manslaughter case, and they won that right to go ahead with their murder case, and yesterday it was pleaded down to manslaughter, and the consequence of that is likely to be a much, much lighter sentence.

Jaylene not only suffered unspeakable abuse in her short life, but she was killed after her mother held her hand over her mouth for two minutes. This young girl didn't have a voice during her life. We could've had at least some sense of justice if there had been a proper sentence coming forward, but the likelihood of that has been reduced because of the plea down from murder to manslaughter.

Why isn't this Minister of Justice concerned, like all other Manitobans are concerned, that Jaylene won't get the justice she deserves?

**Mr. Swan:** Again, Mr. Speaker, I can't comment on the specific details of the case, but if the member for Steinbach honestly believes that it is the role of the Minister of Justice to interfere in cases, to tell Crowns whether they should proceed against somebody, whether they should not proceed against somebody, whether they should authorize laying charges against somebody or not, he is living in a dream world.

The member from Steinbach is so out of touch in terms of the realities of how criminal justice works in this province, frankly, it is shameful, Mr. Speaker. We trust our Crown attorneys. They are independent. They are given the right to decide and make the right decision based on all of the facts and all of the evidence that is before them, and I can't talk to the specific case, but the member for Steinbach needs to understand that.

**Mr. Goertzen:** The Minister of Justice has every right to ask why it is that this case was plea bargained down from murder to manslaughter. I would say he has more than just the right, he has the responsibility.

There was a young girl who was killed in horrific circumstances and nothing we can do or say here today can change that, but the justice system could've ensured that she at least had justice after the facts of the case. And, yet, this Minister of Justice doesn't want to do anything. He doesn't even want to ask why this plea bargain happened and why there's likely to be a lighter sentence.

Will he not do the right thing for this young girl who lost her life and for others who might be in danger, because the message that's being sent by this Minister of Justice is there's not going to be much punishment when somebody takes the life, in a horrific, horrific way, of a young person in this province, Mr. Speaker.

**Mr. Swan:** Mr. Speaker, the member for Steinbach certainly follows the lead of his leader, they do not think things through, and the idea that the Minister of Justice should interfere in a particular case—not only is it incorrect, not only does it actually go against the way that our democratic system works, it is offensive.

And I know my predecessor spent a lot of time trying to educate the member for Steinbach on this issue. He just doesn't understand it. I guess we can't educate him on that fact. The member from Steinbach needs to finish his articles, he needs to learn a little bit more about the law and then he should ask questions that actually show some appreciation for the role of the Justice Minister.

The Justice Minister does not tell Crown prosecutors which cases to prosecute. It's that simple, Mr. Speaker.

#### **Minister of Family Services Premier's Confidence**

**Mr. Hugh McFadyen (Leader of the Official Opposition):** Only 17 months ago, in this city of Winnipeg, just blocks from where we stand today, a 20-month-old girl was bitten, kicked, suffocated, killed within a facility that was funded by the Department of Family Services by a person who is known by that department to have a history of violence.

In light of those circumstances, in light of the fact that these things happened under the watch of this Family Services Minister, I want to ask the Premier, who has the ability and the responsibility to show leadership: Does he continue to have confidence in his Minister of Family Services?

**Hon. Greg Selinger (Premier):** Mr. Speaker, the short answer is yes and the long answer is yes because this minister has moved on bringing forward prevention programs to help families and children from not—to not come into the child welfare system. He has been working with the federal government to negotiate those resources. He has conducted the kinds of reviews in a timely fashion and made those available to the office of the Children's Advocate. This minister has acted with every ounce of energy and fibre in his body to ensure the child welfare system is working.

The members opposite have consistently tried to tear down this system and reverse it to a time when there was, in fact, a greater proportion of children in care that were dying, and he wants to go back to

those old days. We want to go forward and prevent children and their families from having to come into the care of the child welfare system.

**Mr. McFadyen:** There is a pattern under this government of tragedy followed by finger pointing on the part of ministers, followed by political games on the part of ministers, followed by inaction on the part of ministers, followed by tragedy, and it repeats itself over and over and over and over again no matter who the minister is.

Mr. Speaker, is the Premier prepared today, in light of the fact that only 17 months ago a helpless 20-month-old girl was bitten, kicked, suffocated and killed by a person who is known to have a history of violence in a facility under the control of this government, is he prepared to say today, in light of this pattern, in light of these circumstances, that his Minister of Family Services is doing a good job on behalf of children?

**Mr. Selinger:** Mr. Speaker, I just answered that question in my last response, and I think it's important for the members opposite to recognize that they're—I think it's important for the members opposite to recognize that this minister, on behalf of this government, has made many strides to improve the child welfare system, including taking those measures that will prevent the need for children and families to have to come into care. This is the next major initiative that has to be undertaken.

We have to provide resources at the community level for families and children, for families and children to be able to have healthy lives. We've done that with our Healthy Child initiative for many years, which the members opposite have consistently voted against in terms of resources. We now have a partnership with the federal government to bring those resources into the child welfare system to do the prevention work at the community level. The members opposite have voted against it. If they're really consistent in wanting to see improvements in the child welfare system, why do they continually vote against the resources needed to address their concerns?

**Mr. McFadyen:** Mr. Speaker, we have an amendment to the Throne Speech before the House today which calls on the government to bring stability to a system which the Children's Advocate says is in chaos. It'll be very interesting to see how they're going to vote on that amendment. Are they going to vote for stability or are they going to vote for chaos, continued chaos so the pattern repeats

itself: finger pointing, failing to take responsibility? Eleven years in, doesn't matter who the minister is, this minister plays political games with his portfolio.

Will the Premier give a nice clear straight answer to the question: Does he think his current Family Services Minister is doing a good job on behalf of Manitoba children?

**Mr. Selinger:** Mr. Speaker, the answer was very clear in the first question that I answered. The answer was very clear in the second question I answered, and the answer is clear in the third question.

Yes, I have confidence in this minister. He has made great improvements in the child welfare system, against attacks from the members opposite that were not based on facts, personal attacks. The member—the Leader of the Official Opposition talks about finger pointing. He's got the longest fingers in this House, Mr. Speaker. We know that.

\* (14:20)

And it's no small matter to be a Minister responsible for Family Services when these tragic cases are occurring and to find the proper way forward—in prevention, in training, in mandates—to govern these agencies and to do it in such a way that the quality of life for these families and children is improving, which is exactly why we put these resources in the budget, and it's inexplicable why the members opposite continuously vote against those resources which will make such a difference.

#### **Elder Abuse Prevention Complaint Investigations**

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, yesterday we learned about the extra layer of protection that the Health Minister has created for herself and the NDP with the so-called elder abuse helpline just so that she can receive more allegations of abuse, which she will, as she has in the past, continue to ignore.

Today we heard the story of Henry Froese. He is a 95-year-old man who died eventually, but this is a story of repeated abuse and neglect and complaints which were ignored, complaints that he was laughed at by staff and there were mystery bruises to his body that were ignored and, ultimately, claims—complaints that went to the Minister of Health herself, which she ignored.

Mr. Speaker, as part of this government's policy of indifference to the elderly, can the Minister of

Health explain why she's setting up a hotline to receive complaints that she will just ignore?

**Hon. Theresa Oswald (Minister of Health):** I want to begin, of course, by saying that families in Manitoba are right to expect that their loved ones receive compassionate, dignified and professional care. Every family has that right, and I have more to say on that subject.

I do want to say, for the House, I know the member conducted a press conference earlier and made some statements. I want to confirm, for the House, that I did receive a letter from the member concerning this particular case on November the 4th, 2009. I responded to this allegation, this concern, within two weeks to the individual-in-question's wife. At that same day, I received a response from that individual thanking me for the response and for my concerns, on which the member was cc'd. He knows that I responded to that email, and he said otherwise today.

**Mr. Gerrard:** Mr. Speaker, the problem is not the response. The problem was that the complaints were not addressed, that there continued to be day after day, week after week, problems with the treatment and care of Mr. Henry Froese while he was at the Charleswood Care Centre and that these were not followed through, these were not addressed, the care was not changed for eight months.

Last year there were 1,200 Manitobans who tried to share their stories of abuse and neglect of seniors in personal care homes, and there were only 39 which were even investigated.

**An Honourable Member:** That's not true, Jon.

**Mr. Gerrard:** It is true. That's what we found on the FIPPA. I tabled that yesterday.

I ask the Minister of Health why is—it is your government's policy to get more and more complaints but not to follow through and make sure that the complaints are addressed and that the care is improved.

**Ms. Oswald:** Mr. Speaker, I want to clarify for the House, again, that this government set up the Protections for Persons in Care office, and when issues of abuse are brought to that office, every case—every case—is investigated. There is a process that the investigators go through to determine whether a further investigation is required. That process goes through—is gone through in a very rigorous and fulsome manner, and it's at that point that an

allegation is determined whether or not to be founded.

I can say to the member that we are working very hard on education and information to the public about the importance of reporting the different kinds of abuse that can occur. We are seeing an increase, which is an improvement over things being swept under the rug.

But, Mr. Speaker, there's at least two statements that the member has said today that are not true, that are documented, and I believe that he should behave, as you instruct us, Mr. Speaker, as an honourable member.

**Mr. Gerrard:** Mr. Speaker, under this government the number of complaints of abuse have gone from 460 to 1,200. There has not been effective prevention of abuse. Indeed, over the last eight years there's been almost 6,600 complaints lodged, and less than 10 per cent of these were fully investigated.

As I tabled yesterday, everyday Manitobans have made it clear that they're tired of this lack of follow-through. For Mr. Henry Froese, the complaints were made not once, but many times, and the problem was that they were never adequately addressed. The substandard care continued and continued.

Why is this government not going to follow through? When is this government going to make sure that the abuses which occur are stopped, are prevented so that we don't need to have so many reported in the first place?

**Ms. Oswald:** Well, Mr. Speaker, and I think every member of this House would agree that we want to do everything that we can as a society to ensure that vulnerable elderly people are not abused in any way physically, emotionally, financially, all the different ways that this can happen to a vulnerable elderly person. That's why in our personal care homes we have worked to increase standards, standards that had not been touched for decades. That's why we created the Protection for Persons in Care office.

We know that in this individual case, there were allegations and situations that happened that were unacceptable. We know that work with the regional health authority was extensive. We know the individual was moved to a personal care home, the one of choice.

And we know that we're going to continue to work with all Manitobans, but Mr. Speaker, it's

incumbent upon all members, when they bring material forward, that it is accurate material and not material that they're using for their own political gain.

### **Workers Compensation Board Rate Decrease**

**Ms. Sharon Blady (Kirkfield Park):** Mr. Speaker, there seems to be a theme today where it seems people in this House are concerned about safety. The difference is folks on the other side of the House like to talk the talk. Folks on this side of the House actually walk the walk.

Can the Minister of Labour and Immigration tell us how working with employers in our province to reduce workplace injuries and increase workplace safety and health has offered a competitive advantage for Manitoban employers in our province in addition to making workplaces safer environments for Manitoba employees, how we've done the job?

**Hon. Jennifer Howard (Minister of Labour and Immigration):** Mr. Speaker, I'm pleased to let the House know that the—today the Workers Compensation Board has announced that rates will be going down next year, will be—they will be going down because of the record of safety that employers and employees have worked together to improve and because of the fine work of the board.

I would like to say that we have doubled inspectors, Workplace Safety and Health inspectors. We have tenfold increased the number of workplace health and safety inspections, despite the criticism from the Leader of the Opposition (Mr. McFadyen), who called these inspectors and these inspections simply more red tape and bureaucracy. I would also say that we have increased fines for repeat offenders who are negligent of their duties, despite the fact that members of the opposition spoke against that and called that just another tax grab.

### **Overland Flooding Producer Financial Assistance Eligibility**

**Mr. Stuart Briese (Ste. Rose):** Mr. Speaker, on September the 7th and 8th, 2009, the Eddystone area received 11 inches of rain over two days. Baled hay was destroyed by overland flooding. The Rural Municipality of Alonsa made claims under the Disaster Financial Assistance program; they were paid. The ranchers were told to make DFA claims; their claims were adjusted. They were told by the

adjuster their claims were valid. Promises were made, not kept.

\* (14:30)

Mr. Speaker, I ask the minister responsible: Why have the ranchers in this area not received compensation for the lost hay under the Disaster Financial Assistance program?

**Hon. Stan Struthers (Minister of Agriculture, Food and Rural Initiatives):** I'm really very pleased to—just to get up and talk about the accomplishments of this side of the House, as compared to those on the other side of the House who never did walk the walk, Mr. Speaker.

First of all, I think we have to understand that cattle ranchers have had a very tough, not only '010 but '09 year, and that this government has been standing with them as we move forward, right up until yesterday, when we made the announcement that we were moving from 80 to 90 to 100 per cent coverage in terms of wildlife predators, Mr. Speaker.

That's any day of the week, this government will walk the walk. You keep talking the talk and sit over on the other side.

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

### **House Business**

**Mr. Speaker:** The honourable Official Opposition House Leader, on House business?

**Mr. Gerald Hawranik (Official Opposition House Leader):** Yes, on House business, Mr. Speaker.

Assuming that the Throne Speech debate is concluded by next Wednesday, I would like to announce that the private member's resolution that then would be considered next Thursday morning is the resolution on Multiple Sclerosis and Chronic Cerebro-Spinal Venous Insufficiency, brought forward by the honourable member for Charleswood (Mrs. Driedger).

**Mr. Speaker:** Assuming that the—it's been announced that assuming that the Throne Speech debate is concluded by next Wednesday, it's been announced that the private member's resolution that would then be considered next Thursday morning is the resolution on Multiple Sclerosis and Chronic Cerebro-Spinal Venous Insufficiency brought forward by the honourable—will—that will be brought forward by the honourable member for Charleswood.

## MEMBERS' STATEMENTS

### Holodomor 77th Anniversary

**Mr. Doug Martindale (Burrows):** Mr. Speaker, this week, Manitobans marked the 77th anniversary of Holodomor, the artificial famine which killed an estimated seven million Ukrainians between 1932 and 1933. This systemic genocide was meant to crush any aspirations of Ukraine for political independence. Hundreds of thousands of Canadian families have roots in the Ukraine and the aftershocks of this experience still touch those families today.

This year we're paying homage to the victims with the painting *Holodomor-Genocide No. 2* by Orysia Sinitowich-Gorski.

Ukraine was the most productive agricultural area of the Soviet Union when Stalin brought in his policy of forced collectivization. This had devastating consequences for the region's productivity.

The famine reached its peak in 1932 after Stalin raised Ukraine's grain quota per collective beyond any reasonable expectations. Since workers were allowed to take grain from their farm only once government quotas were met, this caused widespread starvation. One-third of those victims were children.

After a tragedy of this scale, it's always a struggle to know how to process these memories. Such a painful truth needs to be remembered so it isn't repeated and, yet, especially for survivors, this can seem overwhelming.

This is why some people express themselves through art. Art allows us to look at truth without being blinded by it. Last spring, we unveiled a haunting painting here at the Legislature entitled *Holodomor-Genocide No. 2*. We are lucky enough to have the well-known Orysia Sinitowich-Gorski, creator of the piece, with us here today. Paintings such as Sinitowich-Gorski's take atrocities and mold them into relevant reminders of despair and, yet, through this process, create hope.

Mr. Speaker, at the time this famine occurred, reports of the famine leaked out of the country but were dismissed by most of the world. Sometimes we have to search for and hold on to the truth. It may not be enough to simply catch a glimpse of it.

Thank you, Orysia, *dyakuyu*, for work like yours that takes painful subjects and thrusts them into the light for us all to remember.

**Mr. Leonard Derkach (Russell):** I, too, rise on this same issue, Mr. Speaker, of the commemoration of the Holodomor. Although this is a time when our thoughts—minds and thoughts turn towards the celebration of the Christmas season, it is also a time when we are reminded of the horrific acts that were committed during 1932 and 1933 in Ukraine, where between seven and 10 million people lost their lives.

The term "Holodomor" is—now finds itself into the *Webster's Dictionary*, Mr. Speaker, and the term is defined as one of death by starvation. It is the cause—it is this that was caused to the Ukrainian people in 1932 and 1933 by Joseph Stalin.

Mr. Speaker, according to the best information that is available, between seven and 10 million people lost their lives because of this forced starvation. The winter and the spring of 1932 and '33 will never be forgotten by those whose family members were forced to die because there was literally no food left.

Mr. Speaker, today we have members of families who lost their lives still living in the city of Winnipeg, and last year, we were able to honour them for having lived through this horrific event.

It is also appropriate, I think, to mention that in working with the former Minister of Culture, Heritage—the Minister of Northern Affairs (Mr. Robinson) now—we were able to have the Legislature purchase a painting of the Holodomor which hangs just outside of the doors of this Chamber, Mr. Speaker, and which marks the event as a genocide. Most of the world today recognizes this event as a genocide and, indeed, we as Manitobans commemorate this once every year.

And, Mr. Speaker, today I'm going to ask the House to pause for a moment of silence to commemorate not just the seven to 10 million people who have died, but all peoples who have died as a result of a genocide and forced out of existence.

And, Mr. Speaker, I also want to say that this Saturday at 1:30 p.m. in the afternoon, there will be a service at the—at City Hall where the service will be held in memory of those who were forced to die at the hands of Joseph Stalin during that period of time.

Mr. Speaker, with your permission, I ask that we all rise for a moment of silence.

**Mr. Speaker:** Is there agreement for a moment of silence? *[Agreed]*

Please rise for a moment of silence.

*A moment of silence was observed.*

#### **Southdale Community Centre Volunteers**

**Ms. Erin Selby (Southdale):** Mr. Speaker, an expanding community centre requires shovels and dollars, of course, but even more crucial is the dedication of its volunteers.

On October 15th, I was happy to give the welcoming speech at the Southdale Community Centre Volunteer Appreciation Dinner. Everyone who has helped out with the centre was invited and over a hundred guests attended to show their support.

This year, the club spotlighted eight generous individuals to receive volunteer recognition awards for their work with the centre's various sports teams.

These individuals, like all our volunteers, give extensively of their time, care deeply about our kids and make Southdale a great place to raise a family. The award recipients were recognized for their work on each of the centre's sports teams: Mike Espenell in hockey; Penny Lesperance in ringette; Lisa Cefali in basketball; Dave Pankratz in softball; Marcel Gisiger in baseball. Dani Thomson, John Dunsmore and Tamara Bauknecht received awards for their work with Southdale's three soccer teams.

\* (14:40)

The number of people who volunteer at the centre goes to show how well it's rooted in our community. Over a thousand people a year donate their time to the community centre, coaching, managing and assisting with functions.

Mr. Speaker, without this kind of dedication, the community centre would be nothing but an empty building filled with dusty equipment. Not only do volunteers help our programs run, they encourage a climate of volunteerism for our young people to absorb. These are the values we want to pass on to our kids one day, that they might be the ones coaching mini soccer or junior hockey.

Mr. Speaker, I'd like to thank everyone who organized the event and most particularly the award recipients. Congratulations to all the volunteers. It's

people such as these that make the community club such a dynamic and welcoming place.

#### **Child Welfare System Children Fatalities**

**Mrs. Bonnie Mitchelson (River East):** Mr. Speaker, Phoenix Sinclair, Gage Guimond, Jaylene Sanderson-Redhead, Dillon Breana Belanger, Heaven Traverse, Venecia Shanell Audy, Patsy Desmarais, Michael Helgason, Tracia Owen, Baby Amelia: These are but a few of the names of children who have died under the care of this NDP government's child welfare system. It remains a system in chaos, as the child-Children's Advocate described it last spring.

Mr. Speaker, review after review has been conducted, and each time the minister says he's outraged about the treatment of children by adults who are supposed to care for them. Each time he promises change but then we hear about the tragic death of another child in care. When will it end?

Mr. Speaker, we have a system that is failing children, failing them in the worst way possible, by not keeping them safe. In many cases children are taken from safe, stable, long-term foster families in a politically motivated attempt to reunite children with their families.

Mr. Speaker, the loss of any child in care is tragic. More tragic still are the instances when children are returned to unsafe situations. This NDP government has failed many, many children in its rush to implement devolution. The rush meant agencies were ill-prepared for the great responsibilities for which they were entrusted.

Mr. Speaker, cultural identity and education about one's heritage is extremely important for all children, but achieving that goal should never come at the expense of a child's safety. Unfortunately, that is what is still happening in Manitoba. Too many children have paid the price for the system the NDP government rushed into place. It's got to stop. We hope the Minister of Family Services (Mr. Mackintosh) will heed our calls for a moratorium on the movement of children from safe, stable, long-term foster homes until the chaos in our child welfare system is resolved. Thank you.

#### **Point of Order**

**Mr. Speaker:** The honourable Official Opposition House Leader, on a point of order.

**Mr. Gerald Hawranik (Official Opposition House Leader):** Yes, on a point of order, Mr. Speaker.

And we don't often—sometimes we don't often—we don't rise often enough on points of order, but in this case it's a very serious matter that I'm raising, and it has to do with, of course, what questions were asked in question period today and what kinds of answers were given to members from this side of the House, from the Leader of the Official Opposition (Mr. McFadyen), from the member from Steinbach and, again, the member from River East.

Very serious questions were put with respect to this Child and Family Services portfolio. We've had serious questions about Phoenix Sinclair, asking for justice to be done and to call an inquiry, and all we got, Mr. Speaker, were flippant answers. There was no justification for denying the inquiry and it's not like we haven't been asking questions on this particular topic.

And I point to, even just this past Monday, where the member from Steinbach demand an inquiry—demanded an inquiry three times on November 22nd, on Monday, and the Minister of Justice (Mr. Swan), all he could say, well, we're not going to have the inquiry.

On Tuesday, November 23rd, the Leader of the Official Opposition demanded an inquiry three times and, again, the Premier (Mr. Selinger) denied a public inquiry into this matter. Yesterday, the Leader of the Official Opposition, three questions to the Premier asking for a public inquiry. What do we see? Three denials by the Premier and, again, three denials by the Minister of Justice, Mr. Speaker.

An inquiry was promised, Mr. Speaker. It was promised to all Manitobans by Premier Doer almost five years ago, and this government waits and waits and waits. What's it waiting for? It's pretty obvious that it wants to wait after the next election. They prefer that the gruesome details about the failure of this government to move forward, the failure of this government to fix Child and Family Services, will come out, and that's what's called damage control. That's called damage control, and the government is politicizing this process. But who is hurt by all of that delay? It's the children. It's Phoenix Sinclair, it's Phoenix Sinclair's family, all Manitobans, particularly children in Manitoba.

An inquiry is going to determine what went wrong in this case. It's going to determine what went wrong, and if that happens, Mr. Speaker, government can make adjustments to policy, to regulation, to legislation to ensure that other children don't die in similar circumstances while in care of the Child and

Family Services system here in this province. An inquiry has to be called now so that children don't continue to die under the watch of this government and its failed policies under Child and Family Services.

And surely, Mr. Speaker, I would ask that you rule that this is a point of order, and I would ask that it's a valid point of order. The government should not be putting politics ahead of children and the protection of children, and I would ask that you rule in favour of this point of order.

**Mr. Speaker:** The honourable Government House Leader, on the same point of order.

**Hon. Jennifer Howard (Government House Leader):** Yes, Mr. Speaker, on the same point of order.

I know that you will review this. I believe you will find that this is not a point of order. It is a situation where the opposition does not like or does not agree with the answers they've been provided.

I think there's been consistency on this side of the House in the answers on this question that an inquiry will be held as was committed to, and that inquiry will be held in a fashion and at a time when it does not compromise the conviction of those who are responsible for the death of that child. That, I believe, is the responsible course of action, and I think we've heard that clearly from the Attorney General (Mr. Swan) and from the Minister of Family Services (Mr. Mackintosh) as well.

Today we also added information in response to their questions about the position of the executive director of Legal Aid, a position which they had mischaracterized in their questions, and we provided clarity that the director of Legal Aid had also said that it was the proper response to wait until the legal proceedings had concluded before an inquiry was to take place so as to be sure that we would not put in jeopardy that conviction.

This is simply, I suppose, a dispute over the facts and, I suppose, another attempt to put forward a point of view and a belief that has been proven to be irresponsible, proven to be reckless in that they would put at risk the conviction of those people who are responsible for the death and injuries to that child.

So I leave it to your good counsel, Mr. Speaker, to decide that this is, in fact, not a point of order.

**Mr. Speaker:** The honourable member for River Heights, on the same point of order.

**Hon. Jon Gerrard (River Heights):** Yes, on the same point of order, Mr. Speaker. I just want to say a few words here.

The minister has talked about the concern over compromising certain situations. I would suggest, Mr. Speaker, that the most important consideration here is anything which would compromise the well-being of children who are in Child and Family Services and that it is very important that we have this inquiry so that we can improve the situation for children in this province, and anything that delays this inquiry has the potential to compromise the care and the well-being of children in this province.

And so I certainly support this point of order, and it is a matter of not compromising the well-being of children in this province, and that's why I support the House leader for the Conservatives in this effort.

\* (14:50)

**Mr. Speaker:** On the point of order raised by the honourable Official Opposition House Leader, if you look at *Beauchesne*—and I'm sure that all House leaders have our rule books—*Beauchesne* 416: A minister may decline to answer a question without stating the reason for refusing, and insists on an answer is out of order, with no debate being allowed. A refusal to answer a question cannot be raised as a question of privilege, nor is it irregular to comment upon such a refusal. A member may put a question but has no right to insist upon an answer.

And also, in—look at your *House of Commons Procedure and Practice*. It also states: The Speaker ensures the replies adhere to dictates of order, decorum and parliamentary language. The Speaker, however, is not responsible for the quality or content of replies to questions.

And also in previous precedents that have been set by other Speakers. It's in *Beauchesne* 416: A member may put a question but has no right to insist upon an answer.

That has been ruled by other Speakers and that will be consistent with my ruling today.

**Mr. Hawranik:** I challenge your ruling, Mr. Speaker. *[interjection]*

**Mr. Speaker:** Order. So the honourable member does not have a point of order.

\* \* \*

**Mr. Hawranik:** I challenge your ruling, Mr. Speaker.

**Mr. Speaker:** The ruling of the Chair has been challenged.

#### Voice Vote

**Mr. Speaker:** All those in favour of sustaining the ruling of the Chair, say aye.

**Some Honourable Members:** Aye.

**Mr. Speaker:** All those opposed to sustaining the ruling of the Chair, say nay.

**Some Honourable Members:** Nay.

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

#### Formal Vote

**Mr. Hawranik:** A recorded vote, Mr. Speaker.

**Mr. Speaker:** A recorded vote having been requested, call in the members.

Okay, the question before the House is shall the ruling of the Chair be sustained.

#### Division

*A RECORDED VOTE* was taken, the result being as follows:

#### Yeas

*Allan, Altemeyer, Bjornson, Blady, Braun, Brick, Caldwell, Dewar, Howard, Irvin-Ross, Jennissen, Jha, Korzeniowski, Lemieux, Mackintosh, Marcelino, Martindale, McGifford, Melnick, Nevakshonoff, Oswald, Reid, Robinson, Rondeau, Saran, Selby, Selinger, Struthers, Swan, Whitehead, Wowchuk.*

#### Nays

*Borotsik, Briese, Cullen, Derkach, Driedger, Dyck, Eichler, Faurschou, Gerrard, Goertzen, Hawranik, Maguire, McFadyen, Mitchelson, Pedersen, Rowat, Schuler, Stefanson, Taillieu.*

**Madam Clerk (Patricia Chaychuk):** Yeas 31, Nays 19.

**Mr. Speaker:** The ruling of the Chair has been sustained.

#### Point of Order

**Mr. Speaker:** The honourable Official Opposition House Leader, on a point of order?

**Mr. Hawranik:** Yes, on a point of order, Mr. Speaker.

And, again, there—obviously—and I heard the—in the room there's lots of points to be made today, and there obviously are and, again, a very serious matter.

I think we, as opposition members, should—and Manitobans should—demand truthful and factual answers to be told to questions given by members of the opposition during question period and put in this House, Mr. Speaker.

And I just note with respect to an article in the *Winnipeg Free Press* today, the executive director of Legal Aid Manitoba stated that the Province is free to call an inquiry, and I know that members of the government would object to that. In fact, I'm sure this morning, when they saw what was printed in the article, that the phone lines were going pretty hot and heavy to Legal Aid, Mr. Speaker, and probably, from either the Premier's (Mr. Selinger) office or the Minister of Justice (Mr. Swan) trying to get that perhaps modified or changed.

And we saw that in the House today when they tabled the letter with respect to that—all about damage control, Mr. Speaker, into the death of Phoenix Sinclair. Phoenix Sinclair's killer lost his bid to fund an appeal for a murder conviction to the Supreme Court of Canada.

Mr. Speaker, the matter is over. The appeal period to the Supreme Court of Canada was not made within the time frame that was allowed. The reality is, is he only had 60 days, and that time period expired more than five months ago. And the reality is, is that this convicted killer, who's desperate to get off, obviously, and desperate to use our legal system in any way possible, he applied to Legal Aid and Legal Aid, the executive director, clearly indicated that no money was available for an appeal.

So the reality is he's not going to appeal, and just because he says he wants to appeal, why are we waiting for a public inquiry, Mr. Speaker? He could say that 10 years from now; he could say that 20 years from now. We will never get a public inquiry if we wait until the convicted killer says, no, I'm not going to appeal. I mean, who's in control of the justice system here? Who's in control of the public inquiry? Who's in control of what happens in this House?

The reality is the NDP are taking the position that a convicted killer will control and dictate to us as legislators in this Legislature; he will dictate to us

when that public inquiry is going to occur. It's unbelievable, Mr. Speaker.

How much longer do Manitobans have to wait? We've been waiting more than four years already. Premier Doer, more than four years ago, stated that we would have a public inquiry. The process, in my point of view, Mr. Speaker, is in fact over—

**Mr. Speaker:** Order.

Points of orders are not to be used for debate. If the member wishes to raise a breach of a rule or a practice of the House, that's what points of orders are for. But points of orders are not to be used for debating issues, but to point to the Speaker where from our rules and our procedures of the House, where the—where—if the honourable member feels that one of them was breached or broken, please point it out to the Speaker.

**Mr. Hawranik:** Thank you very much, Mr. Speaker.

And I simply go through some of those facts because they illustrate, I think, the point that I'm trying to make and the fact that the rules of the House were broken and that that should be respected, Mr. Speaker.

So some of the facts that I highlighted are obviously very, very important because I am indicating to this House, Mr. Speaker, that we, as members of the opposition, we demand truthful and factual answers to questions in question period, and I think that that is a breach of the rules of this House. Clearly, we have to expect truthful and factual answers and not expect rhetoric and stonewalling and delay causing our—the children of the province to suffer as a result. That's completely—I believe, what's happening is that if we don't get truthful and factual answers in this House, where can we get them? That's why we ask the questions. If we don't get those—the truth—we don't get factual answers, if all they do is hang on threads to try to delay and stall a public inquiry, that's an issue for this House.

And I would ask, Mr. Speaker, that you rule in favour of my point of order.

**Mr. Speaker:** The honourable Government House Leader, on the same point of order?

\* (16:00)

**Ms. Howard:** I will speak briefly. I think you will know and everybody here knows, including the Opposition House Leader, that he doesn't have a point of order. But what he is trying to do is use a

point of order to debate, as you've already tried to call him to order not to do.

I—today, he refers to the letter that was made available to them from the director of Legal Aid Manitoba and seems to believe that this was in some way an attempt to mislead the House when in effect, in fact, that letter was exactly the opposite. It was an attempt to provide clarity and truthful information to the House in an attempt for the opposition to understand what was going on, and the letter has been tabled and they can look to it.

I appreciate that the members opposite find this issue funny and are humouring themselves, and they're free to laugh at what their House leader seems to think is important enough to interrupt the business of the House. If they don't want to support their House leader, that's their decision.

So I would submit to you, Mr. Speaker, that this is a debate and this House is the right place to have debate and we have lots of time to have debate. But what they would like to do instead, for some reason, is not vote on the motion put forward by their leader. I respect their leader enough to give him the respect to take a vote on his motion. They don't seem to. That's their right as well.

So I will expect, Mr. Speaker, that you will consider this point of order and I'm sure, in your wise counsel, will find that it is not indeed a point of order.

**Mr. Speaker:** On the point of order raised by the honourable Official Opposition House Leader, I must rule that there is no point of order because *Beauschesne* is very clear, and *Beauschesne* 416 states—order, please—416 states: A minister may decline to answer a question without stating the reason for refusing and insist on an answer is out of order with no debate being allowed. A refusal to answer cannot be raised as a question of privilege, nor is it regular to comment upon such a refusal. A member may put a question but has no right to insist upon an answer.

And also, I made a ruling on May 21st, 2009, which I will read part of it. It states very clearly that citation 416: A member may put a question but has no right to insist upon an answer. And also, I want to quote from Marleau and Montpetit: the Speaker ensures that replies adhere to the dictates of order, decorum and parliamentary language. The Speaker, however, is not responsible for the quality or contents of replies to questions.

And that's in both rule books so I have to rule that the honourable member does not have a point of order.

\* \* \*

**Mr. Hawranik:** I challenge the ruling.

**Mr. Speaker:** The ruling of the Chair has been challenged.

#### Voice Vote

**Mr. Speaker:** All those in support of sustaining the ruling of the Chair, please say aye.

**Some Honourable Members:** Aye.

**Mr. Speaker:** All those opposed to sustaining the ruling of the Chair, say nay.

**Some Honourable Members:** Nay.

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

#### Formal Vote

**Mr. Hawranik:** Recorded vote.

**Mr. Speaker:** A recorded vote having been requested, call in the members.

The question before the House is shall the ruling of the Chair be sustained.

#### Division

*A RECORDED VOTE* was taken, the result being as follows:

#### Yeas

*Allan, Altemeyer, Ashton, Bjornson, Blady, Braun, Brick, Caldwell, Dewar, Howard, Irvin-Ross, Jennissen, Jha, Korzeniowski, Lemieux, Mackintosh, Marcelino, Martindale, McGifford, Melnick, Nevakshonoff, Oswald, Reid, Robinson, Rondeau, Saran, Selby, Selinger, Struthers, Swan, Whitehead.*

#### Nays

*Borotsik, Briese, Cullen, Derkach, Driedger, Dyck, Eichler, Faurschou, Gerrard, Goertzen, Hawranik, Maguire, Mitchelson, Pedersen, Rowat, Stefanson, Taillieu.*

**Madam Clerk:** Yeas 31, Nays 17.

**Mr. Speaker:** The ruling of the Chair has been sustained.

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

# LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, November 25, 2010

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