



**Third Session - Thirty-Seventh Legislature**

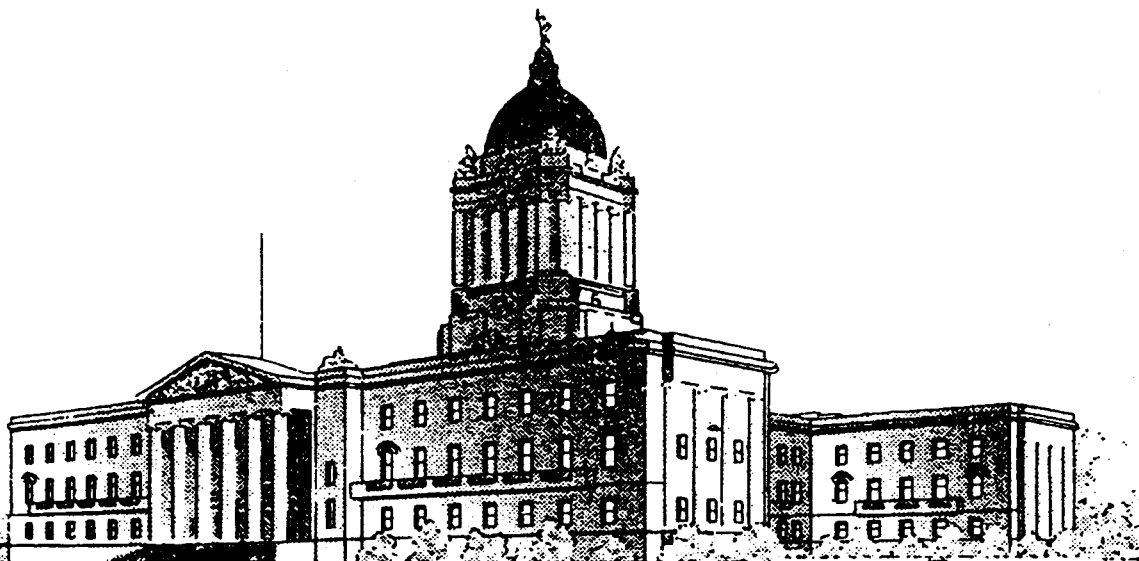
**of the**

**Legislative Assembly of Manitoba**

**DEBATES  
and  
PROCEEDINGS**

**Official Report  
(Hansard)**

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



**Vol. LII No. 36B - 1:30 p.m., Thursday, May 23, 2002**

**MANITOBA LEGISLATIVE ASSEMBLY**  
**Thirty-Seventh Legislature**

<b>Member</b>	<b>Constituency</b>	<b>Political Affiliation</b>
AGLUGUB, Cris	The Maples	N.D.P.
ALLAN, Nancy	St. Vital	N.D.P.
ASHTON, Steve, Hon.	Thompson	N.D.P.
ASPER, Linda	Riel	N.D.P.
BARRETT, Becky, Hon.	Inkster	N.D.P.
CALDWELL, Drew, Hon.	Brandon East	N.D.P.
CERILLI, Marianne	Radisson	N.D.P.
CHOMIAK, Dave, Hon.	Kildonan	N.D.P.
CUMMINGS, Glen	Ste. Rose	P.C.
DACQUAY, Louise	Seine River	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.
ENNS, Harry	Lakeside	P.C.
FAURSCHOU, David	Portage la Prairie	P.C.
FRIESEN, Jean, Hon.	Wolseley	N.D.P.
GERRARD, Jon, Hon.	River Heights	Lib.
GILLESHAMMER, Harold	Minnedosa	P.C.
HAWRANIK, Gerald	Lac du Bonnet	P.C.
HELWER, Edward	Gimli	P.C.
HICKES, George	Point Douglas	N.D.P.
JENNISSEN, Gerard	Flin Flon	N.D.P.
KORZENIOWSKI, Bonnie	St. James	N.D.P.
LATHLIN, Oscar, Hon.	The Pas	N.D.P.
LAURENDEAU, Marcel	St. Norbert	P.C.
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.
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.
PENNER, Jack	Emerson	P.C.
PENNER, Jim	Steinbach	P.C.
PITURA, Frank	Morris	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	Assiniboia	N.D.P.
SALE, Tim, Hon.	Fort Rouge	N.D.P.
SANTOS, Conrad	Wellington	N.D.P.
SHELLENBERG, Harry	Rossmere	N.D.P.
SCHULER, Ron	Springfield	P.C.
SELINGER, Greg, Hon.	St. Boniface	N.D.P.
SMITH, Joy	Fort Garry	P.C.
SMITH, Scott, Hon.	Brandon West	N.D.P.
STEFANSON, Heather	Tuxedo	P.C.
STRUTHERS, Stan	Dauphin-Roblin	N.D.P.
TWEED, Mervin	Turtle Mountain	P.C.
WOWCHUK, Rosann, Hon.	Swan River	N.D.P.

**LEGISLATIVE ASSEMBLY OF MANITOBA**

**Thursday, May 23, 2002**

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

**ROUTINE PROCEEDINGS**

**PRESENTING REPORTS BY  
STANDING AND SPECIAL COMMITTEES**

**Standing Committee on Industrial Relations  
First Report**

**Mr. Daryl Reid (Chairperson):** Mr. Speaker, I beg to present the First Report of the Committee on Industrial Relations.

**Madam Clerk (Patricia Chaychuk):** Your Standing Committee on Industrial Relations presents the following as its First Report.

**An Honourable Member:** Dispense.

**Mr. Speaker:** Dispense.

**Meetings:**

*Your committee met on Wednesday, May 22, 2002, at 6:30 p.m. in Room 255 of the Legislative Building.*

**Matters Under Consideration:**

*Bill 5—The Workers Compensation Amendment Act/Loi modifiant la Loi sur les accidents du travail*

**Membership Resignations / Elections:**

*Substitutions received prior to commencement of meeting:*

*Hon. Mr. Ashton for Hon. Ms. Mihychuk  
Mr. Nevakshonoff for Ms. Cerilli  
Mr. Laurendeau for Mr. Schuler  
Mr. Derkach for Mrs. Stefanson  
Mr. Gilleshammer for Mr. Loewen*

**Public Presentations:**

*Your committee heard four presentations on Bill 5, The Workers Compensation Amendment*

*Act/Loi modifiant la Loi sur les accidents du travail, from the following individuals and/or organizations:*

*Janet Sabourin, Private Citizen  
Alex Forrest, President, United Firefighters of Winnipeg and International Association of Firefighters Representative  
Nancy Klassen, Private Citizen  
Gerry Schedler, Private Citizen*

**Bills Considered and Reported:**

*Bill 5—The Workers Compensation Amendment Act/Loi modifiant la Loi sur les accidents du travail*

*Your committee agreed to report this bill with the following amendments:*

*THAT the proposed subsection 4(5.4), as set out in section 2 of the Bill, be amended by striking out “the day that subsection comes into force” and substituting “January 1, 1992”.*

*THAT section 2 of the Bill be amended by adding the following after the proposed subsection 4(5.4):*

**Research on part-time firefighters  
4(5.5) The board must**

*(a) conduct research to determine if the injuries referred to in subsection (5.1) are occupational diseases, the dominant cause of which is the employment as a casual or part-time member of a municipal fire brigade; and*

*(b) prepare a report on the status of the research and submit it to the minister no later than three years after the coming into force of this subsection, and the minister shall lay a copy of the report before the Assembly within 15 days after receiving it if the Assembly is sitting or, if it is not, within 15 days after the beginning of the next sitting.*

**Mr. Reid:** I move, seconded by the honourable Member for Interlake (Mr. Nevakshonoff), that the report of the committee be received.

*Motion agreed to.*

## INTRODUCTION OF BILLS

### Bill 29—The Engineering and Geoscientific Professions Amendment Act

**Hon. Becky Barrett (Minister charged with the administration of The Workers Compensation Act):** Mr. Speaker, I move, seconded by the Minister of Industry, Trade and Mines (Ms. Mihychuk), that leave be given to introduce Bill 29, The Engineering and Geoscientific Professions Amendment Act, and that the same be now received and read a first time.

*Motion presented.*

**Ms. Barrett:** Bill 29 introduces amendments that will provide for greater flexibility with respect to requirements for professional liability insurance.

*Motion agreed to.*

### 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 the Laureate Academy 8 Grades 7 to 12 students under the direction of Mr. Don Scott and Mr. Greg Jones. This school is located in the constituency of the honourable Member for Assiniboia (Mr. Rondeau).

Also in the public gallery we have from Pine River Country School 10 Grades 4 to 9 students under the direction of Mr. Cornie Hiebert and Ms. Doris Reimer. This school is located in the constituency of the honourable Minister of Agriculture and Food (Ms. Wowchuk).

Also in the public gallery we have from River West Park School 30 Grade 9 students under the direction of Mr. Gary Perrett. This school is located in the constituency of the honourable Member for Charleswood (Mrs. Driedger).

Also in the public gallery we have from Westwood Elementary School 13 Grade 8 students under the direction of Ms. Lorie Henderson. This school is located in the constituency of the honourable Minister of Transportation and Government Services (Mr. Ashton).

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

## ORAL QUESTION PERIOD

### Bill 5

#### Volunteer Firefighters

**Mr. Stuart Murray (Leader of the Official Opposition):** Mr. Speaker, many Manitoba communities depend on volunteer firefighters to ensure the safety of that community. These individuals are valued and respected not only by their families but by all members of their community.

Will the Premier ensure that all firefighters in the province, full-time, part-time and volunteer firefighters, are covered under Bill 5?

**Hon. Gary Doer (Premier):** The firefighters in Manitoba got a lump of coal when the Tories were in office.

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

**Mr. Speaker:** Order.

**Mr. Murray:** Volunteer firefighters everywhere across this province will take that answer by the Premier with great interest, I am sure.

Our concern is that the Doer government appears to be treating volunteer firefighters, as the Premier just mentioned, like second-class citizens. To paraphrase the Premier, a firefighter is a firefighter is a firefighter. In rural Manitoba, volunteer firefighters give communities a sense of safety. When a fire breaks out in Swan River, Ste. Agathe, Ashern, it is volunteer firefighters. They do not hesitate to risk their lives to save the lives of others in that community. Will the Premier, who is the Premier for all Manitobans and for all firefighters, now ensure the principles of equality, justice and fairness are followed and extended to every firefighter in Manitoba?

\* (13:35)

**Mr. Doer:** In June 1999, we asked about the coverage of firefighters to the former Conservative government. Mr. Radcliffe, the former Minister of Labour, said: If we scientifically can prove that there is causal connection between occupational environment and it can be empirically proven, then quite properly the compensatory bodies and other arms of government may take appropriate action, but at this point in time the answer is no.

To paraphrase the Leader of the Opposition, a Tory is a Tory is a Tory. When it comes to firefighters there was no justice for firefighters of any kind in Manitoba.

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

**Mr. Speaker:** Order.

**Mr. Murray:** Mr. Speaker, this Premier makes a habit of looking in the rearview mirror on a constant day-by-day basis. These individuals, these volunteer firefighters that we are talking about, put their lives on the line on a daily basis. Many times these volunteer firefighters stand side by side with full-time firefighters to protect life and limb. Both are subject to the same dangers and exposed to the same toxins. Yet, under Bill 5, one is protected and one is not.

Can the Premier explain: How is this fair to exclude some of the those firefighters?

**Mr. Doer:** First of all, I want to say, notwithstanding the whole Conservative Party in past in government, the Member for St. Norbert (Mr. Laurendeau), to the exception of the Conservatives, was always a supporter of the firefighters. I want to thank him for his work on this bill.

I recall a time when, in a minority government, both the Liberals and the Conservatives voted against amendments we made after former Justice Lyon made a decision in the Manitoba Court of Appeal.

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

**Mr. Speaker:** Order.

**Mr. Doer:** Mr. Speaker, yesterday in committee we moved an amendment to deal with the issue of retroactivity. Secondly, we have moved an amendment to deal with the study of part-time firefighters. This study will allow us to use empirical science to proceed to make decisions that are in the best interests of equity for firefighters.

Manitoba is the first province in Canada to cover full-time firefighters against 11 years of Tory rule, and we are the first province, in fact the first jurisdiction in North America, to study the issue of justice for part-time firefighters.

We intend on using this study to ensure equity will be able to be brought forward to those great volunteers that are part of our volunteer community firefighting service here in Manitoba.

#### **Bill 5 Volunteer Firefighters**

**Mrs. Bonnie Mitchelson (River East):** The Premier may brag about being the first jurisdiction to do something, but it is sad when they do it wrong.

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

**Mr. Speaker:** Order. The honourable Member for River East has the floor.

**Mrs. Mitchelson:** Mr. Speaker, it is an extremely important issue for families and communities in Manitoba.

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

**Mr. Speaker:** Order.

\* (13:40)

**Mrs. Mitchelson:** Amendments that were brought forward last night for Bill 5 would have covered all firefighters in Manitoba. Unfortunately, Government did not support those amendments.

I would like to ask the Minister of Labour what she says to the wives and to the children and to the families of those firefighters who have been excluded from coverage under this legislation.

**Hon. Becky Barrett (Minister charged with the administration of The Workers Compensation Act):** Mr. Speaker, first of all, I would like to correct the misapprehension the members opposite are putting on the record when they say there is no coverage for part-time and volunteer firefighters. Every single worker in this province, volunteer firefighter, part-time firefighter, full-time firefighter, is covered by Workers Compensation, and they have every right to make application to the Workers Compensation Board.

Mr. Speaker, the presumption which is in Bill 5 is based on the science, the science which started in the early nineties. The science has led to conclusive evidence there is a causal linkage between five cancers and full-time urban firefighters. The science proves that causality. We recognize that. We are the first jurisdiction in North America to recognize and act on that science. We are also the first jurisdiction in North America to recognize there has been no science done on part-time and volunteer firefighters, and we are taking the leadership role and beginning that science.

#### Point of Order

**Mr. Speaker:** The honourable Member for Russell, on a point of order.

**Mr. Leonard Derkach (Russell):** Mr. Speaker, the minister who just tabled the report in this House yesterday indicates this bill is based on the premise of the evidence presented in the report. Perhaps she could share a copy of this report with the Premier (Mr. Doer), who is questioning why this bill had not been brought forward some 10 years ago.

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

**Hon. Gord Mackintosh (Government House Leader):** Mr. Speaker, it is not a point of order; it is a point of embarrassment for the other side of this House.

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

**Mr. Speaker:** Order. I would ask the cooperation of all honourable members. It seems to

be a little extra noisy today and I have a real difficult time hearing the questions and the answers. I have to be able to hear the person who has the floor in case there is a breach of the rule.

On the point of order raised by the honourable Member for Russell, he does not have a point of order. It is a dispute over the facts.

\* \* \*

**Mrs. Mitchelson:** I will ask the Minister of Labour again: Are the families, the wives and the children of those firefighters who are not covered under the legislation less important to her and her Government than those who are covered?

**Ms. Barrett:** Mr. Speaker, it is unbelievable. It is absolutely unbelievable that the member can stand in this House with a straight face and ask that question when science has been available. There were studies in the Guidotti report referenced: 1992, 1993, 1994, 1995, 1996 and 1998 that show causality with full-time firefighters and five cancers. We brought in private members' bills and resolutions virtually every one of those years in this House, and they were defeated by that government. Who is speaking up for firefighters?

\* (13:45)

**Mrs. Mitchelson:** I would like to ask the minister again who indicates she is standing up for firefighters. I would like to stand up for the families, the wives and the children who are left as a result of firefighters who are struck with cancer and may have died as a result, those who are being treated like second-class citizens under this legislation.

Will the minister now reconsider and ensure that all families and all firefighters in the province of Manitoba are treated equally and fairly under the laws that govern this province? Are they not all as important?

**Ms. Barrett:** Mr. Speaker, as stated in the answer to the member's last question, for over a decade there was scientific evidence linking cancers with full-time firefighters and that government had access to those studies. They

turned their backs. We got as far as committee on one of these bills and the government of the day turned their backs.

I would like to repeat again what the former Minister of Labour said in June of 1999, of course, after they had had access to many of these studies: If we scientifically can prove there is causal connection between occupational environment and it can be empirically proven, then quite properly the compensatory bodies may take appropriate action.

In 1999 the science was available. There is no science available linking those cancers with part-time firefighters. Those firefighters and their families can, of course, as every other worker can, go to the Workers Compensation Board and use the science.

### **Bill 5 Volunteer Firefighters**

**Mr. Leonard Derkach (Russell):** Mr. Speaker, I think this side of the House has made it known that we will support this legislation, but indeed we want to ensure all firefighters are included in this legislation.

The scientific report that Bill 5 is based on states, and I quote: Duration of employment is difficult to separate from latency.

That means they have difficulty in determining the difference between the time an individual has been employed as a firefighter and the time that has elapsed from the first exposure to the time when the cancer is diagnosed.

Mr. Speaker, I want to ask the Minister of Labour to explain to our volunteer firefighters who attended the Firdale fire, the Brookdale explosion, the chemical fire near Minnedosa and other fires in rural Manitoba where toxic carcinogens are present why they should not be covered by this legislation.

**Hon. Becky Barrett (Minister charged with the administration of The Workers Compensation Act):** Mr. Speaker, the Member for Russell in his comments on second reading of Bill 5 a few days ago in the House said on at

least two occasions in his speech that he acknowledged the science was not there for part-time and volunteer firefighters. He acknowledged that in his speech.

We acknowledge that science is not there. We have looked for that science. It is not there. It is not there anywhere in North America, if not the world. That is why we are taking the lead in asking the Workers Compensation Board to begin the process to be able to do the studies so we can determine if there is causality. The presumption for full-time firefighters did not come until there was science. As a matter of fact, it did not come until a decade after there was science linking them.

The former Minister of Labour stated in this House in June of 1999 that there should be causality. There is causality for five cancers and full-time firefighters, and we are the first government in North America to do the science for the—

**Mr. Speaker:** Order.

**Mr. Derkach:** Mr. Speaker, I want to ask the minister if she can explain why last night in committee she put on the record that indeed part-time and volunteer firefighters who make a claim under Workers Compensation Board can use the science to back up their claim. If in fact these firefighters can use the science to back up their claim, why are they excluded from this legislation?

\* (13:50)

**Ms. Barrett:** Mr. Speaker, the science is based on studies that were done over decades of urban full-time firefighters. The results of the science say and the presumption for these five very specific cancers says based on the science, if you have worked as full time or a long period of time as a regular attendee at fires, there is a causal link. If a part-time firefighter can show those elements are there for him or herself then they will be covered.

If a full-time firefighter also has to show they have attended a number of fires, that links the environment and the length of exposure to that causality. That is the only difference. There has been no science done on volunteer firefighters.

**Mr. Derkach:** Mr. Speaker, I want to ask the minister and this Government why, through this legislation, they are discriminating against the volunteer firefighter who will stand side by side with a full-time firefighter at the same fire, exposed to the same carcinogens, and yet not be covered by this legislation. Why?

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

**Mr. Speaker:** Order. I would like to remind all honourable members when the Speaker rises that all members should be seated and the Speaker should be heard in silence. I would like to also remind all honourable members we have a lot of school children in the public gallery today, and I am sure every member would like to leave a good impression upon our guests that are in the galleries. I ask the co-operation of all honourable members, please.

**Ms. Barrett:** All firefighters, volunteer, part-time and full-time, are covered under Workers Compensation. Every single one of them can make claims. Full-time firefighters who contract lung cancer or who have heart conditions or who have Hodgkin's lymphoma, for example, are not covered under this legislation.

Why are they not covered under this legislation? Because the science has not proved the causality, the causality that was recognized by the former Minister of Labour in June of 1999 when he in this House stated there had to be causality. He stated it in 1999 when he should have known, when he should have read the science, and I am thankful they have finally read their science. The former Minister of Labour, if he had read the science in 1999 that was available to him, would have seen there was causality and the firefighters of the last 11 years would have been covered.

#### **Handi-Transit Appropriate Usage**

**Mr. Edward Helwer (Gimli):** Mr. Speaker, on May 13 the Minister of Intergovernmental Affairs announced operating grants for handi-van services in rural Manitoba. It has come to my attention that the Arborg and District handi-van is being used to shuttle seniors from Arborg to the casinos here in Winnipeg so they can

gamble, and seniors are being charged a fee of \$5 to be transported directly from Arborg to Winnipeg casinos in the handi-van.

Can the minister explain why the handi-van in Arborg is being used as a direct shuttle service to casinos instead of what they are supposed to be used for, which is to transfer seniors and persons with disabilities to doctors' offices, to do their grocery shopping and also other activities in their own community?

\* (13:55)

**Hon. Jean Friesen (Minister of Intergovernmental Affairs):** I thank the member for that question. I am sure, as he is aware, that the program out of Intergovernmental Affairs provides for capital grants in conjunction with local authorities and that the operating rules for the handi-transit, whether they are taking students to school, whether they are taking seniors who might also want to be involved in handi-transit, as well as the actual people who might be disabled who are using handi-transit, that those rules do vary across the province. My understanding is that those are based upon the partner who is there in the local area. But I will certainly check into it on behalf of the member and come back.

**Mr. Helwer:** Can the minister then explain why, even though the Member for the Interlake (Mr. Nevakshonoff) has been notified of this situation numerous times, no action has been taken to ensure that the Arborg handi-van has been used for its intended purposes?

**Ms. Friesen:** As I said in my earlier response, the rules for who uses the vans and how the vans are used, I believe, are decided upon by the local people who are running the vans, and those do vary across the province. As I said in my earlier response, I will check into that for the member.

**Mr. Helwer:** So it is now the policy of the Doer government that handi-vans in rural communities should be used as a low-cost way for seniors to be directly shuttled to the casinos so they can gamble? Is that the purpose of these handi-vans?

**Ms. Friesen:** The purpose of the handi-vans, as I am sure the member is well aware, is to ensure



that there are opportunities at the local level for people who are disabled, for seniors, for people who might have to attend school with disabilities and who would benefit from the opportunity to partner with the provincial government in providing capital so that the money raised locally can also be assisted by the money which is available centrally. That is the purpose of the handi-vans.

### **Chiropractic Care Coverage Reduction**

**Mrs. Myrna Driedger (Charleswood):** Rosemary Shanks is a constituent of mine. She says that chiropractors have kept her spine straight and her knees working so that she can golf. She is 70 next month, retired, and wants to enjoy life but indicates that, as a senior, budgets are very much a part of her life.

I would like to ask the Minister of Health what he has to say to Rosemary Shanks who feels that his cuts to chiropractic care are unfair, especially for her as a senior?

**Hon. Dave Chomiak (Minister of Health):** First off, we are not doing what the former government did, and that is reduce the number of paid visits as they did from 15 to 12 unilaterally. What we are doing is—*[interjection]* The impact of the changes on senior citizens or that individual will be a maximum of \$48 per year. While I appreciate that is difficult for some individuals, I remind the member that chiropractic is not universally covered. We cover it. We are one of five provinces to cover it.

Members opposite were complaining day in and day out that we are spending too much on health care. Now they say we should spend more. We are trying to seek a balance. We are providing a whole series of services across the health care spectrum, more so than any other time in this province. One of the tough decisions we made was that there has to be a slight additional co-payment to chiropractic care, up to a maximum of \$48.

**Mrs. Driedger:** What does the Minister of Health have to say to David Flack who is very upset and distraught about the chiropractic cuts because he had been told that his mother would

be in a wheelchair in a few years and instead, because of chiropractors, she is up and walking? How can he cut care for services that are helping people like that?

\* (14:00)

**Mr. Chomiak:** Mr. Speaker, one of the things that we did not do was reduce the number of visits from 15 to 12, which had been done by the previous administration when they cut chiropractic. What we did do is decrease the co-payment that we provide to a maximum. If you take all the 12 visits, I believe it works out to \$48 a year for an individual, an adult for the whole year, \$48. While that was regrettable and we did not want to do it, there were some decisions, tough decisions, we had to make, and overall across the health care spectrum for all of the other programs, I guess that is why they voted against the Budget.

**Mrs. Driedger:** Mr. Speaker, I would like to ask the Minister of Health if he will truly listen to the 33 000 people who have now signed protest letters, 33 000. Those are a lot of Manitobans. It is a massive protest vote against what this Government has done.

Will he truly listen to those people and do the right thing and reverse his decision to cut chiropractic services in Manitoba?

**Mr. Chomiak:** Mr. Speaker, I know that of the thousands of replies that I received in my office, the majority came from a hundred chiropractic offices where the signatures were collected.

While I appreciate the concerns raised, I want Manitobans to know that we are not going to follow the route that was advocated by members opposite to privatize, to put in place a privatized Americanization system. We are doing what we can to expand the system. They cannot have it both ways, privatize one day, and then another day, Mr. Speaker, when we take a service that is not covered under the Canada Health Act, increase it by \$48 for adults a year, criticize it. They cannot have it both ways.

### **Hecla Area Land Expropriation Conduct of Civil Servants**

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, on October 11 of 2001, some seven

months ago, the Ombudsman provided a report on the complaints of Stuart and Allan Jones to the Government, and yes, the deputy minister is part of the Government. The Ombudsman said: Our review found that the briefing package prepared for the deputy minister dated February 17, 2001, was disclosed to private legal counsel outside of Government.

I ask the Premier: Is this the normal practice of his Government, and, if not, what is he doing in terms of disciplinary action to make sure it does not happen again?

**Hon. Gary Doer (Premier):** Mr. Speaker, yesterday I stated that I have sent this issue to the Civil Service Commissioner, Ms. Shirley Strutt, and she is certainly looking at the issues that are in the Ombudsman's report and the balance between privacy of the individual and the facts. This matter is also before the provincial auditor. The member opposite talked about disciplining political individuals yesterday, and today it is a slightly different question. I will await the Auditor's report, and I will await the recommendations from the Civil Service Commissioner.

**Mr. Gerrard:** Mr. Speaker, I do not need Shirley Strutt's report to know that that is wrong and that something should be done.

### Letter of Apology

**Hon. Jon Gerrard (River Heights):** I would ask the Premier if he will ensure the clear and specific instructions of the Auditor in his report to the Government as follows. I quote: That Manitoba Conservation send a letter of apology to Mr. Stuart Jones and Mr. Allan Jones for the breach of privacy resulting from the disclosure of their personal information contained in their letters of complaint.

**Hon. Gary Doer (Premier):** Mr. Speaker, the deputy minister has sent a letter, and we are trying to attempt to get a balance between privacy, which is very important—and I mentioned yesterday that sending it outside of the department, in my view, did not have adequate protection for privacy of individual citizens—and facts that also must be ascertained in cases like this when allegations are made.

**Mr. Gerrard:** The letter hardly was a sufficient apology.

### Internal Review

**Hon. Jon Gerrard (River Heights):** But on my supplementary to the Premier, was the internal review, which the Premier began, or his Government began in the Department of Conservation in December of '99, into the complaints of the Joneses begun two and a half years ago, was it ever completed or was it so badly botched that the provincial auditor had to take over?

**Hon. Gary Doer (Premier):** Well, Mr. Speaker, and the member opposite, who the last time gave us advice, was to buy the Winnipeg Hydro for \$600 million, double its value, who would want to know that facts are ascertained carefully and not just whimsically thrown around. So it is important to have facts.

This is a very, very serious set of allegations that were made when we came into office about the disposition of lands and properties to the various individuals in the Hecla Island Resort. Mr. Speaker, I am pleased that the provincial auditor is reviewing the matter and reviewing the so-called, the committee that was set up by the previous government and the process that was used, the criteria that was used, the issues of disclosure, the issue of conflict of interest, the criteria for different families being treated allegedly the same way or allegedly differently. This is a very important issue.

Certainly, I think it has impact and will have importance for not only the specific case that took place between '95 and '99, but also in the whole disposition of Crown lands and its relationship to citizens and its relationship to the administration of the Department of Conservation.

### Drinking Water Water Quality Initiatives

**Mr. Stan Struthers (Dauphin-Roblin):** Mr. Speaker, my question is for the Minister of Health.

Today, Mr. Speaker, we will see the release of part two of the Walkerton report on the water quality safety. It is being released. Water, of course, is an important issue for Manitobans, and

I want the minister to tell the House what is being done to maintain safe drinking water here in the province of Manitoba.

**Hon. Dave Chomiak (Minister of Health):** Mr. Speaker, I thank the member for that question. I believe it is a question that all members of the House would be particularly interested in hearing a response to, particularly because Walkerton part two is being released or has been released today.

Mr. Speaker, basically, our safe water activities have evolved around three areas. First, we reinstated the subsidy to Manitobans to do water testing that was eliminated by the previous administration and that has had a profound impact on well water testing. The second thing we have done, as Manitobans know, is set up the drinking water office to co-ordinate activities across the province with respect to drinking water. The third and perhaps most significant, relating both to Walkerton and to the situation in North Battleford, is we will be bringing forward amendments to The Public Health Act concerning water, dealing with water, making of power authorities and regulation in order to regulate better the quality of water and the ability to do that in the province of Manitoba. The legislation will be based on—

**Mr. Speaker:** Order.

### Health Care Facilities Food Services

**Mrs. Bonnie Mitchelson (River East):** Yesterday the harried Minister of Health talked around in circles while five-day-old sandwiches were being trucked into Manitoba to feed our patients in our hospitals. The Minister of Health later admitted that in fact he had a report sitting on his desk from the regional health authority with recommendations regarding contracting out of sandwich making right here in Manitoba.

Will the Minister of Health share that information with us today on what the report recommended?

**Hon. Dave Chomiak (Minister of Health):** I thank the member for that question. As I indicated yesterday, when we assumed office we found a situation where the kitchen at Concordia Hospital had been closed. The kitchen in

Misericordia Hospital had been closed. The kitchen at Seven Oaks had been closed by members opposite to put in place their frozen food plan, and sandwiches were tendered out.

Mr. Speaker, what we did—*[interjection]* The members doth protest, I think, too much on this one. What we did is we said we were going to get out of the frozen food business and we put in place a process. We had inherited the tendering process. As I indicated yesterday, there were two Manitoba companies that had provided the sandwiches the members had put in process to tender out. Both companies went out of business. The third company got the tender and continues to have the tender.

**Mrs. Mitchelson:** Mr. Speaker, on a new question.

**Mr. Speaker:** On a new question.

\* (14:10)

**Mrs. Mitchelson:** It was under this minister's watch that Alberta was contracted with to make sandwiches to ship into Manitoba. It was under his leadership and his watch. It was under his leadership that the WRHA did a study and talked to suppliers in Manitoba about making the sandwiches.

Will the Minister of Health today show some leadership, take some responsibility and indicate to Manitobans when that information will be released and when Manitobans will see the results of sandwiches being made in Manitoba?

**Mr. Chomiak:** Mr. Speaker, I am glad the Member for River East is really up to par with the information. As I indicated to the media several months ago, we were asking the WRHA to do a review and meet with suppliers and look at tendering with respect to the sandwich issue. The tendering process was the exact process we followed that was put in place when the member sat around the Cabinet table. It was that tendering process.

When the third company on the tender was available, it was the only company, it was an Alberta company, the tender went to the

company following the process. We asked the WRHA to meet—

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

**Mr. Chomiak:** Mr. Speaker, if the members want to shout me down, it would be very difficult for me to answer the question.

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

**Mr. Speaker:** Order.

**Mr. Chomiak:** Thank you, Mr. Speaker. As I indicated, we asked the WRHA to review the process, to meet with interested parties, et cetera, and we are looking at that.

**Mrs. Mitchelson:** Mr. Speaker, on a new question.

**Mr. Speaker:** The honourable member, on a new question.

**Mrs. Mitchelson:** The Minister of Health came up with a wild and wonderful idea to spend a million dollars building a sandwich factory, a million dollars on bricks and mortar. [*interjection*] There were some that indicated that it would be a shrine to his Premier (Mr. Doer).

Anyway, Mr. Speaker, will the Minister of Health now admit that that was a silly idea, and will he now tell Manitobans that he will not spend a million dollars of their hard-earned tax dollars building bricks and mortar and denying Manitoba the health services that they need and they deserve?

**Mr. Chomiak:** Mr. Speaker, when we looked at the options with respect to the sandwiches and found out that all the kitchens had been closed and the facility built by the former government in St. Boniface, that had cost it \$2 million, did not have the capacity to produce sandwiches, I asked that we look at all options that would provide: (a) made in Manitoba (b) best quality and (c) best cost. Those are the criteria we were looking at and those are the criteria that we are looking at—

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

**Mr. Speaker:** Order.

**Mr. Chomiak:** Mr. Speaker, those are the principles that we looked at and we considered with respect to all of the options available to us. As I indicated both yesterday and I indicate continually, we will be making an announcement soon in regard to the final decision in regard to that.

Mr. Speaker, if the members opposite—

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

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

**Mr. Speaker:** Order. I would like to advise the House that, due to problems with printing, yesterday's Hansard is a bit delayed and should be ready for distribution to members by around 2:30 this afternoon. We will go to Members' Statements.

## MEMBERS' STATEMENTS

### Missing Children's Day

**Mr. Jim Rondeau (Assiniboia):** Good day, Mr. Speaker. Today I rise on a solemn note. This Saturday marks Missing Children's Day, May 25. This national day of awareness draws attention to the thousands of Canadian children who go missing each year and highlights the success of the federal Our Missing Children program in returning missing children to their rightful guardians.

Yesterday the parents of Erin Chorney made a public plea for the safe return of their daughter, who disappeared without trace from Brandon one month ago. The new poster from Child Find Manitoba includes the photographs of Erin Chorney, Marcus McKay, Corey Fitzpatrick, Sara Desiree Darcy Robson and Kelvin Zdarski.

All of these children, indeed all missing children in Canada, are desperately missed by friends and family. According to Child Find Manitoba, 3700 children went missing in Manitoba last year. Generally, one in six are found because someone recognizes their photographs, contacts police and action is taken.

In 1999, Canada Customs and Revenue Agency and Citizenship and Immigration

Canada reported that Customs and Immigration officers recovered 110 missing children across Canada. Since the creation of the Missing Children's Registry in 1986, the federal government departments involved have assisted in the location and recovery of 4643 children who have been reported missing to the police.

The majority of missing children and youth are runaways, accounting for 78 percent of all missing children in Canada. Fortunately, stranger abductions are fairly rare in Canada and make up one percent of missing children cases. Most missing children are 14 or 15 years of age. I hope that all members of this House recognize the gravity of this issue and will work together to make our province safer for its young people. Congratulations to all those people who are finding their children.

**Mrs. Myrna Driedger (Charleswood):** Mr. Speaker, I, too, would like to make a comment about missing children and about Missing Children's Day. As a former CEO of Child Find Manitoba, I am particularly pleased to draw people's attention to this issue.

In 1986, the Solicitor General of Canada declared May 25 to be Missing Children's Day in Canada. This day marks the anniversary of the disappearance of six-year-old Etan Patz in 1979. It is a special day, a day of renewed hope, and a day to remember. Each May, Child Find, an organization I was privileged to have been involved with for a number of years, hosts its annual Green Ribbon of Hope Month to ask Canadians to wear the green ribbon as a symbol of hope for the safe return of missing children.

The green ribbon was created after the abduction and subsequent murder of 15-year-old Kristen French on April 16, 1992. It shocked the community of St. Catharines as well as the rest of Canada. Kristen's fellow students and the faculty of Holy Cross secondary school in St. Catharines developed the concept of the Green Ribbon of Hope. Green is regarded as the colour of hope and epitomizes the quest for the safe return of all missing children. The Green Ribbon of Hope Campaign is designed to draw public awareness to the issue of missing children in Canada and to the issues around child personal safety. By wearing green ribbons, we are

showing our support and concern for missing children.

Today the parents of Erin Chorney have entered a media plea for the safe return of their daughter, Erin, an 18-year-old Grade 11 student, who went missing while returning to her Brandon home on April 21. I am sure I speak for all Manitobans when I say to Darcy and Debbie Chorney that our thoughts and prayers are with them during this incredibly difficult time.

Some things are irreplaceable. In 2001, 3700 children went missing in Manitoba. Our hearts go out to all of those parents who await the day they will be reunited with their children, and our thoughts and prayers are with them all.

#### **River East Collegiate Curling Team**

**Mr. Harry Schellenberg (Rossmere):** Mr. Speaker, it is with great pride that I rise today to inform the House about the success of the River East Collegiate curling girls team. In early May, the team won the provincial high school curling playoffs. I was a teacher at River East Collegiate for over 20 years, so this victory is especially meaningful for me.

\* (14:20)

River East Collegiate has long been recognized for its excellence in sporting and academic programs, a reputation that has been supported by this victory. The team is made up of sisters, Chelsea and Samantha Carey, Mandy Wasylyk and was skipped by Allison Nimik. I congratulate them for their hard work and commitment to this great Canadian sport that is growing in popularity nationally and internationally. These girls are very experienced. Wasylyk began throwing rocks at East St. Paul Curling Club when she was only six years old, and she has been playing and winning curling trophies ever since. Allison Nimik skipped the winning team in the last year's provincial junior women's curling championship.

I would like to recognize their coach, River East Collegiate teacher Dennis Gagne, for his work. He has demonstrated commitment and sportsmanship as a coach of this curling team. Coach Gagne says these curlers are not just well-

rounded curlers but also strong academic students. Since the high school playoffs, Allison has gone to The Pas to compete in the Manitoba Winter Games. I know all members in this Chamber wish her and her team all the best.

### **Superintendent Bill Evans**

**Mrs. Joy Smith (Fort Garry):** Mr. Speaker, it is with great pride today that I acknowledge and want to salute the Winnipeg Police Service Superintendent Bill Evans, who has been awarded Canada's highest honour for police work for his work beyond the call of duty during his 36 years on the force. It is a great honour to have a Manitoba police officer awarded Canada's highest honour. Superintendent Evans, 57, was presented the Order of Merit of the Police Forces by Governor General Adrienne Clarkson at a ceremony in Ottawa on May 17. This was the first year the silver crosses with the yellow and blue ribbon have been handed out to police officers across Canada.

It has to be said that Superintendent Evans was one of 23 Canadian police officers to earn the award and the only officer from Manitoba to date. Superintendent Evans said he was proud to accept the medal on behalf of the other officers he had served with over the years.

Superintendent Evans has much to be proud of in his career as a police officer. In addition to his regular police officer duties, he was instrumental in creating the community-based policing model in Winnipeg, co-organizing the Manitoba Law Enforcement Torch Run, which raised \$1.5 million for Special Olympics, and in preparing security for the 1999 Pan American Games.

Superintendent Evans said his biggest achievements include helping to create the Police and Pal program, which saw inner city kids play floor hockey with off-duty officers as a way to bridge the gap between children and police. This exemplary police officer, Supt. Bill Evans, is one of which we are very proud, and I salute him.

### **Winnipeg International Airport**

**Ms. Bonnie Korzeniowski (St. James):** I rise today to speak briefly about what I like to call the jewel of St. James, the Winnipeg

International Airport. I recently had the honour of attending the annual general meeting of the Winnipeg Airports Authority Inc. It was held at the IMAX, a fitting venue for an impressive presentation.

This year marked the fifth anniversary of the Winnipeg Airports Authority. It was a time to reflect on the events of the past five years; 1997 saw initiatives such as new high-intensity approach lights, free baggage carts, and an air show; 1998 saw many renovations including runway paving and new restaurants and bars; 1999 saw the installation of touchless washrooms and barrier-free elevators and Y2K preparation that truly paid off with no problems on January 1; 2000 saw the rebuilt skywalk, exhibits, and the seven-storey millennium banner. Finally, last year saw the children's play area grand opening and the signing of the PSAC agreement, among other events. Another big event last year was the expert handling of the serious issues that arose September 11. I would like to commend the airport authority for their resilience in management during the problems associated with this tragedy.

The big news this year was that there is a new president and CEO of the authority. I would like to welcome Barry Rempel to his new position and wish him luck. It is also time to congratulate the outgoing CEO on his great job during the past five years. I would like to thank Murray Sigler, who was replaced by Mr. Rempel on April 16 this year, for all his hard work. His tireless efforts, some of which I have already listed, have made the Winnipeg Airports Authority a great success.

I am honoured to have the airport in my constituency, and I take pride in their hard work.

## **ORDERS OF THE DAY**

### **GOVERNMENT BUSINESS**

#### **House Business**

**Hon. Gord Mackintosh (Government House Leader):** Mr. Speaker, would you please canvass the House to see if there is leave to waive private members' hour today.

**Mr. Speaker:** Is there leave to waive private members' hour for today? [*Agreed*] Leave has been granted.

**Mr. Mackintosh:** Mr. Speaker, would you canvass the House to see if there is leave, on Bill 5, if report stage amendments are dealt with today, that we move to third reading by consent.

**Mr. Speaker:** Is there agreement that we will move to third reading of Bill 5 today? [*Agreed*]

**Mr. Mackintosh:** Mr. Speaker, just for the information of the House, if the bills move along today, we will look at Royal Assent around 5 p.m., some time in that part of the day.

Mr. Speaker, would you please call Bill 5.

**Mr. Speaker:** For the information of the House, we will look at Royal Assent, if everything goes according to plan, at around five o'clock, and we will now call report stage on Bill 5.

## REPORT STAGE

### Bill 5—The Workers Compensation Amendment Act

**Mr. Leonard Derkach (Russell):** Mr. Speaker, I move, seconded by the Member for River East (Mrs. Mitchelson),

*THAT Bill 5 be amended in the proposed subsection 4(5.1), as set out in section 2 of the Bill, by adding "*including a casual emergency worker to whom clause 1(4)(a) applies," *after "worker".*

*Motion presented.*

**Mr. Speaker:** The amendment is in order, and debate may proceed. Before recognizing the honourable member, I would just like to advise the House that report stage debate is limited to 20 minutes, with the exception of the Premier (Mr. Doer), Leader of the Official Opposition (Mr. Murray), the sponsor of the bill, and the mover of the amendment, who receive 40 minutes in debate.

\* (14:30)

**Mr. Derkach:** Mr. Speaker, I rise today to bring this amendment forward on the basis that we, as legislators in Manitoba, in passing any legislation, should ensure that we are fair, that we indeed respect all citizens of the province. In this case, because we are talking to a particular

sector, and that is the firefighters of Manitoba, we should be very sensitive about ensuring that we clearly respect and equally apply this legislation to all firefighters who work in the province of Manitoba.

Mr. Speaker, it should not matter whether firefighters belong to a union, whether firefighters are full time or whether firefighters are indeed casual, part time or volunteers. Firefighters, as we saw in the September 11 disaster, will go into places where people are leaving from, and in the face of disaster, they still move in and try to save every last soul that might remain in a dangerous situation. Nobody asks that firefighter when he is going into the situation of danger whether he is a full-time firefighter or whether he is a casual, volunteer, or part-time firefighter.

It does not matter whether that firefighter is from the city, an urban firefighter, or whether he is a rural firefighter. They are simply firefighters. To paraphrase the Premier, a firefighter is a firefighter is a firefighter. It does not matter whether you are full time or part time. The issue of saving lives, saving life and limb, putting out a fire, ensuring the community's safety is paramount, is the code that firefighters live by. I will be the first one to acknowledge that perhaps 10 years ago justice was not done to firefighters. I am going to acknowledge something else. I was part of that administration. Today we have the science that is complete.

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

**Some Honourable Members:** You had it then.

**Mr. Derkach:** Oh, the howls from across the way are saying they had it then. I remind the members that, in the words of their own minister, the science was not complete until this year when this minister tabled it in the House just yesterday. The science is now in. On that basis, this side of the House has acknowledged that we will support this legislation.

This side of the House has also said that we must go further than simply looking after those firefighters who happen to belong to a union or who are full-time, urban firefighters. The issue goes beyond that. The issue goes to the heart of the matter which means that, if you have been

exposed to toxins caused by fire, you should be covered in the event that you contract cancer of a specific kind. Those cancers have just been identified in the report that was tabled in this House yesterday. That is the basis that the minister herself has said that she used to bring forward the legislation.

I ask the member from Dauphin-Roblin to make his comments to the firefighters in Roblin and in Dauphin and tell them why they are second-class citizens under this legislation. Why are they discriminated against under this legislation that his Government is bringing forward? I will tell the firefighters in Dauphin and in Roblin that it was this side of the House that fought for their rights, that fought for them in this legislation and their member, the member from Dauphin, did not support them.

I hear the minister's mouth just a-going. She is in high gear. This is a minister who bungled Bill 44, and she is going to bungle this one, too. This is the minister who said she was going to give \$30 million from MPI to the universities; then she had to eat her words. If you talk to Manitobans, they will tell you the kind of mess she created with Bill 44. Now she is creating a similar mess with Bill 5. The intent is right. I told her that. I will support her right to Royal Assent on this legislation but only on the basis that she will accept and her Government will accept a very forthright amendment which says that we should extend this coverage to people who work on a part-time, a casual or volunteer basis, because when they are fighting a fire, shoulder to shoulder, Mr. Deputy Speaker, a full-time firefighter and a volunteer firefighter, is there any difference in the inhaling of the carcinogens? Is there any difference in what gets on their skin? Is there any difference in the dangers they are exposed to? Does one hesitate from saving a life because he is not full-time? Does he hesitate from putting out that fire that may save a community because he is not full-time and is not covered by this legislation? I say no.

These are dedicated individuals. These are people who love their work. We have a member in this House who is a firefighter. Once a firefighter, I think always a firefighter, because they are so dedicated to their work. I give great respect to the Member for Brandon West (Mr.

Smith), who is a firefighter, but he must feel a lot of discomfort today. He must feel that discomfort on the basis of his brothers who are firefighters, who are not full-time firefighters, are part-time firefighters.

I do not know what he is going to say to them when they ask: Why are we being discriminated against? *[interjection]* Now, the Member for Brandon West says he will let me know shortly. Well, it is not me he has to let know. It is the volunteer, the part-time, the casual firefighters that he really needs to speak to. Those are the people that are going to be impacted by this legislation. Those are the people, Mr. Deputy Speaker, that are going to feel abandoned by this Government by the passage of this legislation if the amendments are not accepted.

Mr. Deputy Speaker, I spoke to the minister. We laid the cards on the table with the minister. In second reading, we gave out the secret. It was not any secret anyway. We told the minister exactly what we wanted in the amendment. She sees the opportunity after speaker after speaker after speaker in this House stood up on this side of the House and tried to implant in her mind the importance of including this amendment.

So she came forward with amendments yesterday after the pressure had been mounted from this side of the House from the volunteer firefighters. She came to the committee with half-baked amendments. They were half-baked, Mr. Deputy Speaker. They did not go all the way. Then she brings in an amendment that says, now this is really cute, she says: We will put in legislation the fact that we are going to do a study. Now that is real clout. Since when does the Government need to have legislation to do a study?

Can you tell me when the Minister of Health (Mr. Chomiak) has ever come forward in this House with a bill to give him authority to do a study? That is laughable. If any good-thinking citizen in Manitoba thinks that this minister is doing anything positive, they really have missed the true picture, because no government, no government needs authority under legislation to do a study.

Now, in this study, she says, they are going to report in three years, but what are they going



to report in three years? They are going to report the status of the research in three years. That is what they are going to do. Are they going to come back with a report in three years? No. They are just going to report on the status.

Now, talk about smoke and mirrors. Does she think that the firefighters in Manitoba are not going to be able to see through this? She has abandoned the firefighters who are not urban full-time firefighters. We support the legislation for urban firefighters, full-time firefighters, but we also want to make sure that this Government supports the part-time, the casual, the volunteer firefighters right across the province.

The science is in. The minister said yesterday in committee, and I do not have her direct quote, but she said that anybody, any firefighter who is a volunteer, casual, part-time, who applies under Workers Compensation Board for coverage can use the science to make his case.

Now, if you are going to use the science to make your case, why would you not be included as part of the bill? Why would you not be included as part of the people who are covered on the presumptive basis? You are going to use that, she says you can use that to make your case. If you are going to use that to make your case, then should you not be covered by it?

\* (14:40)

If we are going to change the legislation, why do we not do it right the first time? Why do we not do it right once? Why do we have to leave people out?

What are members opposite going to say to their communities, to the volunteer firefighters in their communities? How can they expect them to really put forward the kind of effort, the kind of commitment and dedication that they have on the basis that they are now going to be treated differently than other firefighters in the province.

What are the firefighters in Brandon going to say, the volunteers in Brandon? What are the volunteers in Dauphin going to say. In Roblin? What are the volunteers going to say in all of our rural communities who are on standby all the time, whether they are working on their job in a factory, on a farm, in a retail store, in a bank, wherever it might be? When that call comes,

they go. They go, and it does not matter the degree of danger, they do it in a professional way, in a way in which they have all been trained, but yet with the focus of saving every possible life that they can in that situation.

All we have to do, Mr. Deputy Speaker, is include them as worthy, respected, contributing members of that fraternity, of that extremely important group in our society who save homes, who save lives, who save communities, by extending the same coverage to them in a presumptive way that we do to full-time firefighters.

Mr. Deputy Speaker, I do not know the logic behind this Government's thinking. The Premier today in the House stood up in response to a question by the Leader of the Opposition and could not answer it, and so he chose to attack a previous administration.

I ask you, Mr. Deputy Speaker, is that what responsibility is about. Is that what we expect from the First Minister? Is that what the volunteer firefighters in Manitoba expect from their First Minister, the minister that they depend upon to lead his cabinet in making the right decisions for them?

Yes, mistakes continue to be made all the time. The science is new, the completed science is new. There were studies that were done previously, but we have a study that now brings all of those together and says that there is irrevocable evidence that says that these types of cancers are caused by exposure to firefighting toxins.

So on that basis, we can move forward. The minister herself said today, and she has mentioned that in committee yesterday, and she said it to me in her office, that the reason they are using this narrow approach is because of this new science. In other words, she is admitting that we did not have enough evidence to move forward before. Now they have been in government for two and a half years. They could have moved on this in the first year that they were in government, but they did not choose to do that until the evidence was in, until the science was in. Yes, I say, okay, now we can move forward. She has our support. But when she says the volunteer firefighters can use this

study as a basis for their claims, then I say to her she had better include them as part of this legislation.

Today on a talk show in Winnipeg, Chuck Adler, we had volunteer, casual part-time firefighters being interviewed on the basis of this legislation. What was their comment? The one comment that stuck in my mind was the fact that rural firefighters are sometimes exposed to probably more dangerous types of situations than most full-time, urban firefighters are. They are not my words. These are the words of the firefighters themselves, who at times will attend to fires like we had in Firdale, will attend to fires like we had near Minnedosa, will attend to explosions like we had in Brookdale.

I go back to St. Lazare, where we had a train wreck where the entire town was evacuated. Who went into there? Who went into that scene? Was it a full-time firefighter? No. Do you know who went into that scene? Medical people, firefighters, volunteer firefighters who contained the spills, who contained the fires, who took an enormous risk. What was the consequence? The consequence was that we never lost a single life in that community. Not a single life was lost. The spills were cleaned up. The fires were put out. The community came back to their homes.

But what was the latent effect on that firefighter? Do we know? What happens if five years down the road that firefighter in that scene contracts the same kind of cancer that is mentioned and identified in the report? What are we going to say to his family? We are going to say to his family: Now you go out and fight for yourself. You can use this study as a basis for your fight, but we are not going to stand behind you with legislation. We are not going to support you with legislation. We are going to leave you dangling and let the whims of the decision makers set your destiny.

That is unfair, Mr. Deputy Speaker. That is unfair to these individuals. That is unfair to their families. That is shameful on the part of legislators who are supposed to do the right thing for all citizens in this province. The Premier is not the Premier for the urban firefighters alone. He is the Premier for everyone. If you want to make sure that justice is

served to everyone equally, then you had better include all of the firefighters in this legislation.

Privately, on that side of the House, I know there are members that agree with us. I would say that the Member for Brandon agrees with us, but he is under the thumb of the caucus and of the Cabinet that says: We are only going to go this far. We have dug in our heels and this is where it ends.

Well, Mr. Deputy Speaker, we will carry the fight for the volunteer firefighters. We will carry the fight for those part-time and casual firefighters who risk their lives every day to ensure that their communities and families are safe. We will not abandon them.

So today we said we would pass this legislation. Why? Why are we rushing this legislation through today? I will tell you why. We have a firefighter who, unfortunately, is fighting cancer at the present time. He has been diagnosed with a very severe case of it. We do not know whether he is going to be with us a long time or not. Our best wishes go to him and his family. But the way the legislation is written, the only way that this person can assure himself that his family will be looked after by this legislation is if in fact we pass it while he is still living.

Now, what a tragedy, what a tragedy. If this House does not pass this legislation today and if this person should die, that means his family will not be looked after.

**An Honourable Member:** That is not true.

\* (14:50)

**Mr. Derkach:** Ah, the minister says that is not true. But I think Mr. Alex Forrest yesterday pointed that out very clearly in his presentation. We had three widows who came forward yesterday in the presentations who talked about the fact that their husbands were firefighters. They died. The difficulty and the struggle that they are going through raising a family, trying to make sure that there is food on the table, making sure that their families are clothed, making sure that their families have an opportunity for an education, Mr. Deputy Speaker, they are fighting that fight alone.

\*(15:50)

This legislation could help them if in fact we use our heads and if in fact we extend this legislation to allow for those some 17 families that have been identified since 1987 who would come under the umbrella of this legislation if we allowed it to go back to 1987.

Who would we be helping? Would we be helping the rich and the famous? No, we would be helping single-parent families who are trying to struggle in today's world to bring up their children because their loved one is no longer able to provide for them because his life was lost as a result of fighting fires, saving communities, and saving other lives. We want to apply the Scrooge principle to them because unfortunately their husbands died earlier than this legislation was dealt with.

We are saying on this side of the House let us stop a moment and consider their needs and consider their fight. Do you know how difficult it was for these people to come forward yesterday? A mother with three children broke into tears because she still feels the remorse for her husband, but more importantly because I think the struggle that she is having as a result of her husband not being there to help her through the difficult times. We cannot ease that burden completely. No amount of money can ever replace her loved one. No amount of money can ever ease that burden. But a little bit of financial support can go a long way to measurably make a difference in her life and the lives of her children.

Mr. Deputy Speaker, this afternoon the MLA for River East (Mrs. Mitchelson) stood up on a question with respect to firefighters. She talked about the anguish of families, of women and children, and in doing this appealing to the minister responsible to do the right thing. In the heat of the moment it is alright for the minister to snap back at us who are in opposition, but do not take it out on mothers and children. Do not take it out on the widows of firefighters who have gone.

**An Honourable Member:** You did not act for 10 years.

**Mr. Derkach:** There she goes again. Instead of using the two ears she was given to listen, she is

doing this. I say to her: Open your ears and listen to the volunteer firefighters. Listen to those women who were before committee last night. Do the right thing and listen to the amendment that is before the House today. Accept that amendment. She said: You should have done it 10 years ago. This is the second best time. Let us all do it today.

I brought the amendment forward. It does not matter that I brought it forward. Accept the amendment. Use it as yours. Make sure the right thing is done for the people of Manitoba, the firefighters of Manitoba, their widows and their children. I would like the minister to face my volunteer firefighters in Russell, or in Hamiota—

**An Honourable Member:** Swan River.

**Mr. Derkach:** —or in Swan River and tell them face to face they do not deserve to be treated the same as urban full-time firefighters are. I would like her to face them, but she will not. She does not have to.

**An Honourable Member:** She will send out a spin doctor to talk to them. That is it.

**Mr. Derkach:** We have an army of spin doctors the Government has hired to try to sell their message.

**An Honourable Member:** When have I ever turned down a request?

**Mr. Derkach:** Mr. Deputy Speaker, it does not have to be a request. I want her to go forward and to talk to those volunteer firefighters, because she has not done it. She has not listened to them. Today's radio program in itself indicated very clearly that this minister has not listened to the casual, to the volunteer, to the people who do this on their own time, who are called out morning, noon or night, and they leave their families at home.

I witnessed a fire about a year ago on my own farm. I have never seen a blaze like that in my entire life, but the firefighters who came out, they came out at around 11:30, no, pardon me, at seven o'clock in the evening. They were there until 6:30 next morning. Some of them went home, changed and went to work.

Their wives, Mr. Deputy Speaker, what amazed me most of all, the community came around, and of course there was food brought in. We made sure that there were things for the firefighters to be able to take a break in and that sort of thing. What amazed me most of all, their wives did not know that we were going to be supplying any of the food. They came out with sandwiches. They came out with clean clothing. They came out with wash rags and washcloths so that they could at least freshen up a little bit. This was done all on a volunteer basis. Nobody asked them to do this.

So the dedication is not only on the part of the firefighter. It is a whole family involvement. The wives were there supporting their husbands through the night. They made arrangements for their babies to be looked after by somebody else while they came out to make sure they were there supporting their families. This is what a small community is like. This is what rural Manitoba is like.

I am sure a lot of our urban centres are the same. I have not experienced that, but I would have to say that they must be the same because we are all the same kind of people. So why on earth would we ever hold back from passing legislation that would include these important people to our community?

I have never forgotten that incident because, although there was significant loss, that was the insignificant part of the whole event. The significant part was that these firefighters were looking after, not only property, but they were very concerned about the fact of whether children or families may have been involved around the fire. You know, in the middle of the night, there were phone calls being made to neighbours to see that everyone was safe in their homes, to see that there was not somebody caught in that fire. They were doing it as routine procedure that they have been trained for, but all of this was done on the basis of volunteerism and based on the casual worker and based on a part-time worker. So why would we not include them in this legislation?

I do not want to take the entire afternoon in speaking to this because I do believe that there may be some other people who want to put some

comments on the record, but in respecting the fact that we want to move this legislation through, I will complete my comments on this particular amendment. I ask the minister one more time. I ask her Government and her Cabinet to take another look at this amendment and to seriously consider adopting this as part of Bill 5.

Thank you very much, Mr. Deputy Speaker.

\* (15:00)

**Hon. Becky Barrett (Minister charged with the administration of The Workers Compensation Act):** I will not speak very long on this amendment. I know there is another amendment, several other amendments that are coming before us in report stage. I know the Opposition has committed to passing this bill through today. We on our side are going to do our part to ensure that there is opportunity, was stated in the House, in committee last night by the Official Opposition critic and the House Leader of the Official Opposition (Mr. Murray), I believe, that they were going to be very pleased to pass this through today. We will put a few comments on the record and only a few.

We have not abandoned the firefighters of the province of Manitoba. The three widows who spoke last night and who spoke about the hardships that they had faced since their husbands died, I believe from 1997 to 1999, were, I could say, abandoned by the former government.

There have been studies that have shown, since 1992, that there is a causal link between certain cancers and the occupation of full-time firefighters. So we are not abandoning firefighters. We are the first jurisdiction in North America, in Canada, to have presumption for five specific primary site cancers in full-time, urban firefighters.

As I have stated time and time again, the reason we are having Bill 5 deal with full-time, urban firefighters is that they are the only cohort of firefighters and one of the very few occupational categories that have been studied to the extent to allow to find the causality. To the best of the knowledge of the Workers

Compensation Board, and they have done an extensive search, there is no other study in North America, and perhaps in the world, that has been done at all on part-time rural or part-time volunteer firefighters. If you cannot have a causality, you cannot have a presumption.

We are beginning to do the work to determine if there is, in fact, causal linkages between five cancers and not only urban, full-time firefighters, but casual, volunteer firefighters.

*Mr. Speaker in the Chair*

The former Minister of Labour, in June 1999, accepted the requirement that there be scientific causality prior to a presumption being put into legislation. The former government accepted that principle. They did not act on the science and the causality that was already available to them. They did not. They did not act in 1999. Let us not even go back any further. Let us say June 9, 1999, in the Estimates the former Minister of Labour, the then-Member for River Heights said: We recognize that there must be causality and that you can only do that through science, but he did not recognize that there already had been proved causality for cancers. That government did not recognize it; this Government does. That government did not begin to even think about, well, if there are not any studies on part-time, volunteer firefighters, let us start it; this Government has.

This Government has taken the lead. No other jurisdiction in Canada has a presumption of this nature or any nature for firefighters. No other jurisdiction in North America has studied volunteer, part-time firefighters to determine if there is a causality. The causality that the former government recognized was a prerequisite to presumption.

What happened, Mr. Speaker? What was good enough in 1999, or wrong enough in 1999, but was a principle of the former government in 1999 is not a principle now? What blatant political opportunism.

They had an opportunity while in government to make that determination based on science that they knew was there; they chose not to. Their government recognized that you did have to have a causal link, Mr. Speaker. They

chose not to accept the studies that had been done. That is their choice. But for them to have said in 1999, my predecessor to have said in 1999: You need a causal link for presumption, and the Official Opposition critic today saying: You do not need a causal link for presumption. What is the matter here? The Opposition critic acknowledged in second reading that there was not a causal link, that the studies had not been done.

So, Mr. Speaker, I am suggesting that, far from being chastised by the Opposition, this Government, the firefighters of this province who have fought for over a decade to bring in fairness based on science, to bring in the presumption that is based on science, so that we do consider the needs of the families of those firefighters who have died, far more than the former government considered those needs.

Thanks to the current Government, thanks very much to the firefighters for carrying on the battle. An incredible vote of thanks to the widows who spoke yesterday and their sisters and families that they represented. That had to have been one of the most difficult things that anyone has had to do. They handled that with diplomacy, with aplomb and with a great deal of dignity.

As one woman said, she felt that her husband would be looking down at her with pride. I responded: Not only her husband but the rest of us look on them with pride for their keeping the flame alive, and for two members on our side of the House, the Member for Transcona (Mr. Reid) and the Member for Thompson (Mr. Ashton) who year after year after year did recognize the causality, did raise the issues, did say it is time to be fair to the firefighters, six or seven times, and that government chose to ignore the causality. Now they are saying ignore causality again. Shame on them, Mr. Speaker.

Congratulations to the people who have spent over a decade fighting for this bill for today. I am very pleased to be the minister bringing it in with all the help of all those people.

**Mr. Stuart Murray (Leader of the Official Opposition):** I wanted to put some comments on the record with particular focus on the

amendments brought in by the honourable member from Russell. I find it very interesting that from time to time in the Chamber we have discussions. Obviously, I think, it is important when we have discussions to understand: Is it a political debate? This Chamber is a very good Chamber to have political debates. That means that perhaps the government of the day, whatever their political stripe is, wants to bring in something to discuss; a piece of legislation, and other parties in opposition can debate that, can look at different points of view. Maybe there is a fundamental disagreement.

I hark back to Bill 44, the labour legislation that was brought in. You could have drawn a line straight down this House and divided that side of the House and this side of the House. What they were trying to bring in was labour legislation that was punitive to business in Manitoba and we have seen the unfortunate results of that labour legislation through the province of Manitoba.

That was a political debate. It pitted one side, one viewpoint of how business should be in Manitoba against our side of the House, believers in free enterprise and creators of wealth. It created that kind of debate that people from the outside would look at and say that was a political debate. You can make up your mind as to what side of that debate you might take. You can pick or choose to support different sides of an issue.

What happens, Mr. Speaker, and it is not often. Quite often it is very rare that a piece of legislation will come into this Chamber and it will receive unanimous support because it is not political. It is all about the people in this Chamber who represent 57 constituencies throughout this great province of Manitoba. It is all about all of them saying that if I were to stand in front of my constituents who have elected me to represent them, if I were to take a message back to them and say do you think this is the right thing to do that they know in their hearts, that those people in that constituency would stand up and say, yes, I may not have voted for you, by the way. I may not have voted for you to represent me, but what you are telling me is something that is right for Manitoba because it goes beyond politics. It goes to the heart of what is the right thing to do for all of Manitoba.

I believe that Bill 5 is something that we absolutely have talked about and we support because it is the right thing to do, but there seems to be one element that is missing. That element that is missing has everything to do with ensuring that those men and women in Manitoba that choose a very honourable profession and some that choose to do that profession as volunteers, which is, become a firefighter. Those people, the volunteer portion of the firefighters, are being left out of something that is very fundamental.

We on this side of the House believe very much that in Manitoba a firefighter is a firefighter. God bless them for taking on the challenge to ensure safety for Manitobans, the people that will go ahead and risk their lives without even thinking about it. It is not a matter of saying, gee, I wonder if this fire is bigger than the fire we fought a week or a month ago? It is not about the size; it is about doing the job. It is about protecting communities and protecting the environment.

I know, growing up in small-town Saskatchewan, rural Saskatchewan, we had a volunteer firefighting department. I am proud to say my father was a member of that. I remember that we used to at that time not have a motorized or a driven firetruck. We actually had one that was drawn by a horse. I remember the day we got our first real firetruck. Man, I am telling you, it was the pride of the community, a bright, shiny, red firetruck that was being run by the volunteers of our community.

\* (15:10)

Mr. Speaker, those people that would drop everything that they are doing, whether they be schoolteachers, whether they be entrepreneurs working in a small business, those people, when they heard that siren go off would charge down to the fire department and jump on that firetruck and go to wherever the fire might be. There was not a question about how many were there, they all showed up. Why? Because they knew that they were going to be helping somebody that was in difficulty. So you have volunteer firefighters who are out there trying to do the right thing and trying to save lives.

I know that in our community we built an indoor hockey arena. How was it built? Through

volunteers. I can tell you that those same volunteers that built the hockey arena would have answered the bell in a second if that hockey arena had a fire and it was threatened to be burning down. There would be no questions about, well, I am not sure that I should be going to this fire because, you know, it could be dangerous. Of course, it could be dangerous. Of course. But that is why these volunteers should be recognized for the kind of bravery that they provide, because they are putting themselves in danger.

I think that you find volunteers who can suffer damages, suffer the same kinds of consequences, stand shoulder to shoulder with full-time firefighters fighting a fire, and those volunteers can suffer the same consequences as a full-time firefighter. When that happens we should not have a two-tier firefighting system in this province, because that is ultimately what Bill 5 without the amendments includes. It ultimately is a two-tier firefighting system because you are treating volunteers and rural Manitobans like second-class citizens because they do not matter, because they do not need the same coverage as full-time firefighters.

We on this side of the House believe that all firefighters deserve the same coverage and the same ability to be recognized as a firefighter in Manitoba, particularly when you think about those volunteers that may suffer loss of life or be subject to some of the cancer that we all know the scientific model shows that firefighters are exposed to.

So what then of the widows and the children? What about those people? Those are the people that are being ignored in this entire debate. What I believe the amendments to Bill 5 do is take a very strong bill and strengthen it, because it means that nobody is being left behind. I can tell you, Mr. Speaker, that in this Chamber, we have had debates. We have had one earlier today about doing the right thing for Manitoba and doing something that basically did not represent one area of Manitoba but represents all Manitobans. In this Chamber, we have an opportunity not 10 or 15 years from now to look back and say: Why did we not do it when we had the chance? Why did we not include this amendment when we had the chance? It was in front of us.

We are the first province to bring in this bill, Mr. Speaker, to recognize our firefighters, but why would we only go part way when in fact we can go all the way and do the right thing? So I am somewhat troubled that the Doer government would create two classes of citizens. Again, we see that quite often rural Manitoba is being left behind by the Doer government. Here is another example of how they are ignoring rural Manitobans, basically saying to the volunteers, those volunteer firefighters, you do not count. You do not weigh in. You are not part of what we believe constitutes acknowledging the risks that you put yourself to.

So I believe strongly, and I ask the minister, I ask the Premier, and I ask the Doer government to do the right thing for Manitobans, to do the right thing for those volunteers in our rural communities who ensure safety for all people whenever they are called upon. I ask them on behalf of the widows and the children. I ask them to do the right thing and to include the amendments to a very strong bill, the right bill, the right thing to do for Manitoba, to make that bill the right bill and the stronger bill to ensure that those volunteer firefighters throughout Manitoba are recognized for the types of hardship and work that they do and that their dignity is respected on both sides of the House through the amendments of Bill 5. Thank you very much, Mr. Speaker.

**Mr. Daryl Reid (Transcona):** It is my pleasure to arise to speak to this amendment that the member has brought forward. Mr. Speaker, I note, as the Minister of Labour has said a few moments ago, that we are quite proud as a government to be the first in Canada to bring forward Bill 5, the firefighters protection amendment.

We think that this is a very significant achievement for our Government and, I know, will add greatly to the firefighters' efforts across our country and perhaps across North America as they try to bring about some justice on this issue with their colleagues in other jurisdictions, so I congratulate our Minister of Labour once again for bringing forward this legislation.

I am also pleased that we are again a first, in North America this time, in that our Government, through our amendments in this

legislation, will allow for gathering of science, gathering of the evidence necessary to determine the effect of firefighting on those volunteer firefighting forces in the province and to gather that science and make a determination on the impact on those individuals that are protecting those communities.

I was also proud last evening for the members of the public that came forward and reflected on their family members, the widows who came forward and reflected on the accomplishments of their husbands, their spouses, and how proud they were to be firefighters and serving our communities in the capacity of full-time firefighters.

So I want to honour and to congratulate Geraldine Schedler, Janet Sabourin and Nancy Klassen for coming forward last evening and reflecting on the accomplishments of their spouses, who have given their lives in service to our communities and to the citizens of Manitoba, and also for the difficulties that that sacrifice has meant for their families. So I want to recognize those individuals that came forward last evening.

I also want to recognize Mr. Alex Forrest, as a member of the firefighters association, who also made a presentation to the committee last evening.

I listened to the comments that were made in that committee and the questions that were posed and the answers that were given. I know that in the legislation that our minister has brought forward, the bill is based on scientific evidence for five primary site cancers. Now, we are also going to move forward with gathering of further evidence into a research or study with respect to its effect on part-time firefighters.

\* (15:20)

I look at this particular amendment, Mr. Speaker, and I have to wonder that this amendment says here in its application clause that this particular amendment would apply to those who have been regularly exposed to the hazards of a fire scene other than a forest fire scene. Now, I am at a loss to understand. I guess I am at a loss to understand the basis for the member from Russell and his logic and the logic of his party for excluding forest-fire fighters. I mean, there are only two options that I can think of. One is that there is no science to base your

exclusion on. You said that we need to include part-time firefighters, but you have gone ahead in your amendment and you have excluded forest-fire fighters in this province.

The other option I guess for your exclusion of those particular individuals from coverage under your amendment is the fact that the majority of those forest-fire fighters are First Nations people. That could be the only other option that I can think of, those two options, why you would exclude forest-fire fighters, I guess on the face of it.

I have had the opportunity in my life to meet some of those forest-fire fighters. I can remember the Kenora 14 fire that nearly engulfed the personal family property around Kenora, Ontario, and the conditions that those forest-fire fighters had to endure, the smoke, the ash, the carbon that was related to that, the heat. Yet you have gone by way of your amendment here and have excluded a certain segment of the population that protect our communities.

I am unclear as to why you would have excluded those members of our society that provide that service for us. So I would ask you perhaps you would want to explain to members of the House why you are either excluding on the basis of science or you are excluding it on the basis that they are First Nations people.

I suppose if it is the latter reason, there is a word that is used to describe that, which, Mr. Speaker, would perhaps be unparliamentary for me to mention, but it begins with the letter "r." I am sure members of the Opposition know what that reference is to, why they would have excluded that particular coverage.

#### Point of Order

**Mr. Glen Cummings (Ste. Rose):** Several speakers have ruled in this House that using the word "racist" is not appropriate, and I do not care how the member cuts it, he is referring to us as racist in his comments.

I would ask him to withdraw, or he can be bigger than I think he is and agree to write his amendment into the current amendment so it can actually not exclude.

**Hon. Tim Sale (Minister of Family Services and Housing):** Mr. Speaker, on the point of



order, the member did not use the word attributed to him. He did not attribute it to any particular individual, in the second place, and he did not attribute it to a specific member of this House. So I think that consistent with previous rulings, this would not be a point of order. I agree that words should be chosen carefully, but there really are apparently only two reasons for excluding this group of people. One might be the science involved and one might be the group to whom they belong. I cannot think of any other reason for excluding forest-fire fighters from proposed amendments that have been put forward. I think the member did not offend *Beauchesne* in any way at all.

**Mr. Speaker:** On the point of order raised by the honourable Member for Ste. Rose, I will take the matter under advisement in order to review Hansard and I will bring back a ruling.

\* \* \*

**Mr. Reid:** To continue with my comments, I know members opposite are a bit sensitive about the history with respect to this particular issue, but I want to refresh your memory, for members of the Opposition. I can recall coming to this House first in 1990 and having some discussions with my caucus, in particular the Member for Thompson (Mr. Ashton), about the way this particular protection for firefighters was struck down in the province of Manitoba when it was challenged first by the City of Winnipeg. Of course, it was Justice Sterling Lyon who ruled that the regulation was ultra vires and should have been in the legislation itself, in the body of the legislation versus as a regulation.

The Member for Thompson asked the government at the time: Listen, include this in the legislation you currently have before the Chamber with respect to amendments to The Workers Compensation Act. Your government chose not to do that. I am not sure why you chose not to do that. There is obviously a variety of reasons, but you have never made it clear why you decided not to include it.

We brought forward private members' bills in this House many times. In fact one of them, we got to the point where I was closing debate on the bill and you stood up and interrupted my speech and overruled my ability to speak as a member of this House and to move that bill to

committee that would have allowed members of the firefighters' operations in the province, including the volunteers and the widows, to come to the committee room and express their viewpoints on this. You shut down the debate on that particular private member's bill. I think you should hang your heads in shame for that particular action at that time.

Now you say there were no studies. Well, let me refresh your memory, because I am sure you were given these same studies as I was by Mr. Martin Johnson, who happens to reside in my community: the firefighters metropolitan mortality study, April 24, 1992; *Occupational Cancer and the Firefighter (Revised)*, December 1991.

Do you want me to keep going on the number of studies that I have here in front of me? There are dozens of them. These are not all of them. You had access to those studies at the same time I did. Basing it on science, you chose to ignore those studies. That was a conscious decision on the part of your government to ignore the science that was in front of you. I say to you shame on you for ignoring that. You could have at least 12 years ago brought forward this legislation, and you would have been able to say, as we are now, that you recognize the efforts of firefighters in the service of the communities of this province, but you chose to ignore that.

I say shame on you and your government. Do not say that two wrongs do not make a right here, as you have been saying in the committee for the last few hours before these hearings here today. I can tell you that you could have moved on this a long time ago because the science was there. You chose to ignore it.

Perhaps the Member for Russell (Mr. Derkach), when he stands up in his next comments with respect to the legislation and why he excluded those other firefighters, perhaps he can provide an explanation to those members of our province why they were excluded, because I think it is important for them to know why you would only protect one group and not another group in this province, why you would exclude them.

Mr. Speaker, I know there are other members of this Chamber who want to add their

comments with respect to this amendment, and I will let them have that opportunity, as well. Thank you.

**Mr. Mervin Tweed (Turtle Mountain):** Mr. Speaker, I am pleased to put some comments on the record and actually to follow the sleazy comments of the member opposite in his past comments.

I want to read back to the Member for Transcona (Mr. Reid) the one comment he made that has probably made the most sense in this House since I have been here, and that was just recently when he was speaking on the second reading of this bill. I think everybody in this House concurs with what he said, although today what I heard was absolute garbage. He commented and he said there are many ways that the different chemical compounds are ingested or inhaled or absorbed into the bodies of those members of the firefighting force, and we have to put in place the necessary legislative amendments to make sure that any diseases that they encounter they are protected for.

I could not have summed it up any better on behalf of anybody on this side of the House. That is the Member for Transcona that is talking. God forbid I should want to read back his words after the comments he made today, but they are his words, and they stand correct, Mr. Speaker.

He is talking about all members of the firefighting force. They do have the opportunity or more opportunity than anyone, I would suggest, in Manitoba to be exposed to the dangers that we are talking about in this bill. So if he wants to stand on that side of the House and stand by his words, get up off your haunches and support what you said three days ago. That is what I say.

\* (15:30)

Last night, Mr. Speaker, we heard from people who have suffered, and do you know what? If the members opposite want to punish the volunteer firefighters in rural Manitoba because of something that we did not do as a government 10 years ago, 5 years ago, I say shame on you. Stand up and be bigger men and women than you are. If you want to accuse us, I will take the blame for everything right back to the beginning of history on the Conservative

Party, if that makes you happy, but do not deny the people that are volunteering and working in our communities access to the same type of coverage and protection that you are affording a few in this province.

This is a perfect example of why this Government fails time and time again when they are dealing with public issues, because they pick and choose public issues as they see fit and they try and blame the past for everything else. Punish us, punish us. Send us all to our rooms for a couple of days if that makes you happy, but do the right thing for the people in Manitoba that serve as volunteer firefighters in our communities, members of our communities that stood side by side by the Member for Brandon West (Mr. Smith). They are going to look at him and say, gee, you are a full-time firefighter, I am a part-time firefighter, we do the same thing. I guess I do not have the same type of protection and insurance and coverage that you do.

Why? Because this Government chose to punish the Progressive Conservative Party of Manitoba, not because they chose to do the right thing for the volunteers. They are punishing the people of rural Manitoba as they have in the past. They are bringing pure politics into this. They are throwing it out there and they are throwing out the red herring that the people of the province of Manitoba should be mad at us.

Well, if the firefighters are here today, I apologize too. I apologize for not reading this report 15 years ago, although, unlike some of the people in this House, I was not here, but I accept the responsibility and I condemn them for doing it. If that makes you happy, if that satisfies you when you go back to your little dens and nests and talk to your own little people and say, boy, we really stuck it to the Tories today. Well, you did not stick it to us. You stuck it to the volunteers in the fire departments in rural Manitoba and you stuck it hard to them. They are not going to be forgiving and they are not going to forget this. They are not going to blame us. You may think that that is going to happen. The member chants from her haunches over there, but let her stand and speak in support of this.

I tell you, Mr. Speaker, it is the right thing to do. We are not arguing about who made mistakes in the past. As I say, if you want to

dump the pile of manure over here, feel free to do it, but do the right thing for the right reasons.

We have firefighters across Manitoba who have been quoted in paper after paper. They stand side by side. They are happy for the firefighters in urban Manitoba. They are pleased that they are getting the support. They do not want it to be changed. They are not saying: Do not give them something you will not give us; do not give us something you would not give them. What they are saying is: We spend 24 hours of a day, 365 days of the year, on call.

I light a garbage fire in my backyard and it catches fire, who do I phone? I phone my neighbour who is a volunteer firefighter. I phone the guy who is in business who walks out of his business and leaves the customer standing at the aisle while he goes to help put out a fire, and you guys want to punish them through us. Talk about pettiness.

We have members from all over rural Manitoba who are commenting on this. We have fire chiefs, we have firefighters, we have volunteers. Communities, whether you guys know it or not, in rural Manitoba actually have evenings to thank our firefighters, to thank our volunteers for the good things they do in our community.

Did we miss an opportunity 12 years ago? Probably so.

**An Honourable Member:** Fourteen years ago.

**Mr. Tweed:** Fourteen years ago, 10 years ago, 5 years ago, '99, all of that. Lay it out on the floor. I do not care, but do not punish the people who need the support. Do not punish the families of the women like we saw last night. Do not punish them because you are mad at us. Get rid of that anger. Vent. Go out and scream. Write an article. Write a letter to the editor. Do whatever you have to do to make yourself feel you have done the right thing to us, but do the right thing for these volunteer people.

It comes across in rural Manitoba. I know some of you may not care about this, but this is exactly what they see as an NDP government. This is exactly what they see you people for.

You have an opportunity to correct the record to prove to them that you care about them, too.

We are saying on this side of the House we are prepared to support you. If you want to write the resolution, obviously the minister made a feigned attempt at bringing forward amendments, and what was it for? It was just to satisfy the fact that, well, we brought the amendments forward ahead of them. We are prepared to give you the amendment. We are prepared to let you take credit for it. We are prepared to do whatever you want to have to do, but do the right thing.

You guys stand on your cherry boxes day after day and tell us about the sins of the past, and you have a chance in 30 seconds to correct those sins, and you choose not to. You choose to punish the volunteers in rural communities in Manitoba, and for what? For what gain? What do you get out of it? Do you feel better at night when you go home and say: Boy, those Tories sure suffered today, yep. Oh, how did you do that, dear? Well, we refused access to certain types of legislation to them. Boy, did they ever pay for it, those Tories. Boy, they are really at home licking their wounds tonight.

The people who are at home licking their wounds are the firefighters and the families of these firefighters who think you have abandoned them and that you do not care. You can accuse us for not caring, and I accept that. Now the shoe is on the other foot, and I ask you to wear it and wear it properly and do the right thing.

You talk about doing the right thing, you criticize about doing the right thing, but when you have the opportunity you refuse to do it. You hide behind some sort of technology and some sort of science, and yet in the study itself it says the number of occurrences is a hard thing to measure; it is not a factor. Well, then, what is the big deal? What is the cost? There is no cost. These people are sitting there saying: You know what? We do have a bit of a problem in rural Manitoba where we sometimes do feel like we are treated as second-class citizens. I face that as a member of government, too. They sometimes thought that we did not treat them, and that we looked at other areas of the province ahead of them. Again, I do not have any problem

accepting responsibility for that. I think that is part of what we do in this Legislature, to take responsibility for those things. But here you have an opportunity. You can be bigger than this place. You can be bigger than our party. You can be bigger than government. You can go out there and do the right thing for the right reasons, and people will respect you for it. Believe it or not, they will respect you. I will respect you for doing the right thing, because you yell daily at us about what we did and how wrong it was, and now you have a chance to correct that. You refuse to do so. *[interjection]*

Yes, as I said, I am prepared to confess for all the sins if that helps you make the right decision today. If you want me to bend over and you can whip me with a stick, fine. Do that if that makes you feel better. The fact is, though, you have an opportunity here to do the right thing, and you are hiding behind medication. You are hiding behind technical things that do not make any sense.

Mr. Speaker, I do want to read into the record, and, again, you know, this is not me speaking. These are volunteer firefighters. These are guys that get called. Maybe I am a little more sensitive because in the last couple of months my constituency has had some difficulties. We had a huge gas explosion at Brookdale of which the Brandon Fire Department were there. Minnedosa, Souris were there. They were from all over, side by side, arm in arm, day and night. I go out to those communities, and not one person says a bad thing about the firefighting and how they handled it and how the people were dealt with. We are saying to one this is for you; we are saying to the other there is nothing for you.

The firefighters out there are saying—and these are their comments not mine. Fireman Barry MacDonald from MacGregor—the other incident I should point out, Mr. Speaker, we had Brookdale. We had the train collision at Firdale, where the gas was in the air. I mean, it was volunteers. Guys that get up and go from their families in the middle of the night and know not what they are coming to or what they are going to face, but they put their life and limb on the line every day. In a lot of cases, it is every day because they respond to every fire call, not just specific times of the day or night.

Barry MacDonald from MacGregor says—he is asked about whether the amendment should apply to all. He says, after this weekend, I would certainly say it should. He spent 30 hours at the Firdale site. He said it was a carcinogenic explosion. There was benzene in the air. Who knows?

\* (15:40)

Dave Thiessen, deputy fire chief of Gladstone, was there. He spent 30 hours over two days fighting the fire, the toxic chemical fire at Firdale, and he was angered by the decision to exclude. He said: Just look what cars are made of. Every time you go to a car fire, he said, there are more toxic fumes coming out of it. The one comment that he does make here, and I have made it, but I think it means more if it comes from him, he says: On a volunteer basis, you answer every call you get. *[interjection]* In a volunteer fire department in rural Manitoba, you answer every call you get. You do not say: I am off today; I am passing on this one. You go. I told the story. The fire chief in Killarney was a business neighbour of mine. The fire alarm went off one day at about 11:30 in the morning. I went over to see him at about a quarter to 12, doors wide open, both he and his brother gone to fight a fire. You know, he puts the trust in the community, leaves his business to go and help somebody, and he asks. In fact, he is our fire chief; he wrote a letter to the editor in the *Brandon Sun* and all our local dailies. I commented on it last night.

I do not know, I think sometimes they just feel like they are being neglected and like they are being forgotten. They are trying to raise the level of their voice so that people will hear them. Mike Bellew, fire chief in Killarney, Turtle Mountain fire department: Compensation Issue Angers. I am writing with deep concern and frustration about the recent amendment to the Workers Comp act, Bill 5: The change will automatically compensate full-time firefighters who develop certain types of cancer on the job. The amendment should apply equally to all firefighters. Volunteer firefighters are on call 24 hours a day and answer every call. Therefore, they are exposed to every chemical spill, fire, et cetera, in their area and surrounding areas if called upon. The three recent disasters in rural

Manitoba in the last two months show how this type of danger is becoming more common.

Exposure to these chemicals, even on a one-time basis, which the study that the minister refers to, even on a one-time basis, can result in long-term harm. Therefore, volunteers should be covered for those risks the same as full time. They are not asking you to change what is being offered and given and rightfully so to the full-time firefighters. They are asking for the respect of the position that they have and the same type of treatment. To put the onus on the volunteers to prove they contracted a disease is discrimination at its worst, and I could not agree with them more.

I will close on this debate. I ask the Government to consider the amendments. As I said, I think everybody on this side of the House is willing and prepared. Call it your own legislation, call it whatever you want, but do the right thing. Do as the Member for Transcona (Mr. Reid) said in his comments yesterday when he was reading on Bill 2, where he says there are many ways that the different chemical compounds are ingested or inhaled or absorbed into the bodies of those members of the firefighting force. We have to put in place the necessary legislative amendments to make sure that any diseases that they encounter, they are protected for. All I ask is that the Member for Transcona convince the members of his party to stand and support those words and support the amendments of this bill.

**Mr. Speaker:** The honourable Member for Brandon West, or the honourable Minister of Consumer and Corporate Affairs.

**Hon. Scott Smith (Minister of Consumer and Corporate Affairs):** Either one works, Mr. Speaker. Thank you. I appreciate the ability to get up and speak on this extremely important bill and the amendments that have been put forth. This is one that would take a considerable amount of time to debate and get into. I have a short period of time. So I will try to point out some highlights from the standpoint of being a firefighter that started in March 1980. I was a firefighter until 1999, the provincial election. Certainly, I would like to begin by thanking the Minister of Labour that, for the first time in Canada, will be putting forth a bill of

presumptive legislation that is being followed by all firefighters right across the entire nation, certainly in America as well as Canada, and for being the first to do that.

I also would like to put on record, as a firefighter and member of the firefighting service for a number of years, I had the privilege and opportunity to work with the member of Transcona and the member of Thompson that certainly brought forth, from a firefighters' perspective at that time, real issues that were very, very important to people in the emergency service. I can tell you that last night—I would also like to thank the people that made presentations at the public committee meeting.

I would like to thank Mr. Alex Forrest for bringing forward some pertinent information to add to the stacks and piles that he has done over the last 13 years or so. I would certainly like to thank three very, very brave women that came forward: Ms. Nancy Klassen, Ms. Gerry Schedler and Ms. Janet Sabourin.

They told stories that certainly were very emotional. They were very private people that had come to a public forum and were very, very nervous when they began to speak. They told stories about heroes in their lives, heroes that lost their lives. It happened to be the three men that they had been married to for a long period of time. They talked about the effect that that had on not only themselves but their financial well-being and their mental well-being and their children's psychological well-being. It brought back some memories, I will tell you, Mr. Speaker, not just by those three people that came out and presented but by the 19 years that I was in the emergency service and the hundreds of stories that I heard like that.

I can tell you that dozens of studies and the conclusive scientific evidence on the links between urban professional firefighters and the five cancers that are identified in this bill have been put together by a great number of people and a great deal of hard work.

As I listened, many of the firefighters and many of the men and women that are in the service of firefighting do not understand the politics behind some things. Members opposite have the audacity to get up from their chairs and speak about the bill not going far enough and to speak about the split between urban and rural.

I can tell you, Mr. Speaker, that these members opposite should be so incredibly ashamed of themselves. They should really look at not only the professional full-time firefighters but the part-time firefighters and the people that are out there, the volunteers that are good people from communities, and be ashamed and keep their heads down when they are speaking to them, because not only would they not do anything with scientific-based evidence that they had in their hands in front of them for a number of years, for proven fact on urban firefighters, but I do not remember not only them not mentioning or moving ahead on this matter with the urban firefighters and their cause, but even beginning to speak about the volunteer firefighters from their communities in regard to this issue.

I can tell you, Mr. Speaker, when the member gets up from Russell, he is quite right, I do have a number of friends that are in both the professional firefighting and I do have a number of friends that are in the volunteer firefighting. The member last night in the committee said over and over and over again, and he said it again today, that maybe this is not the best time, maybe this is the second-best time. I can assure that yes, this is the second-best time by this Government doing what you should have.

It amazes me that the ostrich syndrome that the members opposite had, with their head in the sand, for the number of years that they did, and then suddenly pop up in their chairs and begin to say this bill, this minister did not go far enough, which is absolutely fascinating. These members, I am not sure if it was part of the ostrich syndrome or if it was part of the glue in the back pocket syndrome that stuck them to their chair for a decade.

I will tell you, they are not scoring any political points. They may get a few points on Hansard and send it back to some of their communities, but I will tell you that firefighters, not only urban and rural, know who did this and why. But the members over here trying to save face and the hypocrisy that I have seen from the members opposite to try to save a little bit of face in this issue, has been just incredible. To try to tip it off and to try to point it off as being something that is political is absolutely the last thing in the world, Mr. Speaker.

\* (15:50)

This bill is about doing the right thing for firefighters. This bill is about retroactivity that this minister has gone back to 1992, and basing it on scientific fact, Mr. Speaker. It is about this minister on this side of the House having the intestinal fortitude to move ahead with something that should have been done.

I can tell you they can stand up, they can try to score political points and they can try to split this into rural and urban, but it is not going to work. It is not going to work.

The firefighters that I worked with and the response personnel that I worked with over the years, is not like a typical job that you have, it is not like a nine-to-five job. When you have people in the police service and you have people that are in the fire departments and you have people that are emergency responders, not only do they have their family at home, they have a family that they work with. They eat with them, they sleep with them and they socialize with them. Anytime that you could not find one of the people that you worked with in the fire department, if you asked their family and someone did not know, you would ask one of the other people they worked with, because the connection is really there, it is really a family and it is really close.

The amount of discussions that I had through the eighties, through the nineties and tried to move this ahead—and we heard it last night from Mr. Forrest and we heard it from some of the incredibly brave women that came out and presented to us last night—the fear was not in the death of the people that had contacted these five diseases that are identified, the fear was for their family.

I saw that over, and over, and over again for the 20 years that I was in service. The fear of not having their families covered by this legislation was enormous and weighed incredibly on them when the changes were made back in the late eighties. There were a lot of changes made in 1992 that I know could have been one way or the other, and, unfortunately, went the way that was very detrimental to firefighters.

So, I can say that, yes, I guess there are members on the opposite side, I know the

member from St. Norbert and some of the other members that certainly felt that this legislation could have been done a number of years ago. I know some of the new members that might well think this is positive legislation, this is good legislation; but I think what they need to look at is, would they base it on scientific fact and proof, or would they just pull numbers out of the air, regardless of what the issue was? Would they base it on proven fact when you are doing legislation? Would you base it—*[interjection]*

I am speaking about the amendment and I know the members opposite—what I am speaking about is the amendment and the dates and the times—especially the newer members, do want to do the right thing.

So the amendment that has been put forth by the Opposition is not a viable alternative. What has been put forth by this minister based on consultations with the entire service, based on meeting with the community, based on science and fact, is the way to go.

So I hope that all members opposite do, in fact, move forward on this bill in short time. Thank you very much.

*Mr. Harry Schellenberg, Acting Speaker, in the Chair*

**Mrs. Joy Smith (Fort Garry):** I am going to be brief. There are just a couple of comments I want to put on record because I am very puzzled. I am puzzled because I do not know why members opposite are angry because we are supporting this bill. We want to put this bill through. We have only asked for one thing, basically, and that is to include volunteer firefighters.

Members on this side of the House have said, even the Member for Turtle Mountain (Mr. Tweed) said: I apologize. I was here. I apologize for not reading those studies. There is no argument. We want the bill to pass, and suddenly it has become a controversy.

Members opposite keep talking about science. I do have a master's degree with a major in math and science, and I am puzzled about

something else. The fact of the matter is when I read the fact and when I found out that because of some American scientific studies—by the way, I did not examine those studies; I took members opposite's word for it because it seemed to be a very logical, common sense approach. But when I read that being a full-time firefighter or a firefighter, they could be exposed to five specific types of primary site cancer: brain cancer, bladder, kidney, non-Hodgkin's lymphoma and leukemia, and the note said the scientific study that this legislation is largely based on, using American data almost exclusively, supports the presumption. Well, Mr. Acting Speaker, I could have, we could have, members on this side of the House could have demanded to see the studies, we could have looked at the dates of the studies, we could have looked at the sample of the studies, and we could have done all sorts of things to tear it apart.

Having said that, I want it on record, stating we did none of those things because we believed what they said, members opposite. We applauded members opposite for bringing this bill in and we have stood by the firefighters. The only thing we wanted to do was to include the volunteer firefighters.

This is not about politics. It is about families and health. I am saying let us get on with the show. Let us put the show on the road. I implore members opposite to stop playing politics and add the amendment to include voluntary firefighters.

I will tell you why. Anyone who has been in science or understands science understands that when a theory is proven, when the data is compiled, the tests are done and the samples are brought forward, that is the same. It does not matter about your job description. If you are the person in front of those chemicals, in front of those carcinogenics, the data is there. Because you happen to be full time or part time has nothing to do with the situation. The only thing that has to do with the situation is that you are: (a) a firefighter, and (b) you are in front of those chemicals.

I find it very regrettable that this is a bill this House stood together on. On both sides of the House we applauded members opposite for this

bill. Our job as opposition is to strengthen the bills or get rid of bills we feel are not useful, or try to. We did none of that. We did not even try to get rid of this bill. We supported it 110 percent. We did not examine the science. We are taking it at face value that the scientific studies are valid. We are taking it at face value that the firefighters and their families need this support. We endorse it. We want this bill to go through, and we want the amendment to be included that includes volunteer firefighters.

If members opposite are afraid of the politics that maybe someone on this side of the House might be given credit for bringing in a strong amendment, that is a sad commentary on the lawmaking here in the province of Manitoba. This should be above politics.

I am a new MLA. I admit I am a new MLA. I do not like to go into the past history and who did what to whom. I am living in the year May 2002, and in this year, we have the data that we have not examined but we have taken on face value and said this is clear. If this is the data, we better get busy and put this bill through, and, Mr. Acting Speaker, that is exactly what we do. We also want to include the part-time volunteer firefighters.

\* (16:00)

This is the reason, Mr. Acting Speaker. It is simple. It is not rocket science. What it is is simply if you are a part-time firefighter, you stand side by side with full-time firefighters. There is a lot of these people out in rural Manitoba. They do not have the proper fire equipment. They do not often have the kind of training that full-time firefighters have, but they have the dedication and they do a great job. They hurt like everybody else hurts. They can get disease like everyone else gets disease.

So, on this side of the House, it would be very, very helpful if members opposite would not banter around scientific evidence when, in fact, they do not know what they are talking about unless they have the research and the education behind them. You cannot get it out of the telephone book. It takes eight or nine years of university to have some understanding of what the science is about.

So members on our side of the House are saying we understand what the science is about. We have discussed it. We have applauded members opposite. This is what I am saying. We have applauded members opposite for this bill. We believe their scientific data. We believe it so much that we wanted to strengthen the bill by adding an amendment that would help part-time firefighters. It is regrettable if members opposite cannot understand this.

What we are saying right now is we are not living 11 years ago. We are not living 5 years ago. We are living in May 2002, and the lawmakers have put forth a bill we are endorsing and supporting. Just, Mr. Acting Speaker, let us forget this political wrangling. Get the amendment in there and get this bill passed so these families can benefit from it.

**Mr. Ron Schuler (Springfield):** As a new MLA, I am surprised and shocked at some of the discussions that take place. I do not have an axe to wield. I do not have the many years of bitterness and hatred that tends to pile up, and we have heard a lot of it today.

What I do want to talk about is the volunteer firefighters who serve the communities of East St. Paul and Springfield. They do a wonderful job of it and, I might add, also serve the city of Winnipeg. The Perimeter does go through East St. Paul and through Springfield, and often there are accidents. There are trucks that tip over. There are incidents where the rural municipalities of Springfield and East St. Paul have to respond, and they do so in a very timely fashion.

A lot of chemicals are transported on the Perimeter highway, are transported on our streets. I need only mention for the minister's benefit the Esso tank farm where there are a lot of chemicals that are stored. The East St. Paul fire department is the first responder to that particular facility.

There was an incident about two and a half years ago in a house off of Pritchard Farm Road. Someone went downstairs into the basement and was rummaging around and put a box on top of the stove, not realizing that the stove was actually on, and a fire ensued. There were a lot of individuals in the house. There was a family reunion taking place. Fortunately, for the family, the family all got out, and by the time the



volunteers got there, there was a substantial fire taking place in the home.

The home at that time was built with what are called silent floors. There is a lot of pressed wood. There is glue and other chemicals in there. What the firefighters did not know at that time was that the flooring had been compromised. As three of them stepped in, one guy had stepped in completely, the one behind him was just stepping in, and it was the third individual who started to feel something was wrong. The individual the furthest outside grabbed the second one, who grabbed the first one, and that is when the floor caved in. Luckily, they were all pulled out. What was burning at that time were the trusses, and, if the trusses had weakened, the glue obviously not being able to withstand the heat as a normal truss would have—the chemicals that were in there, and all kinds of chemicals downstairs in the basement would have combined to actually create a fairly toxic mix.

I believe, Mr. Acting Speaker, there might be another subamendment coming forward, that if it is a matter of time that is involved, the amount of hours that you put into it, I think we would be agreeable to look at that kind of thing. Certainly, we would like to see the wording of it. But I think the volunteer firefighters do deserve to be recognized in this. I know that it is how much exposure but, as one of the firefighters pointed out this morning on one of the radio stations, the volunteer firefighters, in some instances, might be responding to more fires than, perhaps, a suburban city fire department.

So I think this is something we should look at. I would recommend to some of the members who have been here for a long time, that perhaps the bitterness and the grudges and the axes you carry—I do not know how some of them can live with themselves—maybe bury some of that. Just go beyond that. Let us do what is best for all Manitobans.

Once again, I would like to applaud the volunteer firefighters of East St. Paul and Springfield, and I will continue to fight for the same kind of coverage that others get, that they get that kind of coverage, as well.

**The Acting Speaker (Mr. Harry Schellenberg):** Is the House ready for the question?

**Some Honourable Members:** Question.

**The Acting Speaker (Mr. Harry Schellenberg):** The question before the House, as moved by Mr. Derkach, the Member for Russell,

*THAT Bill 5 be amended in the proposed—*

**An Honourable Member:** Dispense.

**The Acting Speaker (Mr. Harry Schellenberg):** Dispense.

*—subsection 4(5.1), as set out in section 2 of the Bill, by adding " , including a casual emergency worker to whom clause 1(4)(a) applies," after "worker".*

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

\* (16:30)

#### Voice Vote

**The Acting Speaker (Mr. Harry Schellenberg):** All those in favour, say yea.

**Some Honourable Members:** Yea.

**The Acting Speaker (Mr. Harry Schellenberg):** All those opposed, say nay.

**Some Honourable Members:** Nay.

**The Acting Speaker (Mr. Harry Schellenberg):** In my opinion, the Nays have it.

#### Formal Vote

**Mr. Marcel Laurendeau (Official Opposition House Leader):** Yeas and Nays, Mr. Acting Speaker.

**The Acting Speaker (Mr. Harry Schellenberg):** Yeas and Nays. Call in the members.

*Mr. Speaker in the Chair*

**Mr. Speaker:** Order. The question before the House is the proposed amendment to Bill 5,

*THAT Bill 5 be amended in a proposed subsection 4(5.1) as set out in section 2 of the Bill, by adding ", including a casual emergency worker to whom clause 1(4)(a) applies," after "worker".*

#### Division

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

#### Yeas

*Cummings, Derkach, Driedger, Dyck, Gilleshammer, Hawranik, Helwer, Laurendeau, Loewen, Mitchelson, Penner (Steinbach), Pitura, Reimer, Rocan, Schuler, Smith (Fort Garry), Tweed.*

#### Nays

*Aglugub, Allan, Asper, Barrett, Caldwell, Cerilli, Chomiak, Dewar, Doer, Friesen, Jennissen, Korzeniowski, Mackintosh, Maloway, Martindale, McGifford, Mihychuk, Nevakshonoff, Reid, Robinson, Rondeau, Sale, Santos, Schellenberg, Smith (Brandon West), Struthers.*

**Madam Deputy Clerk (Bev Bosiak):** Yeas 17, Nays 26.

**Mr. Speaker:** I declare the amendment defeated.

\* \* \*

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

**Mr. Derkach:** Mr. Speaker, I move, seconded by the Member for—

**An Honourable Member:** Springfield.

**Mr. Derkach:** —Charleswood (Mrs. Driedger)—everybody wants a piece of it. Of course, we could have the Premier (Mr. Doer) second this

*THAT Bill 5 be amended by replacing the proposed subsection 4(5.2), as set out in section 2 of the Bill, with the following:*

#### Application

**4(5.2)** The presumption in subsection (5.1) applies to a worker, including a casual emergency worker to whom clause 1(4)(a)

applies, who has been regularly exposed to the hazards of a fire scene other than a forest-fire scene.

**Mr. Speaker:** It has been moved by the honourable Member for Russell (Mr. Derkach), seconded by the honourable Member for Charleswood—

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

**Mr. Speaker:** Order. It has been moved by the honourable Member for Russell (Mr. Derkach), seconded by the honourable Member for Charleswood—

**Some Honourable Members:** Dispense.

**Mr. Speaker:** Dispense? Dispense.

**Mr. Derkach:** Mr. Speaker, yesterday in committee, I had made a commitment to the firefighters and to the committee that I would be recommending to the House leaders today that this bill be dealt with and passed today. I am going to be asking the House leaders not to see the clock because I think that this is probably going to take more time than we have in the regular hours.

**An Honourable Member:** Grandstand. Eleven years, eleven years. Grandstanding today.

**Mr. Derkach:** Mr. Speaker, if the Minister of Education (Mr. Caldwell) has something to say, he is welcome to stand in his place and put words on the record if he so chooses. Of course, he does not have the fortitude to do that. This amendment simply speaks to the fact that once again—[interjection]

This is a bill the Government should be interested in passing. It is not a bill their members should be filibustering in this House. We have serious amendments to put forward, yet the Minister of Education keeps chirping from his seat. He does not have the fortitude to stand up and put some meaningful words on the record. Instead he would choose to make cheap comments from his seat. That just speaks to the quality of the individual we have in that position.

Mr. Speaker, I say to you and to this House, with respect to this amendment, we bring this

amendment with complete seriousness. Once again I ask the minister who is in charge of shepherding this bill through the House that she talk to her caucus and look at the positive consequences this amendment could have for firefighters in Manitoba.

I can understand the minister's position on a principle basis, but the Member for Turtle Mountain (Mr. Tweed) I think put it correctly today when he said this is nothing more on the government side than punishment politics for rural firefighters. This is the worst form of politics one can have in this Legislature because what you are doing is taking it out on innocent people who work on a volunteer basis for their communities and for the people in Manitoba.

I think we have made our case in trying to encourage the Government to look in a positive way at the inclusion of part-time and volunteer firefighters. I do not want to repeat myself because time is slipping by. So in the spirit of co-operation I simply reach out to every member on the government side and ask them to very seriously consider this amendment at this late hour to be included in this bill so that all of us can leave this Chamber today after Royal Assent is given knowing that we have done the right thing for the right reasons for the right people in Manitoba.

**Ms. Barrett:** Mr. Speaker, I will be very, very brief. We spoke on this amendment in the committee last night. We have spoken about the principles of causality in the House today in Question Period and in discussion of the earlier amendment. We will not be supporting this amendment.

\* (16:40)

**Hon. Jon Gerrard (River Heights):** I would like to speak to this amendment, and I will bring in at the end of my comments a subamendment.

I think one of the issues which has been an issue for both sides here is the question of science, in terms of how this is applied to voluntary firefighters.

The issue, from the side of the NDP, has been that there is not science on the part of the volunteer firefighters. The issue here has been, in fact, that we should look and see if we can find a way to see if the science that we have can

be looked at in terms of the volunteer firefighters that would be inclusive of the volunteer firefighters.

I think that what the science says, having had a look at the science and some of which goes back, as members in the NDP have pointed out, for a while. The science basically says that for urban firefighters there are five different types of cancers for which there is evidence that the relative risk is twofold or more for firefighters than it is for the general public, and that relative risk, because we are dealing with cancers, that there is a lag time. That lag time may be five years, or ten years, or fifteen years, or twenty years, and may be a little bit different.

In essence, what the science is saying is that for an urban firefighter who is working at urban fires; for this type of cancer if you are working in an urban environment fighting fires for five years, then there should be a presumption that if you develop brain cancer, that that comes from your occupation. For another type of cancer it may be ten years.

I think that there is a way, when you look at volunteer firefighters, that we know what the average exposure, the number of fires and the quality of exposure of an urban firefighter is over that five-year period. We can say if a volunteer firefighter can show fire history which is equivalent to the five years firefighting of an urban firefighter; then in fact what we should be doing is, we should be able to treat the volunteer firefighter with a presumption in a similar way to the urban firefighter. Now it may be that for some volunteer firefighters, the equivalents would not be five years, it would be ten years.

I think the situation with full-time urban firefighters is that we have statistics on the average kind of exposure, the number of fires and so on that a firefighter would see, five years or ten years. One could then leave it to the firefighter and the volunteer firefighter to be able to demonstrate that there was equivalent level of exposure to that five-year exposure of an urban firefighter or that ten-year, or what have you. If it took longer in some cases, that is fine.

I think that the science that we have which deals with urban firefighters, coupled with what we know about the extent of exposure of urban firefighters, the number of fires and so on that

they are involved with, can be applicable to volunteer firefighters if there is an understanding that you do not necessarily get it after five years; but you have to show that there is some level of equivalent exposure to an urban firefighter in five years. Maybe for some volunteer firefighters it might take five or six or seven or eight years, but I think that it would be a fair way of allowing the coverage for volunteer firefighters.

I think, if we took this approach, then what we could do would be able to provide a framework in which there is a level of coverage for volunteer firefighters which is similar to what it is under this bill for urban firefighters.

I would urge both sides of the House to look seriously at this, because I think it provides a solution which in fact all of us who want to do the best that we can for firefighters could be comfortable with.

So I will move, I hope seconded by my colleague the Member for Springfield (Mr. Schuler)

*THAT the amendment to subsection 4(5.2) be amended by deleting all the words after "exposed to the hazards of" and replacing this with the following "fire scenes other than a forest-fire scene to an extent which is equivalent to the exposure of full-time firefighters".*

**An Honourable Member:** I will second it.

**Mr. Gerrard:** It is seconded. I know that in order to do this there has to be leave of the House. So I would ask all sides for leave of the House to be able to consider this amendment.

**Mr. Speaker:** Order. To move a subamendment, the honourable member needs leave, and he is requesting leave. Is there unanimous consent of the House for the honourable member to move a subamendment? Agreed? I heard a no? No. Leave has been denied.

We will continue debate on the amendment.

#### Point of Order

**Mr. Tweed:** I would just like the record to show that the Minister of Education (Mr. Caldwell) denied leave for that amendment.

**Mr. Speaker:** On the point of order raised by the honourable Member for Turtle Mountain, that is not a point of order.

\* \* \*

**Mr. Speaker:** Continuing debate on the amendment. Is the House ready for the question?

**An Honourable Member:** Question.

**Mr. Speaker:** The question before the House is the proposed amendment to Bill 5

*THAT Bill 5 be amended by replacing the proposed subsection 4(5.2), as set out in section 2 of the Bill, with the following:*

#### Application

**4(5.2)** The presumption in subsection (5.1) applies to a worker, including a casual emergency worker to whom clause 1(4)(a) applies, who has been regularly exposed to the hazards of a fire scene other than a forest-fire scene.

Is it the will of the House to adopt the motion?

**Some Honourable Members:** Agreed.

**Some Honourable Members:** No.

#### Voice Vote

**Mr. Speaker:** All those in favour, say yea.

**Some Honourable Members:** Yea.

**Mr. Speaker:** All those opposed, say nay.

**Some Honourable Members:** Nay.

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

\* (17:00)

#### Formal Vote

**Mr. Laurendeau:** Yeas and Nays, Mr. Speaker.

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

The question before the House is the proposed amendment to Bill 5:

*THAT Bill 5 be amended by replacing the proposed subsection—*

**Some Honourable Members:** Dispense.

**Mr. Speaker:** Dispense.

### Division

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

### Yeas

*Cummings, Derkach, Driedger, Dyck, Gerrard, Gilleshammer, Hawranik, Helwer, Laurendeau, Loewen, Mitchelson, Murray, Penner (Steinbach), Pitura, Reimer, Rocan, Schuler, Tweed.*

### Nays

*Aglugub, Allan, Asper, Barrett, Caldwell, Cerilli, Chomiak, Dewar, Doer, Friesen, Jennissen, Korzeniowski, Mackintosh, Maloway, Martindale, McGifford, Mihychuk, Nevakshonoff, Reid, Robinson, Rondeau, Sale, Santos, Schellenberg, Smith (Brandon West), Struthers.*

**Madam Deputy Clerk (Bev Bosiak):** Yeas 18, Nays 26.

**Mr. Speaker:** I declare the amendment defeated.

\* \* \*

**Mr. Derkach:** Mr. Speaker, I move, seconded by the Member for Springfield (Mr. Schuler),

*THAT Bill 5 be amended by striking out the proposed subsection 4(5.4), as set out in section 2 of the Bill and amended in Committee, and substituting the following:*

### Effective date of presumption

**4(5.4)** The presumption in subsection (5.1) applies to

- (a) accidents that happened on or after January 1, 1987, but before the coming into force of subsection (5.1); and
- (b) accidents that happen on or after the coming into force of subsection (5.1).

### *Motion presented.*

**Mr. Speaker:** The amendment is in order, and debate may proceed.

**Mr. Derkach:** Mr. Speaker, I hear chides from the Government, who still think they are

Opposition, why we did not deal with it. This subsection talks about dealing with cases that date back to 1987, and the Minister of Health (Mr. Chomiak) says, well, why did you not deal with it when you were in government. Well, I am going to give him an answer.

I know how passionate the Minister of Health is about issues and how excited he gets about issues, and so therefore I am going to invite him to put some comments on the record with respect to this amendment.

**An Honourable Member:** Can we get the phone system back?

**Mr. Derkach:** That is up to you. You know, Mr. Speaker, I think the Premier (Mr. Doer) just made my point.

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

**Mr. Speaker:** Order. The honourable Member for Pembina, on a point of order.

\* (17:10)

### Point of Order

**Mr. Peter Dyck (Pembina):** Mr. Speaker, the Premier just indicated and was implying that there were a thousand nurses fired. I would suggest to him that, last year, his Minister of Health fired 500 nurses in Boundary Trails. There is no difference, and I would challenge him to go ahead and proceed with that.

**Mr. Speaker:** The honourable First Minister, on the same point of order.

**Hon. Gary Doer (Premier):** On the same point of order, it is not even a dispute over the facts, because the facts are contained on page 34 of a nursing report which was tabled by the Minister of Health. I think, Mr. Speaker, that we are dealing with a serious bill, and I am glad we are acting in a serious way and not playing cynical politics on an important issue.

**Mr. Speaker:** The honourable Member for Russell, on the same point of order.

**Mr. Derkach:** Mr. Speaker, on this same point of order, I rose in my place to speak to the amendment. Of course, with the few remarks that were coming from the seats of the Minister of Health and then the First Minister himself,

there were some comments that were made. The First Minister asked whether he could get the Manitoba Telephone System back. I suggest to him that it is time he started acting like the Premier. If he wants the Manitoba Telephone System back, then why does he not buy it back?

**Mr. Speaker:** On the point of order raised by the honourable Member for Pembina—

**An Honourable Member:** Because you sold it at \$13.

**An Honourable Member:** Just borrow the money from Hydro and buy it back. Borrow it from Hydro.

**Mr. Speaker:** Order. On the point of order raised by the honourable Member for Pembina, he does not have a point of order. It is a dispute over the facts.

\* \* \*

**Mr. Derkach:** Mr. Speaker, specifically to this amendment, and this is a serious amendment, if one was in committee last night, one would have heard firsthand the pleas of three individuals who lost their husbands. To deal with the issue, as was indicated in the presentations last night, quite eloquently, firefighters who have been diagnosed with cancer and who have died showed very clearly, in the words to their loved ones, that the concern was not for them personally but for their children and for their families.

If we go back to 1987—and why do I choose 1987? Because I think that is where the report references 1987 and the fact that there are approximately 17 families that would be affected by this legislation.

Now I look at the government benches and I say to you: Put yourselves in the position of those families. Put yourselves in the position of that mother who has to raise her family on her own because her husband died, as a result of an accident, as a firefighter. You ask yourself whether or not it would not be fair for you to be covered by legislation that is being brought here today that says, unequivocally, that there is a link between the cause of death of those firefighters and the toxins that were present in the fires that they fought.

So, in speaking to this amendment, I once again look at members opposite and say to them: Do the right thing for the families that have been left by the fallen firefighters. Do the right thing for their families. Do the right thing for their children. Allow their children to be able to have the same opportunities as the children of those whose families are still intact. If we have any conscience at all in our souls, we would look at this in a very positive way. I do not think that this is a funny point. I do not think this is a point that we should making light of. I think that this is a very serious issue. If we ignore all of the other amendments in this bill, and we have lost the other two amendments through a vote, then I say to the minister, let us at least adopt this amendment. If anything else, let us adopt this amendment.

I think that the minister would find that this bill would pass through this House very quickly if, in fact, we just agree to this one amendment. If she requires a little bit of time to talk to her caucus and talk to her Cabinet about this, then I say let us give her the time today. We have a chance to do it right. This is our only chance. We can talk about what happened in the past all we like. It does not change the present. I said before, this is probably the second best time to do it right, but let us get it right this time. Let us not play partisan politics here. Let us not play punishment politics here. Let us do the right thing.

In light of the time, I know there are other members in this Legislature who may want to put a few comments with respect to this amendment. I spoke to this amendment in committee. I put a few comments with respect to this amendment here today, but I know that there are other members of this Legislature, who probably feel quite passionately about this issue, who may want to put some words on the record, and I want to give them that opportunity to do so and encourage them to do so. I am recommending that this amendment be adopted in this bill.

**Ms. Barrett:** Mr. Speaker, we discussed this amendment in the committee last night. We, on the government side, voted against this amendment. We will continue to vote against this amendment.

The two reasons are that the science, as was evidenced in the Guidotti report starts to have weight and momentum in the early nineties, and the second reason is that The Workers Compensation Act was changed by the former government in 1992, effective January 1, 1992, to allow for dominant cause in awarding workers compensation claims. We believe that the science, starting in the early nineties, and the dominant cause phrase put into The Workers Compensation Act lead us to a retroactivity of 1992.

I would suggest that the Opposition, who were in government for 11 years, had the time and the chance to do it right. They chose not to do it right. We have taken the leadership and are doing it right.

**Mrs. Bonnie Mitchelson (River East):** Just a very few comments I would like to put on the record. I know the Minister of Labour talks very eloquently about the science of all of this, but the science only dates back to 1992. There are some four or five families that may be impacted in changing that amendment from 1992 to 1987. If the minister really thought about it seriously and carefully, she would not, in fact, be so hidebound by her rhetoric and her language that she might look very seriously at trying to accommodate the women and the children in those four or five families that she has excluded purposefully with her amendment, Mr. Speaker.

So, with those comments, I just would ask maybe some of her colleagues that might have a little more sensitivity towards those families to rethink their position and support this amendment.

**Mr. Marcel Laurendeau (St. Norbert):** Mr. Speaker, I will be very brief. I think my colleagues already know my position on the bill. I have made that clear.

Mr. Speaker, the minister always speaks of the empirical evidence, the scientific evidence that she requires. Well, I do not think there is any evidence that is required. We heard from Mr. Forrest at committee. It is very hard to choose a date for us to commence that. We know that no matter what date we choose, we are going to leave some families out. But, you know, it is interesting that she chooses the year '92, when we already have the year 1987 that was

picked up. It was spoken to by Mr. Forrest that the 17 families were after 1987. Mr. Forrest actually spoke about two or three other families going back to 1969, and I do not remember the other years, but I think it was '79.

We plead with the minister. We are moving back just a couple of years here to 1987. It is such a small number of people that we are talking about and it is such a small amendment. We are only hoping that this minister can see it clear to support these families in their time of need.

\* (17:20)

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

**An Honourable Member:** Question.

**Mr. Speaker:** The question before the House is the proposed amendment to Bill 5,

*THAT Bill 5 be amended by striking out the proposed—dispense? Dispense.*

*subsection 4(5.4), as set out in section 2 of the Bill and amended in Committee, and substituting the following:*

***Effective date of presumption***

***4(5.4)*** *The presumption in subsection (5.1) applies to*

*(a) accidents that happened on or after January 1, 1987, but before the coming into force of subsection (5.1); and*

*(b) accidents that happen on or after the coming into force of subsection (5.1).*

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

**Some Honourable Members:** Agreed.

**Some Honourable Members:** No.

**Voice Vote**

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

**Some Honourable Members:** Yea.

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

**Some Honourable Members:** Nay.

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

#### Formal Vote

**Mr. Laurendeau:** Yeas and Nays, Mr. Speaker.

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

Order. The question before the House is the proposed amendment to Bill 5.

*THAT Bill 5 be amended by striking out—*

**Some Honourable Members:** Dispense.

**Mr. Speaker:** Dispense.

#### Division

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

#### Yeas

*Cummings, Derkach, Driedger, Dyck, Gilleshammer, Hawranik, Helwer, Laurendeau, Loewen, Mitchelson, Murray, Penner (Steinbach), Pitura, Reimer, Rocan, Schuler, Tweed.*

#### Nays

*Aglugub, Allan, Asper, Barrett, Caldwell, Cerilli, Chomiak, Dewar, Doer, Friesen, Jennissen, Korzeniowski, Mackintosh, Maloway, Martindale, McGifford, Mihychuk, Nevakshonoff, Reid, Robinson, Rondeau, Sale, Santos, Schellenberg, Smith (Brandon West), Struthers.*

**Madam Clerk (Patricia Chaychuk):** Yeas 17, Nays 26.

**Mr. Speaker:** I declare the amendment defeated.

\* \* \*

**Ms. Barrett:** I move, seconded by the Minister of Consumer and Corporate Affairs (Mr. Smith), that Bill 5, The Workers Compensation Amendment Act, as amended and reported from the Standing Committee on Industrial Relations, be concurred in.

*Motion agreed to.*

### THIRD READINGS

#### Bill 5—The Workers Compensation Amendment Act

**Hon. Gord Mackintosh (Government House Leader):** Mr. Speaker, I move, seconded by the

Minister of Labour (Ms. Barrett), that Bill 5, The Workers Compensation Amendment Act, be now read a third time and passed.

*Motion agreed to.*

**Mr. Marcel Laurendeau (Official Opposition House Leader):** Can you attempt to make that unanimous?

**Mr. Speaker:** The passing of the bill is unanimously passed.

\* \* \*

**Mr. Mackintosh:** Would you please call Bill 8.

#### Bill 8—The Limitation of Actions Amendment Act

**Mr. Speaker:** Resumed debate on Bill 8, The Limitation of Actions Amendment Act, standing in the name of the honourable minister of—*[interjection]* Order, please. It is really, really hard for me to follow the process of the House when everybody is talking over each other. I ask the co-operation of all honourable members, please.

Resumed debate on third reading, Bill 8, The Limitation of Actions Amendment Act, standing in the name of the honourable Minister of Labour and Immigration (Ms. Barrett).

Is it the pleasure of the House for the bill to remain standing in the name of the honourable Minister of Labour and Immigration?

**Some Honourable Members:** No.

**Mr. Speaker:** Leave is denied.

\* (17:30)

**Hon. Tim Sale (Minister of Family Services and Housing):** Mr. Speaker, I was disturbed yesterday on hearing the words of the member from River Heights. I want to simply, in a very few minutes, put the position of my church on the record very clearly, so that the member might understand that issue. I believe he did not take the courtesy of conferring with my bishop or with the Archbishop of the Anglican Church of Canada or with any official. He certainly did not approach me.

The position of the Anglican Church of Canada is extremely clear on this matter, and



that is that a formal apology was offered to the Aboriginal people of Canada who resided in residential schools. It was a formal, public and full apology for the actions that took place in those schools.

The position of the church has been and is that any person—any person—who was abused sexually or physically in any way that is criminal should have the right of redress, and that right should not be abridged by virtue of a statute of limitations. The church has argued for full reconciliation. It has argued for investment in healing. Two of our dioceses have gone bankrupt and they have not gone bankrupt bitterly. They have gone bankrupt because their assets were exhausted in fighting court cases that they had no alternative but to be present at because the Government of Canada named them. So, instead of spending money on victims, unfortunately much has been spent on court cases. We wish, as members of my church, that it were otherwise, but the judicial system of Canada has made that not possible.

The federal government took unto itself the authority to exterminate a culture by the use of residential schools, and that is well established in Canada's history, Diamond Jenness and all that he stood for. The churches had a responsibility in how they conducted themselves, and individuals who broke the law should be called to justice, and individuals who were abused have the right of justice. That has been, is and will be the position of the church that I represent.

I deeply regret—I deeply regret—that the Member for River Heights (Mr. Gerrard) did not have the courtesy or the wisdom to consult the officials of churches and find out their position and find out whether they were offended by this legislation. Instead he chose to pander and to try and have it both ways. That was and is despicable, Mr. Speaker.

**Mr. Doug Martindale (Burrows):** Mr. Speaker, I will be very brief. I would like to put on the record the official position of the United Church in Manitoba. I think it is important to do this since I am also a United Church minister.

I phoned the Reverend Bill Hickerson, the acting executive director of the Conference of

Manitoba and Northwestern Ontario, and he said we have no problem with this bill. That is Bill 8, The Limitation of Actions Amendment Act. He told me that the late Roger Coll, our previous executive director who subsequently died since he met with the Attorney General, had a meeting with the minister and said that we intend to be fair and that we had no intention of blocking this bill in any way. We in the United Church believe that this is a justice issue, and we know that justice can be costly, but we are prepared to pay whatever costs come as a result of this bill opening the door for potential lawsuits.

So I am quite surprised that the Member for River Heights would say that this law is an attack on churches in Manitoba. He did not say which ones, obviously not the Anglican Church, not the United Church, and he said he was the only one speaking on behalf of churches. That is not true.

The Member for Fort Rouge (Mr. Sale) and myself have now put on the record, information regarding the official position of our churches. Face it, both the Anglican and the United Church support this bill because we do think it is the just thing to do, the right thing to do, even if it may be costly.

This is in keeping with our apologies from both of our churches to Aboriginal people for our role in assimilation and our role in residential schools. We believe in reconciliation, as well as proceeding with lawsuits where that happens.

There are many ways that we seek to restore justice to Aboriginal people, and this bill, we believe, is one of those ways. Thank you, Mr. Speaker.

**Hon. Gord Mackintosh (Minister of Justice and Attorney General):** Mr. Speaker, I will be closing debate.

**Mr. Speaker:** Before the honourable minister closes debate, is there any other speaker wishing to speak?

**An Honourable Member:** No.

**Mr. Mackintosh:** Mr. Speaker, just a few brief words. This legislation came forward certainly in the context of ongoing concerns in the advancement of claims in respect of residential schools.

But, Mr. Speaker, we also have to consider that there is a broader context, and, indeed, when the legislation like this was brought forward, I believe in 1996, by the now-Minister for Advanced Education, it was at a time when the context was more actually around incest and domestic violence. This legislation is not only about the residential schools' claims; it is addressing the challenge, the horrid wrong, and the pain and suffering that come from incest, domestic violence, abuse in trust relationships, and, indeed, sometimes in the context of state-run institutions, although I think the argument could be made that even the residential schools were state-run. They certainly were state-directed.

Mr. Speaker, I want to just comment on remarks made by the Member for River Heights (Mr. Gerrard) which, I think, are just so unfortunate, and those remarks were not confined to his participation only at third reading, but were also at the second reading stage.

He said that this constituted an unprecedented attack on churches. First of all, I believe that there has been a respectful dialogue between the Government and representatives of churches who are affected by the residential schools' claims, and I refer to that particular context.

Mr. Speaker, I just have to ask the question then, that, if this Legislature at an earlier time were standing up for the civil rights movement that we saw particularly in the United States in the sixties, would the member say that was an attack on whites? If, for example, the legislation was brought forward more in the context of the challenge of incest, and if we were for the survivors of incest, would that be said by the member as an attack on families? Would he say it was an attack on fathers, for example? If the legislation was interpreted in the context of standing up for the survivors of domestic violence, would the Member for River Heights have said this was an attack on husbands?

Mr. Speaker, this legislation, in fact, in the context of residential schools, would he also then be making the argument that this is an attack on all teachers, an attack on all non-Aboriginal people? I just fail to understand, and I so regret his remarks.

\* (17:40)

This bill is only attacking barriers to justice. It is attacking an arbitrary barrier; it is attacking a provision which, by effect, makes Manitoba more unjust than other jurisdictions in this country. The bill does say that wrongdoers, that abusers cannot hide behind the calendar in Manitoba. It says that childhood abuse is an evil requiring redress, requiring accountability from the wrongdoer. It says the justice system must be available, and available is part of a healing process.

Mr. Speaker, the member also said that this was a bad bill. I really have to cite the quote again. I have a little folder of very interesting quotes from this Assembly going back actually to the mid-sixties. This one is going into that. The member said: In my view, Bill 8 is bad law. I am, in fact, going to hold my nose and vote for this.

Mr. Speaker, the double-dealing here, the inconsistency, is really extraordinary.

Mr. Speaker, let justice be done now. Let justice take its course. As elsewhere, Manitoba must take as strong a stand against abuse, against childhood abuse, incest, against domestic violence, as any other jurisdiction in this country. Thank you.

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

**An Honourable Member:** Question.

**Mr. Speaker:** The question before the House is third reading, Bill 8, The Limitation of Actions Amendment Act. Is it the pleasure of the House to adopt the motion?

**Some Honourable Members:** Agreed.

**Mr. Speaker:** Agreed? Agreed and so ordered.

#### Formal Vote

**Mr. Mackintosh:** Yeas and Nays, Mr. Speaker.

**Mr. Speaker:** A recorded vote having been requested, call in the members. The question before the House is third reading Bill 8, The Limitation of Actions Amendment Act.

**Division**

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

**Yeas**

*Aglugub, Allan, Asper, Barrett, Caldwell, Cerilli, Chomiak, Cummings, Derkach, Dewar, Doer, Driedger, Dyck, Friesen, Gerrard, Gilleshammer, Hawranik, Helwer, Korzeniowski, Laurendeau, Loewen, Mackintosh, Maloway, Martindale, McGifford, Mihychuk, Mitchelson, Murray, Nevakshonoff, Penner (Steinbach), Pitura, Reid, Reimer, Robinson, Rocan, Rondeau, Sale, Santos, Schellenberg, Schuler, Smith (Brandon West), Struthers.*

**Madam Clerk (Patricia Chaychuk):** Yeas 42, Nays 0.

**Mr. Speaker:** I declare the motion carried.

**Mr. Mackintosh:** Mr. Speaker, I understand there will be Royal Assent now.

\* (17:50)

**ROYAL ASSENT**

**Deputy Sergeant-at-Arms (Mr. Blake Dunn):** His Honour the Lieutenant-Governor.

*His Honour Peter Liba, Lieutenant-Governor of the Province of Manitoba, having entered the House and being seated on the Throne, Mr. Speaker addressed His Honour the Lieutenant-Governor in the following words:*

**Mr. Speaker:** Your Honour:

At this sitting, the Legislative Assembly has passed certain bills, and I ask Your Honour to give assent.

**Madam Clerk (Patricia Chaychuk):** Bill 3—The Highway Traffic Amendment and Summary Convictions Amendment Act; Loi modifiant le Code de la route et la Loi sur les poursuites sommaires.

Bill 5—The Workers Compensation Amendment Act; Loi modifiant la Loi sur les accidents du travail.

Bill 6—The Fortified Buildings Act; Loi sur les bâtiments fortifiés.

Bill 7—The Local Authorities Election Amendment Act; Loi modifiant la Loi sur l'élection des autorités locales.

Bill 8—The Limitation of Actions Amendment Act; Loi modifiant la Loi sur la prescription.

Bill 10—The Environment Amendment Act; Loi modifiant la Loi sur l'environnement.

In Her Majesty's name, His Honour assents to these bills.

*His Honour was then pleased to retire.*

\* \* \*

**Hon. Gord Mackintosh (Government House Leader):** Call it six o'clock, Mr. Speaker?

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

The hour being 6 p.m., this House is adjourned and stands adjourned until 1:30 p.m. Monday.

LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, May 23, 2002

CONTENTS

<b>ROUTINE PROCEEDINGS</b>		<b>Superintendent Bill Evans J. Smith</b>		1804
<b>Presenting Reports by Standing and Special Committees</b>		<b>Winnipeg International Airport Korzeniowski</b>		1804
Standing Committee on Industrial Relations First Report Reid				1793
<b>Introduction of Bills</b>		<b>ORDERS OF THE DAY</b>		
Bill 29—The Engineering and Geoscientific Professions Amendment Act Barrett		1794		
<b>Oral Questions</b>		<b>GOVERNMENT BUSINESS</b>		
Bill 5 Murray; Doer		1794		
Mitchelson; Barrett		1795		
Derkach; Barrett		1797		
Handi Transit Helwer; Friesen		1798		
Chiropractic Care Driedger; Chomiak		1799		
Hecla Area Land Expropriation Gerrard; Doer		1799		
Drinking Water Struthers; Chomiak		1800		
Health Care Facilities Mitchelson; Chomiak		1801		
<b>Members' Statements</b>		<b>Report Stage</b>		
Missing Children's Day Rondeau		1802		
Driedger		1803		
River East Collegiate Curling Team Schellenberg		1803		
		<b>Bill 5—The Workers Compensation Amendment Act</b>		
		Derkach 1805, 1824, 1827		
		Barrett 1810, 1825, 1828		
		Murray 1811		
		Reid 1813		
		Tweed 1816		
		S. Smith 1819		
		J. Smith 1821		
		Schuler 1822		
		Gerrard 1825		
		Mitchelson 1829		
		Laurendeau 1829		
		<b>Third Readings</b>		
		<b>Bill 5—The Workers Compensation Amendment Act</b>		
		Mackintosh 1830		
		<b>Bill 8—The Limitation of Actions Amendment Act</b>		
		Sale 1830		
		Martindale 1831		
		Mackintosh 1831		
		<b>Royal Assent</b>		
		<b>Bill 3—The Highway Traffic Amendment and Summary Convictions Amendment Act</b>		
		1833		
		<b>Bill 5—The Workers Compensation Amendment Act</b>		
		1833		

<b>Bill 6–The Fortified Buildings Act</b>	<b>1833</b>	<b>Bill 8–The Limitation of Actions Amendment Act</b>	<b>1833</b>
<b>Bill 7–The Local Authorities Election Amendment Act</b>	<b>1833</b>	<b>Bill 10–The Environment Amendment Act</b>	<b>1833</b>