

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

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

Vol. LVI No. 34A - 10 a.m., Thursday, April 21, 2005 (REPRINT)

MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Eighth Legislature

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

LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, April 21, 2005

The House met at 10 a.m.

PRAYERS

ORDERS OF THE DAY

PRIVATE MEMBERS' BUSINESS

House Business

Hon. Gord Mackintosh (Government House Leader): Mr. Speaker, for the first hour, would you ask to see if there is leave to first deal with Bill 203 and then the other bills in the order they appear, and for the second hour, would you canvass the House to see if there is leave that Resolution 2 go over to next Thursday so that Resolution 3 comes up today?

Mr. Speaker: Is there leave of the House to deal with second reading, Public Bill 203, The Manitoba Public Insurance Corporation Amendment Act?
[Agreed]

Is there leave for Resolution 2 to remain in its place for next week and we start at Resolution 3?
[Agreed]

SECOND READINGS—PUBLIC BILLS

Bill 203—The Manitoba Public Insurance Corporation Amendment Act

Mrs. Bonnie Mitchelson (River East): I move, seconded by the Member for Turtle Mountain (Mr. Cullen), that Bill 203, The Manitoba Public Insurance Corporation Amendment Act, be now read a second time and be referred to a committee of this House.

Motion presented.

Mrs. Mitchelson: I stand in the House today to reintroduce this bill and this amendment to The Manitoba Public Insurance Corporation Act for the second time, Mr. Speaker. This bill died on the Order Paper at the end of the last session, and I still believe this is a bill that members on the government side of the House should take a serious look at and consider

supporting and passing this session of the Legislature.

Mr. Speaker, I will repeat again that this amendment is the result of a case-specific issue that was brought to my attention by a constituent of mine. It is a unique circumstance, and I have not been able to get any information from the Minister responsible for The Manitoba Public Insurance Corporation Act (Mr. Mackintosh) that would indicate that this is an amendment that would have far-reaching or significant impact on the corporation. Specifically, this amendment deals with payments under the personal injury, through the act.

Just to provide some background again to members of the House, it was a constituent of mine who had a sister that was severely injured by a car accident many years ago. She was dealt with through the personal insurance protection afforded under no-fault insurance.

Mr. Speaker, she was an individual that was married to a disabled person who was receiving CPP disability. After her accident, she was compensated through the Manitoba Public Insurance Corporation for her disability. Subsequent to the accident, she and her husband split up, and as a result of that marriage breakdown, she applied, as is afforded to her under the law, for the opportunity to apply for income splitting with her former spouse. She applied and she was granted, it was about \$160 per month, as a result of that income splitting, not a significant amount of money. Nonetheless, she was granted that, but after the fact found out that the money that was being taken from her husband, that \$160, was clawed back from her under no-fault insurance through MPI.

Mr. Speaker, so we have two doubly disadvantaged individuals, two disabled individuals, not millionaires, not wealthy people, people living below the poverty line, and a woman, through no fault of her own who was involved a car accident being disadvantaged and her disabled husband also being disadvantaged. So the clawback from one individual was not provided to the other. We have two individuals living in very difficult circumstances that are penalized.

I believe that the amendment that I have introduced would address this issue and allow this woman to be able to keep that \$160 per month that has been clawed back through Manitoba Public Insurance. It is a very simple amendment. I do not have any indication, and I have not had any indication from the minister that this was widespread and that there would be significant application or a significant hurt to Manitoba Public Insurance as a result.

We debated this bill, members on our side of the House, last year, debated this bill. We encouraged the government to move forward and support this legislation, Mr. Speaker, and we did not hear a member on the government side of the House stand in their place and indicate why they could not support the legislation. I do know that after introduction last year, I had correspondence received from the Minister responsible for MPI that indicated to me that his caucus was not prepared to support this legislation. I still today have not heard one member on the government side of the House stand up in their place and indicate what discussion was held around their caucus table and why.

An Honourable Member: We are not going to tell you that.

Mrs. Mitchelson: Mr. Speaker, the member from Selkirk said he is not going to tell me why. If the member—*[interjection]*

Mr. Speaker: Order.

* (10:10)

Mrs. Mitchelson: Mr. Speaker, the kinds of comments I am hearing from the Member for Selkirk (Mr. Dewar) who says, "We are not going to tell you what happens around our caucus table. If you want to know, come and join our caucus," I think that is a slap in the face to a poor individual that is only looking for justice from the Manitoba Public Insurance Corporation and this amendment. The Member for Selkirk should have the courage to stand up in this House and indicate why he cannot support this legislation, why he cannot support some of the poorest of the poor in our society through this small amendment to the legislation. He should be ashamed of himself. I encourage him to stand up and tell us why he would not move this bill forward, why he would vote against this piece of legislation.

Mr. Speaker, I just want to go on to indicate that I believe the government should seriously take a look at—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Mrs. Mitchelson: Mr. Speaker, I believe that all members on the government side of the House should seriously look at this piece of legislation. I am not sure many of them have. It is on the Order Paper, for the second time, today.

From time to time, there are many pieces of legislation that pass through this House with unanimous consent, whether it is a New Democratic government that brings in a piece of legislation that we might support. Many times when we were in government, members of the New Democratic opposition voted to support some of our legislation. From time to time, there are a handful of bills that any government brings in that opposition cannot support and will fight tooth and nail to try to get them amended or changed or not passed. But there are many times when members of this House can stand up united with one voice and say yes, this is good for Manitobans. This is good for Manitobans who need our support, who need changes to legislation.

I would encourage every member on the government side of the House to say this is one piece of legislation when two people who are doubly disadvantaged have an opportunity to have a few extra dollars in their pocket, not piles of money but a few dollars, to look at some of the basic necessities they might need. I would encourage every member on the government side of the House to search their souls and to look at what they purport that they stand for, and that is standing up for individuals who cannot stand up for themselves, and passing this piece of legislation, debating it. If, in fact, they have reasons why they cannot support this legislation, I would ask them to have the courage to stand up and articulate that, because by their silence they are indicating to me that they have been told that the hammer has been put down, that they have been told they are not going to support this private member's legislation.

Mr. Speaker, if that is the case, stand up. Have the courage to stand up and indicate why this piece

of legislation should not pass through the House and form law so that two individuals in our society are not disadvantaged by the law that is in place. I know members of government may say, "Well, it was your government that brought in no-fault insurance and that is why we are seeing what is happening today." Well, I have said many, many times that most of the legislation that comes into this House is amendments to legislation, to change pieces of legislation, to make it better, to make it more workable.

Mr. Speaker, we have lived with no-fault insurance. We have seen a glitch in that no-fault insurance. It is incumbent upon all of us, when we see, after working with a piece of legislation and there are problems—*[interjection]* And the member from Transcona said the bill was not perfect. Well then, why on earth does government have to bring in amendments to other bills? They bring in amendments on a daily basis and subamendments because legislation needs to be changed because it is not working. I wish the member from Transcona would have a little bit of heart and a little bit of compassion for two individuals that are doubly disadvantaged as a result of a very small amendment that could change.

I would encourage him to stand up and indicate why he cannot support this legislation. Stand up. This bill was on the Order Paper last year. Several of my colleagues stood up and spoke for these individuals and there was silence. There was not one person on the government side of the House that had the fortitude to stand up and say why they could not support this bill and pass it through. I would ask the member from Transcona today to stand in his place and indicate why he is not prepared to support this legislation.

Mr. Speaker, this is a small amendment. An amendment—*[interjection]* Well, it is interesting to hear the member from Transcona indicate to Manitobans that he is perfect and every piece of legislation that the NDP has ever brought into this House is perfect. He is a perfect individual. He has never supported a piece of legislation and stood in this House, supported a piece of legislation that was not perfect. His government has never had to bring in an amendment to a piece of legislation because the first time it was not perfect. Every piece of legislation that he has supported is perfect. He is perfect. He sits in his seat and indicates that he has

never, ever supported anything that was not absolutely ideal and absolutely perfect.

Well, Mr. Speaker, let him stand in his place then and indicate what he did say because I believe that this amendment addresses a very specific issue of two people that deserve the consideration and deserve the support, regardless of political stripe, for their situation. I would encourage all members of the Legislature to search their souls and look to see whether their family was in the same situation whether they would not want this kind of a change to a law that would make their families, their disadvantaged family members, just a little bit more comfortable. We are not asking for hundreds of thousands of dollars. We are asking for a couple of thousand dollars a year to individuals that have basic needs that need to be met and, through no fault of their own, are disabled.

Mr. Speaker, I would ask for some sensitivity from the government today. I would encourage them to stand up and debate this bill and look to passing it on to committee and making the lives of an individual, a woman who, through no fault of her own, was injured and brain-damaged in a car accident and is today suffering and suffering at the hands of a government that could have a little bit of heart.

Mr. Harry Schellenberg (Rossmere): I move, seconded by the Member for Elmwood (Mr. Maloway), to adjourn debate.

Mr. Speaker: It has been moved by the honourable Member for Rossmere (Mr. Schellenberg), seconded by the honourable Member for Elmwood (Mr. Maloway), that debate be adjourned. Agreed?

Some Honourable Members: Oh, oh.

Mr. Speaker: I am putting the vote. Agreed? *[Agreed]*

* (10:20)

Order. The honourable Member for Ste. Rose was up to speak. Is there agreement of the House to allow the honourable member to speak? *[Agreed]*

Mr. Glen Cummings (Ste. Rose): Thank you, and I hear one of the opposition wags say they will let me speak. Oh, pardon me, the government side, one of

the wags on the government side. Every time I get up to speak on Autopac, Mr. Speaker, or MPIC, I feel like I am responsible.

The fact is that this amendment, I think, deserves serious consideration from the government, and I know that they can make an argument, "Well, you do not start making changes on an ad hoc basis." The fact is that there were a number of issues around MPIC, when no-fault insurance was introduced, that were intended to be seriously reviewed and looked at in the light of how they were serving the public.

Sorry, Mr. Speaker, I was distracted for a moment.

The fact is that, in introducing this amendment, my colleague is demonstrating that through a thoughtful process about how the benefits are administered and whether or not no-fault is working to the benefit of the largest possible portion of the population in Manitoba is the right thing to do, Mr. Speaker. There is no reason for the government today to be shy about looking at situations like this and deciding whether or not they want to support an amendment or whether or not they want to entertain some serious discussion.

As I recall, there was an awful lot of discussion when The MPIC Act and now The MPI Act, the Personal Injury Protection Program was put in place. Pardon me, not The Insurance Act but the Personal Injury Protection Plan. The fact is that we had unanimous agreement in the House. That was not achieved without some pain and anguish, frankly, but there was—[interjection] I am reminded by the member from Elmwood that there were some good amendments, and I would like to think that that was one of the times when this Legislature operated as the public believes it should, where government proposes, opposition did not just oppose, but provided some useful amendments, much the same as we were doing on Bill 22.

Without departing into the discussion around Bill 22, I think that the government would be well advised to look at the Personal Injury Protection Plan and reviews that have been done. I will be very fair about the one review that was done. It did not go into the area of review that I thought probably should have been higher prioritized. At the introduction of the PIP Program, it was my intention that the review that would occur would also clearly review the

benefits. Not so much review the tort or no-tort aspect of the legislation, but review the benefits.

I will clearly put on the record, Mr. Speaker, that when the legislation was introduced, we all knew that it modelled the Québec model. It followed it very closely, but we felt that there was not enough knowledge to know the actuarial soundness of the program beyond what we could see happening in other jurisdictions, and there certainly was not enough experience and understanding how the benefits could be developed for the various situations that can arise. If there is a criticism of the PIP Program, it is perhaps that it is not nimble enough in being able to adjust to some pretty unique circumstances and can become bureaucratic.

I want the government to know that this bill was not introduced without some serious discussion and debate on this side of the House, and government can seize the opportunity to look at the PIPP benefits, or they can ignore this amendment as proposed by my colleague and a number of other concerns that have been raised out there, including the cap on personal health-care aids that some seriously injured individuals need. There is a scrap going on right now that I think everyone in this House is very familiar with, and that is the long-term disability payments for those who are quadriplegic also require that there be more flexibility accorded to those who need attendant care.

Without going into details of a case that I believe will probably end up in the court system, I know it is in the court system, probably would be adjudicated in the court system, I think the government of whatever stripe in this province has an obligation to seriously look at what the situation is. Those who are unfortunately rendered quadriplegics through accidents that are from a situation where they could not sue, for example, wildlife or single-vehicle accident, it is very important that the personal injury protection plan take a serious look at the fact that they download a lot of costs onto the Department of Health. Government has a reason to take a look at whether or not those costs belong still in the Department of Health, or whether Manitoba Public Insurance should assume a larger share of responsibility in that respect.

That is a significant policy shift, but it is one that government has a responsibility to look at, and I hope I do not derail the specific intent of this

amendment by talking about the bigger picture. I do want the members opposite to be apprised of the bigger picture and the fact that, in the end, Manitoba Public Health has the control over what services are rendered for those who are in need of attendant care because if they exceed the cap, Manitoba Health is the only place they can get support.

If the public wants that, if that is what the government wants, then they should acknowledge that is where the money is coming from. I think there are those who would be concerned. They might understand why the money would be coming from there, but I suggest they would not understand, nor is it easy to determine, what the real cost of that is. We need to know, as we start to look at the historical data around MPI, what if any decisions could be made to alleviate that situation. People who are not held accountable for their decisions other than the fact they are a funder, for example, Manitoba Health, can become the ultimate decision-maker on whether or not someone gets the attendant care they feel they justifiably deserve under the PIP Program.

* (10:30)

Without putting too many complicated concepts on the record, Mr. Speaker, I think it is important that government consider the future of that settlement where someone can exceed the caps that are in place for PIPP and may well have some very valid reasons for feeling that they are not receiving the coverage that they should be. And as a one-time minister who introduced this bill, I certainly feel responsible for pointing out that those areas need to be reconsidered. The fact that this House unanimously approved the change in the way insurance was managed for automobile injuries in this province, I think we all have an obligation to seriously consider issues such as those raised in this amendment and whether or not ongoing review of the system and the process would be appropriate, and I want to suggest that, in fact, Mr. Speaker, it would be appropriate.

Mr. Speaker: When this matter is again before the House—*[interjection]*

Order. Is the honourable Member for Morris (Mrs. Taillieu) up to speak to this bill? Okay. Does the honourable member have leave? *[Agreed]*

Mrs. Mavis Taillieu (Morris): Thank you, Mr. Speaker, I am pleased to be able to speak to this

amendment for this bill today. I look forward to this piece of legislation being brought forward for this discussion today, and hopefully we can move this forward and into second reading and committee stage and back to the House for approval. I think this is very important because we are talking about a person here in a specific case that became disabled through no fault of her own and through a car accident.

The history of this family is that she was married. This woman was married to an individual who was disabled and was receiving CPP disability. She was involved in a car accident through no fault of her own, and after the car accident, she had brain damage. She was compensated through the Manitoba Public Insurance Corporation for her disability, but subsequent to that accident, she and her husband split the marriage.

As a result of the marriage breakdown, she applied, as is afforded unto her by law, the opportunity to apply for income splitting with her former spouse. She applied and was granted some \$160 to \$164 per month as a result of this income splitting. She realized after the fact that the money that was being taken from her husband and given to her was indeed then being clawed back by the Manitoba Public Insurance Corporation. We are talking about a person that is living significantly below the poverty line. When her settlement was reached back in 1998 with the Manitoba Public Insurance Corporation, this individual was receiving \$440 a month as part of her settlement so actually the extra \$164 would have brought her up to a level of some \$660 or \$600 a month, still not a very significant amount.

With the two people living together, two people are living below the poverty line, two people that were disabled. People are not making millions of dollars here from the corporation. I think what we are talking about is compensating adequately a person that is not a rich person. We are talking about a small amount here. It is not a significant amount in terms of the whole corporation, but certainly it would be a significant amount to a person living at the level this person is. I think the issue is approximately \$2,000 that would flow to a disabled individual through the pension splitting as a result of the amendment to this legislation.

It is very unfortunate that people, disabled people, would have to be put in a position such as this and strictly a system that is regulated by

legislation. From time to time, though, we have to look at these specific problems that come up with individuals and look at the problems that they are having and, certainly, address these on an individual basis.

It strikes me as being quite unfair, because, as a result of the divorce, the combined disability income being received by this couple should be reduced to \$160 a month solely because of the divorce. That is, had the couple not divorced their combined income would continue to be \$160 per month more than is now the case. I understand that at the time of the divorce there were no other viable property settlement options available to the parties, given that both were receiving disability payments as the only source of income and had limited assets.

So with that, Mr. Speaker, I would like to add my support to this amendment to the bill and look forward to moving it to committee and hearing people come forward and, certainly, there is hope that we will be able to pass this in legislation. Thank you.

Mr. Speaker: Is the honourable Member for Inkster up to speak to this bill?

Mr. Kevin Lamoureux (Inkster): Yes.

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

Mr. Lamoureux: Yes, Mr. Speaker, I did want to put a few words on the record in regard to this bill and talk about the importance of Autopac, because it was not that long ago when we actually changed the system. I can recall a lot of the debates, which were quite vivid at the time, in terms of people expressing an interest in terms of what is going to be the consequence of moving towards no-fault insurance. It was something that was eagerly discussed among many people. A lot of people like to take the credit, and that was the case back then. You know, there were a lot of people who were saying back then that, look, the movement towards no-fault would, in fact, be in the best interests of all Manitobans. [*interjection*]

As the member from Elmwood points out, well, the biggest exception to that would have been the lawyers, and you know I am glad he said today, present company excepted, he is referring to the member from Minto. I do not recall him saying that when we had Mr. Paul Edwards here. So, I think he is being very selective in terms of what he thinks of

different lawyers. I can assure him, because I remember talking to Paul Edwards in regard to the whole no-fault system, and Paul's biggest concern was in ensuring that the victims, the individuals who are going to be involved in these vehicle accidents are, in fact, going to be appropriately compensated. Who am I to be defending lawyers? You know, I am not a lawyer myself, and I know where lawyers rate on public opinion and so forth, except for their own personal lawyers, I think. There is always the exception of the personal lawyer. They are a little higher than politicians as has been pointed out.

But, Mr. Speaker, the concept of no-fault insurance is very positive. I think, at the end of the day, the ratepayers and Manitobans and even the victims of vehicle accidents have benefited by the change in government policy. I think what you saw back then was all political parties getting on side with it. In part it took a little bit of time. Some parties were a little bit more favourable than others. Some parties felt that, look, maybe we are moving a little too quickly on this. How are we going to ensure that all people are going to be adequately compensated?

* (10:40)

Now what we have before us is a bill that addresses, at least in part, one of the problems that came out of no-fault in terms of ensuring that there is adequate compensation for a situation where there have been two individuals, one, in particular, the lady who is in an unfortunate situation where she was involved in a vehicle accident which led to a disability, and because of circumstances of going through a divorce has really complicated the issue. You have to try to weed your way through and try to find what is the core of the problem. The core of the problem, I believe, is adequate compensation. We now have someone that is living substantially below the poverty line, and in good part, it is because of a vehicle accident. The purpose of having MPI in the first place is to ensure, much like we have Workers Compensation and other insurance programs, that individuals that find themselves in that sort of a situation are going to in fact be adequately compensated.

The member from River East has cited a specific case, but a case that could, in fact, be applied to others potentially. That is why we feel it is good to see this legislation, a private members' bill, being brought forward. We would see that as a positive

thing in terms of this bill going to committee to get some feedback. It would be wonderful to be able to hear from the individual that has been cited in regards to this, first-hand. Quite often when you go into that committee stage and you get that personal appeal of here is a situation, that will quite often lead to changes. Those changes could be to the betterment of our system.

That is why I know traditionally, in the past, government is always a little reluctant to pass or to vote on bills. I will argue, as I have in the past and I will today, that all private members' bills should at least be voted on, Mr. Speaker. When I say voted on, if the government does not want to see it go to committee, allow it to be debated a bit. Get the government to get a position on the bill, and then at least allow it to be voted on. If it passes, really, what we are talking about then is to allow it to go to committee. If the government does not want to see it go to committee, then go ahead and defeat it. This is one of those bills in which ultimately, I think, it would be beneficial to be able to have it go to committee so that we can hear a presentation, particularly from individuals that might be affected.

MPI, as a Crown corporation, is supposed to be at arm's length, and there are certain things that might be occurring that people would like to be able to express what their thoughts are with regards to those occurrences. This is an excellent example.

When you make the types of changes that we have made to Autopac, to the degree in which those changes have had a very real impact, I think it behooves us to do the responsible thing at times and to review. I think it is, in fact, appropriate for us to have some sort of a review in certain areas of the no-fault system. Obviously, it has been working relatively well for us, but there are certain areas in which we do need to explore.

Having said that, Mr. Speaker, the other area in terms of the complaints that I quite often get in regard to MPI is through that appeal mechanism. I think it is important as much as possible that we allow for the appeals to be simplified to the degree in which people do not feel they have to go out and hire professional assistance in order to see their case through.

I have an interesting constituent who was involved in a vehicle accident. He was also just prior,

actually, with Workers Compensation. He just finished getting off Workers Compensation. I believe it was virtually the day that he was getting off Workers Compensation, in essence getting ready to go back to work, and he was involved in a vehicle accident. Now he finds himself in an unfortunate predicament where MPI is saying, "Well, it is Workers Compensation that should be covering this individual." Then you have Workers Compensation that is saying, "Well, it is Manitoba Public Insurance that should be covering this." He has kind of gone through the appeals, and it is still somewhat left in limbo. The Ombudsman's office has been requested to get involved in this case, Mr. Speaker, and I have had ample opportunity to be able to meet with the individual in question and, I must say, I have a great deal of sympathy in terms of the problems that are being caused as a result of MPI and WCB as they try to figure out who is responsible for covering.

Well, you know, Mr. Speaker, the bills do not stop coming in. The individual still has other financial obligations that he has to make. Are there things we can do to better ensure that people, our constituents, are in fact being served in a quick fashion, that the process allows for decisions to be made and ultimately the final decision to be made, and that there are adequate appeals so that at the end of the day, that the individuals, whether they agree with the ultimate decision, at least can put it behind them and move forward?

So, you know, when we send a bill of this nature to committee, it provides individuals even like that to be able to come forward and say, "Here is a situation that I find myself in," which is a little bit off of what we are talking about in terms of this particular bill, Mr. Speaker, but I think you get individuals of different situations that would actually benefit by seeing legislation that is before us, that has been brought forward by the member from River East, being discussed. To that end, I think we benefit as a Legislature when that occurs. That is why I like the idea of what the member from River East has introduced and would encourage the government to do one of two things: either debate the bill and pass it to committee, or debate the bill and defeat it so it does not go into committee.

Allow a vote to occur, Mr. Speaker, because it does bring closure to it, and I think that all members should be able to have closure to their issues that they bring so that they can go forward. It allows the

family, the family that is in question here that would like to be able to see this Legislature deal with the issue, at least it gives them a sense in terms of what sort of political support there is for it.

This government should not fear being put on the record as to what their position is. I think that that sort of vote is important to allow, not only members inside this Chamber the opportunity to see what is happening with the legislation that is before us, but it also allows Manitobans in this case, a situation, this particular Manitoban, to see what the government is actually saying and feeling about this sort of a situation. So, I see it as win-win if in fact the government does take some sort of action, Mr. Speaker, whether it is this bill or other bills.

There is another bill that I would like to be able to speak to, the bill that the Leader of the Manitoba Liberal Party has introduced. I think it would be wonderful to see the government start addressing the legislation. Debate it. Once it has been debated, let us vote on it. If it goes to committee, wonderful, Mr. Speaker. If it does not, at least then we know where the government stands on the legislation. As has been pointed out, we are here to make some decisions, Mr. Speaker. This is what I would like to see actually happen.

With those few words, we are prepared to see the bill actually go to committee unless the government is going to start standing up and speaking. We do not want to limit debate. We encourage debate, but we would like to see, if they are not going to debate it, then let us move it forward. Thank you.

* (10:50)

Mr. Speaker: When this matter is again before the House, it will remain standing in the name of the honourable Member for Rossmere (Mr. Schellenberg).

DEBATE ON SECOND READINGS— PUBLIC BILLS

Bill 201—The Legislative Assembly Amendment Act

Mr. Speaker: We will now resume debate on second readings of public bills. On Bill 201, The Legislative Assembly Amendment Act, standing in the name of the honourable Member for Pembina (Mr. Dyck).

What is the will of the House? Is it the will of the House for the bill to remain standing in the name of the honourable Member for Pembina? *[Agreed]*

Mr. Andrew Swan (Minto): Mr. Speaker, I would like to put my comments on the motion of the Member for Inkster (Mr. Lamoureux). Of course, I am one of the two newest members of this House together with my friend, the Member for Turtle Mountain (Mr. Cullen). Although, of course, I have been here one year, I am not ashamed to say that I am still learning how things work both inside and outside this House, and I have had the advantage of some of the more experienced members, not just from this side of the House but from the other side of the House as well, who do tell me that that learning process continues as long as we have the privilege to serve in this House.

But I do know enough, Mr. Speaker, from my one year in this House to appreciate the work that goes on, not just inside this Chamber, inside this building, but out in the community as well. We have a great value, I believe, in this House and also outside in our communities dealing with our constituents. I am surprised at the single-minded mission, the mantra, if I can call it that, of the Member for Inkster, that we have 80 sitting days, sitting days as he would define. Of course, the Member for Inkster, the Member for Steinbach (Mr. Goertzen) and I have the opportunity to go on the radio once a week and we have a political panel and we talk about a whole range of issues. The host of that show, trying to keep it light in the last show of 2004, asked each of us what our resolution was for the upcoming year.

Mr. Harry Schellenberg, Acting Speaker, in the Chair

The Member for Steinbach, always one thinking politically, said his resolution was to make sure that in the year to come he would spend as much time as he could in his schools out in his community. I do not often agree with the Member for Steinbach on political things, but in terms of dealing with his community, I think that is a pretty reasonable idea.

When it came to my turn, I told the host that my plan was to once again run the Manitoba Half Marathon, something I enjoy doing. It is a good cause for the Association for Community Living in Manitoba, and also, I can be frank, doing my laps

down at Sargent Park Recplex is an excellent way to keep in touch with my constituents.

An Honourable Member: Do you want 90 days?

Mr. Swan: Well, that is a good question the Member for Selkirk (Mr. Dewar) asks, because it came time for the member from Inkster to tell, not just the host but the listeners of that radio station what his resolution was for 2005 and, sure enough, out came the mantra that his goal was to make sure this House sat for 80 days.

So that clearly is the overriding mantra that drives the Member for Inkster and I discovered this first-hand in the by-election campaign back in June of last year. I know the Member for Inkster came over and worked on my opponent's campaign. I presume at that time the federal Liberals, they were the ones, of course, who wanted the provincial Liberals to change their name, but I presume that the Member for Inkster was not especially welcome on the federal Liberal campaign, so he decided to help out in Minto.

I presume, thanks to my friend the Member for Inkster, my opponent made the 80 days his No. 1 election issue. Any time that we had a public forum, any time we had a debate, this became the issue. I know why it was the issue. The issue was that it was tough for my opponent to find fault with the government's record for the people of Minto or for the province of Manitoba in general, so out came the 80-day mantra.

How effective was it? Well, Mr. Deputy Speaker, in the course of that campaign, I am pleased to say they knocked on about 6000 doors, and in the 6000 doors, I had six people who actually asked me about the number of sitting days, and we discussed that.

After the by-election, of course, as the wave of my friend's mantra swept across Minto, I had one constituent who clearly took this to heart. What she would do is she would send me copies of the various articles from *The Winnipeg Sun* and the *Free Press* because my friend, to his credit, manages to get a fair amount of interest, not from the voters, but from the media.

Indeed, this constituent, without writing a letter, would simply send me copies of these newspaper

articles. After the third time, I decided that I would phone this person. She did not ask me to call her, but I thought that would be a good thing to do, and I said, "You know, I have the sense that you believe from the member from Inkster that when this House is not sitting MLAs are on holiday, that they are not working, that they are not doing things for the benefit of their constituents."

So I invited her to come along with me for a morning because, like many other members of this House, when I am not in this building, I am out meeting with church leaders, with teachers, with administrators, with community club organizers, with volunteers or simply knocking on doors. I said, "Why don't you come along with me so you can satisfy yourself that MLAs do very important work and are very busy, even though, under the member from Inkster's calculations, the House is not sitting." Of course she thanked me and said that was fine, she was satisfied.

Since September of 2004, I have heard absolutely nothing from anyone in the constituency of Minto, no calls, no letters, no e-mails, nobody comes into my office to say this is an issue. I have knocked on hundreds of doors and not one person has said, "My goodness, you should get back to the House and make sure you are sitting for 80 days a year." I can assure the Deputy Speaker and this House that my friend's mantra is not resounding on the streets of Minto. But that is not the end of the issue, that is not the end of the matter, because simple electoral popularity is not the sole judge of whether something should be considered. It is important to consider the effect.

As an urban member, I am quite lucky I am able to drive to my constituency office from here in 10 minutes. I am able to get to my home in 10 minutes. Mr. Deputy Speaker, there is a great number of members in this House who do not have that opportunity.*[interjection]* The member from Carman reminds me that it is an hour and a half for him to drive to get to his community.

Mr. Speaker in the Chair

When the House is sitting, I have the advantage of being able to drop into my constituency office. I am able to see my children sometimes in the morning, sometimes in the evening. I am able to see my wife. But nearly half of the members of this

House, Mr. Speaker, do not have that opportunity when this House is sitting.

Of course, in the year that I have been in this Legislature, I have come to appreciate the work that our northern and rural members, not just on this side of the House but the other side of the House, do as well to serve their communities. We have members from the North. We have members from Westman. I hear the member from Dauphin who will remind me that it is at least a three-hour drive. I see the member from Russell on the other side of the House who faces a four-hour drive to get back to his community and an eight-hour drive for the member from Flin Flon.

These individuals certainly have the right to connect with their constituents, and more importantly, their constituents have a right to connect with their members of the Legislature, whether at formal activities or events, whether at coffee shops or at schools. It is a right that the people of Manitoba have to connect with their members.

Even as an urban member, when sitting, it can be a challenge to do all the things I want to do out in the constituency, doing that important work because, in addition to the time in the House when the Legislature is sitting, I do spend a great additional amount of time in the Legislature taking care of other matters. There is important work in this House, but we cannot minimize the importance of the work outside. We have to recognize that for the rural members and the northern members, it is a challenge.

The fact is this motion would only be proposed by someone with a party which does not represent Manitobans in general, in fact, represents only a small number of urban Manitobans in the city of Winnipeg who really have no understanding and no comprehension of what goes on in this province outside of the perimeter.

Now, as a lawyer practising in the city of Winnipeg, lawyers in Winnipeg certainly were accused of Perimeteritis, as it was called, and I am afraid to say that it appears the Member for Inkster (Mr. Lamoureux) may very well have caught that same affliction.

Mr. Speaker, I am quite proud to be part of a government which governs for all Manitobans, which has members of this Legislature from every single part of this province and who understand that

what my friend is proposing is not anything which is going to increase the effectiveness, increase the accountability of our Legislature, but in fact is going to make it more difficult for each of us in this House to do the job we have been sent here to do by voters, and that is to truly represent our constituencies.

* (11:00)

So in conclusion, Mr. Speaker, I believe that the work that we do in this Legislature is certainly valuable, certainly important, but at the same time the artificial counting the member is suggesting—

Mr. Speaker: Order. The hour being eleven o'clock, when this matter is again before the House, the honourable Member for Minto will have five minutes remaining. It will also remain standing in the name of the honourable Member for Pembina (Mr. Dyck).

RESOLUTIONS—COMMITTEE SELECTION

Res. 3—Democracy in Ukraine

Mr. Speaker: We will now move to resolutions and, as previously agreed, Resolution No. 2 will maintain its place and we will now deal with Resolution No. 3, Democracy in Ukraine.

Mr. Leonard Derkach (Russell): Dyakuyu. Dobri den, dobri danya.

Mr. Speaker, I move, seconded by the Member for Burrows (Mr. Martindale):

WHEREAS the people of Ukraine have demonstrated their resolve to establish a democratic government; and

WHEREAS democratic countries around the world applauded the determination of Ukrainian people in their pursuit of a fair and free election process; and

WHEREAS Canada, including the province of Manitoba, supported the movement of Ukrainian people to hold free and fair elections; and

WHEREAS approximately 800 Canadians agreed to leave their families and communities during the Christmas season to assist in overseeing the Ukraine election process; and

WHEREAS as a result of the December 26, 2004 election, Ukraine elected a President who is committed to a democratic form of government; and

WHEREAS Ukraine can now move ahead in building and strengthening its economy under a democratic system of government.

THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba join with all Manitobans in congratulating the citizens of Ukraine for their determination and resolve to establish a free and fair election process in that country; and

BE IT FURTHER RESOLVED that the Legislative Assembly of Manitoba congratulate the new President and the new Prime Minister of Ukraine for their commitment to establish a democratic government within Ukraine.

Motion presented.

Mr. Derkach: Mr. Speaker, when we hear the national anthem of our country, we all stand very proudly, alert and erect as we announce our pride in our country. For years, the Ukraine national anthem has been *Sche ne vmerla Ukraina*, which translated says Ukraine has not died yet. The resolve of Ukrainian people to achieve freedom and democracy has not just only started in the last few years but indeed has been a goal of the people of that country for decades.

Mr. Speaker, it was a very sad occasion when we saw last fall that Ukraine seemed to be slipping back into the grips of communism. The world paid attention to what was going on in that country because we could see how quickly democracy was going to leave the people of that nation once again.

Mr. Speaker, something very curious happened and the resolve of the people to establish a true democratic form of government through free and independent elections caused that nation to rise up in what has been termed the Orange Revolution. It was a bloodless revolution, I might say, but not one that one could say was not serious. It was, indeed, a very serious form of demonstration throughout the country where people there indicated through their protests, through their demonstrations, that they wanted and deserved a fair and free election process.

I want to indicate that we as a country and as a province should stand very proudly in the fact that we were able to send over to Ukraine about a thousand people in all, I think something under a thousand, to observe the elections to ensure that the

election process was, indeed, free and fair. To that extent I want to put on the record my comment of thanks to the Premier (Mr. Doer) of our province who did call me and did allow me the opportunity, as a member of this Chamber, to participate in that process. I am indeed grateful for the Premier in doing that, and I want to commend him on taking that approach as a non-partisan approach here in the Province of Manitoba and in our Legislature.

I was proud to accompany a group of observers, and I might say that along with our group of observers, we had the member from Burrows who also journeyed to Ukraine as a member of the observation team. Although we did not connect in Ukraine, our work was very similar. The member from Burrows worked with the Canadian Ukrainian Congress organization, whereas I was with the group of Canadian observers that were sponsored by CanadInn.

Mr. Speaker, democracy is sometimes taken for granted in our own country. To that end, I think I had a wake-up call when I went to Ukraine. I saw the tremendous resolve of the people of that nation to cast their votes at extreme cost because not only were there threats to the people's lives who were voting, but more importantly, people were coming to the polls in horse-drawn wagons, elderly people who were disabled in many ways physically. I literally saw people crawl on their hands and knees up stairs because there were no ramps and no easy access to the polls. I witnessed people crawling on their hands and knees up stairs in order to be able to get to the polling booth.

I think we need to take a bit of a lesson from that demonstration itself because it shows how valuable to them freedom and the free election process are. Ukraine is a country that has undergone tremendous turmoil over the last century. The reason we have many people of Ukrainian descent living in Canada is the oppression that country and its people have faced. It goes back to the years of the czars.

There was a short period of time when Ukraine did enjoy its freedom in this last century and that was between the years of 1917 and 1920. Mr. Speaker, those three short years were a period of time when Ukraine even declared its independence from Soviet Russia, but it was short-lived and it fell back into the grips of the Soviet Union and Soviet Russia and its freedom was taken away again.

* (11:10)

Mr. Speaker, during the Second World War, we saw how Ukraine was sort of the football that went from the German occupation and then the Russian occupation. Not until 1991 did Ukraine really begin the process of freedom for its people. Then we saw a period of time when there was some movement towards independence, towards freedom, but that began to erode very quickly in the course of the last few years as the term of President Kuchma came to an end, and people began to see how their freedom was being eroded and they were, once again, being cast into the clutches of the Soviet communist regime. We saw that happening very quickly in the last election when in the fall Viktor Yanukovich was announced as the prime minister in an election that was very corrupt, in an election that was very fixed, an election that was less than free, less than independent. Then the people of the nation rose up in what is known today as the Orange Revolution.

Mr. Speaker, when I went to the university, it was there that I saw how determined the nation and the people were because every hallway, every wall in that university was decorated with the ribbons, the pictures, the orange scarves indicating how serious people were about making sure that their country would once again have the opportunity to enjoy the freedom that we in the western world have taken, I might say, for granted for a long period of time.

So I want to congratulate members of the Ukrainian-Canadian community who came together. I want to congratulate the federal government for its seeing the wisdom of sending an observation team over, because I do believe the observation teams made a difference in the election process. I want to recognize the Ukrainian Canadian Congress and the leadership here in the province of Manitoba for the amount of money that they had to bring together. I think it was over a million dollars that was put together to send observers over to Ukraine.

Last, but not least, I want to congratulate the people of Ukraine, and I want to congratulate the new president and the prime minister, who I understand are planning to visit our country and our province. When Mr. Yushchenko comes to the province of Manitoba, I am sure that the Ukrainian community, along with the rest of us, will joyously meet him and greet him, because he is truly the

individual who fought very hard for freedom in that country.

I want to congratulate the new prime minister, Yuliya Tymoshenko, who I had the opportunity to see first-hand in Ukraine. I saw the determination, and she challenged the people in Independence Square by telling them that if, in fact, the will of the people was not being done under the governance of Yushchenko and herself, the people were to come out and demonstrate again, as they did this fall. That is a pretty brave challenge, and I think there is a resolve to live up to the principles of democracy, to the principles of freedom.

As I stand in my place, and I know I have a very short period of time left, I simply want to indicate that as a person of Ukrainian heritage, I stand very proudly in the Chamber here in Manitoba, because we have a good number—about 10 percent of our population in Manitoba is made up of people of Ukrainian heritage. It is an important mix in this mosaic that we have here in this province. So I stand very proudly as part of that mosaic, as part of that cultural group, as part of the historic move, if you like, towards the seeking of democracy by the people of Ukraine.

It was my great-grandfather who left Ukraine at the end of the last century because he was, as I learned from President Kuchma, I learned that my great-grandfather was a bit of a political activist. So he left the country in the latter part of the last century, probably in fear for his life. I do not know that for sure, but indeed he was also seeking a better life for his family. So that is how, I guess, our family came to this province and to this country.

We have enjoyed a wonderful way of life in this country. I think it is the envy of the world, because I think people who came to this country understood what it is to have freedom. They understood why it is so important that individuals have the opportunity to express themselves freely without fear of repercussion. They understood how important it is for people to be able to celebrate their religion without fear from being repressed or oppressed for that belief. We have had a wonderful way of life in this country and that is something that we need to protect. We need to take a lesson from what people are experiencing in other parts of the world and their seeking of democracy and make sure that we never, ever allow democracy to escape from our grasp.

And so this Legislature is an important place where we can fight about issues in a verbal way, in an oral way, but we do not rise up and take arms against one another in the streets, Mr. Speaker. We can resolve our differences in this Legislature, and the laws that we pass, at the end of the day, are done in a democratic fashion as they are in our country. Sometimes we are embarrassed. When I see what is going on in Ottawa right now, and I do not want to digress, but that tells me that we as a nation have to embrace those principles of democracy, of fairness and of openness very, very seriously, and we have to hold on to them very dearly.

As I close, Mr. Speaker, I do so by once again congratulating the people of Ukrainian origin in this country, the people who put together the observers' team to go to the Ukraine, who watched the elections and, I think, had an impact on the outcome of the election in terms of it being free and democratic. We did not interfere in trying to, I guess, affect the outcome, but what we did was we stood in our places at the voting polls, and we observed to make sure that the election process was free and that people had access to cast their ballot in the way that they wanted.

Mr. Speaker, I just want to say very briefly that in the part of the country that I observed which was Mykolayiv in the southeast part of the Ukraine, it is a port city, a city where a lot of the large ships are built, a city where the large aircraft carriers are built, it is a very potentially prosperous city, but there the vote was for Viktor Yanukovych. The people there spoke Russian, not Ukrainian, by and large, but there was the demonstration of people wanting to make sure that they cast their ballot for who they wanted regardless of whether it was Yushchenko or Yanukovych. The principle of being able to cast their ballot without fear and freely was important.

Mr. Speaker, in conclusion, I want to say congratulations to the Ukrainian Canadian Congress for their effort here and, most importantly, to the country of Ukraine and the people there for ensuring that democracy and freedom are the principles that that country wants to live under.

Thank you, Mr. Speaker.

Mr. Doug Martindale (Burrows): Thank you, Mr. Speaker. I rise to speak on this important resolution, and I thank the Member for Russell for introducing it.

One of the Canadians that I travelled with in Ukraine said that in 1991 Ukraine achieved independence; in 2004 Ukraine achieved democracy. Whether or not they have actually achieved democracy by now, I think we will have to wait and see if that is true, but certainly having a fair and transparent and democratic election is one of the main indicators of having a democratic country. One of the foundations of a democracy is having democratic and fair elections. The international observers from around the world believe that it was a fair and transparent and democratic election. So we could say that we believe the Ukraine is well on their way to democracy.

It could have gone either way. My roommate in Donetsk was an expatriate Canadian living in Kyiv, Mr. Myroslaw Kohut, and he was one of the many, many people who gathered in Independence Square every night, and the estimates we heard in the media here were 600 000 and up. I was told up to 1.3 million people in Independence Square, and he said that the night that they heard that the army and the police were issued live ammunition was the scariest night of all, and had they used it there would have been a blood bath, for sure, because the people in the tent village, the 30 000 people camping out there, said they were not going to leave until there was a democratic election.

*(11:20)

We know from media reports that people were lobbying Kuchma and his government internally and the generals not to use force to clear the streets. The Americans apparently put pressure on the Ukrainian government to not use force. Fortunately, they did not. So there was a run-off election. The Ukrainian people, as a result, were able to determine their future in a peaceful and democratic way.

As we know, on October 31, there was the first-round election with almost two dozen candidates, and the two with the highest number of votes were Viktor Yanukovych and Viktor Yushchenko. On November 21, there was a run-off election in which international observers said that there was widespread fraud, and we heard many, many stories about the fraud and how it happened. In fact, part of our orientation in Kyiv for the Ukrainian Canadian Congress observers was to view videotapes of some of the kinds of fraud that took place in the previous-round election so that we would know what to look for. The result of the fraud was that objections were

filed with the Ukrainian electoral commission, and those objections went to the Supreme Court.

Canadians played an important role in that, because there were Ukrainian Canadian Congress chosen observers in the second-round election. They had video cameras with them, and they videotaped the fraud. Those examples went to the Ukrainian electoral commission and went to the Supreme Court, and the Supreme Court declared the November 21 election null and void. The second run-off election then was scheduled for December 26.

In Canada, Canadem, which I believe stands for Canada Democracy, and the Ukrainian Canadian Congress were each choosing observers. I applied to both Canadem and to the Ukrainian Canadian Congress. The criteria were the same; either Ukrainian experience or electoral experience. I have no Ukrainian experience. I have never been to Ukraine before, and I assumed that I might be chosen by Canadem, but instead, to my surprise and my delight, I was chosen by the Ukrainian Canadian Congress.

I want to thank them for the honour and privilege of choosing me as an election observer. It was an experience of a lifetime. Why is that so? Well, first of all, it was a peaceful revolution, also called the Orange Revolution after the colours for the winning candidate, Viktor Yushchenko. The will of the Ukrainian people was freely expressed, and that was very significant because it was a peaceful change in government and a democratic change in government. All of us who were observers felt that we were making a difference in the future of Ukraine when they chose a new government.

It was fascinating to compare electoral systems. The Ukrainian electoral system is very different from the Canadian system. Some things were truly amazing. The Supreme Court made their ruling in December and ordered another election. Now, Ukraine is a country of 48 million people, and there were 33 000 polling places. Their electoral commission arranged an election within two weeks, or maybe three weeks at the most, almost no notice to prepare for a national election. I think we can learn from that in Manitoba and in Canada.

Now, as an observer, you do not want to make comparisons between Manitoba and Ukraine or between Canada and Ukraine as to our electoral

systems and say ours is better and theirs is worse. I think we need to be objective and just say they are different systems. The differences were quite fascinating. If I had time, I would explain some of those things in detail, but it is probably all available on the Internet.

We were given the Ukrainian election act, and a lot of details about how their system ran in advance. In our excellent orientation, first of all in Kyiv, and then for the group that I was travelling with in Donetsk, and then to actually see it in action on election day was very fascinating and interesting as a parliamentarian.

It was a privilege to be an international observer, because the presence of Canadians and a total of 12 000 international observers made a difference. The eyes of the world were on Ukraine, both the international observers and the international media. So they were really under a microscope in order to have a fair and transparent and democratic election. It was almost impossible, I think, not to, because there was so much scrutiny. Certainly, things did happen very differently on December 26 than in the previous round.

It was an important election for the Ukrainian diaspora in Manitoba and around the world. I think most of the diaspora supported the candidate who eventually became the president, President Yushchenko. As we know from history, Ukraine has been oppressed by Russia and the Soviet Union and, before that, by the Austro-Hungarian Empire and by Poland. So there has been a longing and a yearning for freedom in Ukraine. My wife, who is of Ukrainian descent and Ukrainian Orthodox, says that at the end of every church service when she was growing up in the Ukrainian Orthodox church, they would kneel and they would pray for freedom in Ukraine. So there is a long history of Ukrainians outside of Ukraine praying for freedom in their homeland.

The new president not only was elected in a fair and democratic manner, but really this is a sea change in the history of politics in Ukraine because, in the past, even after independence in 1991 they were still dominated by Russia and the president was Russian-looking. The difference with Prime Minister Yushchenko is that he is westward-looking. He wants to take Ukraine into the European Union and into NATO. So this is a very big change in the political life of Ukraine.

As a part of the Ukrainian Canadian Congress delegation of 500 observers, all of the Ukrainian Canadian Congress observers from Canada were absolutely thrilled to be there. It was very important to them, and so it was a privilege to travel with this group of Canadians who were so excited about taking part in the presidential election there.

After the election, back in Kyiv, there was a banquet put on by the Ukrainian Canadian Congress to thank all their observers. The observers were thanked by the Ukrainian Canadian Congress who raised over \$1 million to support their observers in Ukraine to pay for hotels, transportation, drivers, video cameras and cell phones.

The Ukrainian community in Canada really got behind this in a massive way. The trainers who provided our orientation in Kyiv and in the regions were thanked. The observers were thanked by representatives of the Ukrainian-Canadian Congress and by the Canadian Ambassador to Ukraine, Mr. Andrew Robinson. After each speech, we sang *Mnohaya lita*, "Many More Years," and at the end we sang the Canadian and Ukrainian national anthems. I think there were tears in many eyes in the room, including mine. I never felt more proud to be a Canadian than when, in Kyiv, Ukraine, being thanked by the Canadian ambassador and representatives of the Ukrainian Canadian Congress as an international observer and part of a delegation of 500 international observers on behalf of the Canadian people.

It was a very moving experience and a very moving moment. I think one of the reasons that it was so moving was that we all felt that we made a difference, that not only was it a privilege and a once-in-a-lifetime experience, but we made a difference in the history of Ukraine. We were there at a pivotal moment, helping to make history by being neutral international observers to ensure that there was a fair and transparent election. For having this experience, once again I thank the Ukrainian Canadian Congress.

Mr. Stuart Murray (Leader of the Official Opposition): I would like to put comments on the record on this very important issue and this very important member's statement, that private member's resolution that has been put forward by the honourable member from Russell and seconded by the honourable member from Burrows.

I think that, as I have sat and listened to both their comments, I want to pay tribute to both of them because they are two Manitobans, two Canadians, two proud members of this Legislature that were part of this process. They had the opportunity to experience democracy in the making by being there in Ukraine in person.

* (11:30)

For all of us in the Legislature that knew that there was an opportunity for two members of the Legislature to be part of this process, I think we all knew that it was a time around Christmas for us, and we would be celebrating the holiday season and be with our families. For the two members that went, they left their families behind, but I know that they were part of history. So I applaud them and others that were part of this very, very important process, and I want to just say that I think Canada as a whole, Manitoba as a province and certainly this Legislature were very well represented by the member from Russell and the member from Burrows.

I think we have seen here in Ukraine the history, as mentioned by the member from Russell, the long political history, the issues of harsh social repression, the obstacles that the people of Ukraine have suffered. I think that is why this whole initiative was so very important.

It is one of the opportunities to have worldwide coverage on television to watch what was happening, the incredible show of support and the passion to ensure that all people from Ukraine that were camped out in Independence Square of Kyiv. That was really a message they were sending, not only to the potential political leaders of Ukraine but also to the world, that the importance of people in the democratic process can never be undermined. When you saw students standing shoulder to shoulder with seniors, perhaps they were not even going to vote for the same party, but it was the very principle of fighting for democracy that allowed them to do what they believed in. They were going to camp out in Independence Square in Kyiv until they felt their democratic principles and their democratic rights were being heard.

I know that, on November 30 of 2004, the Manitoba Legislative Assembly passed an all-party resolution to support democracy in Ukraine. This legislation complements a similar resolution that was

passed by the federal Canadian parliament. I thought the issues that were part of this campaign, part of this election, this democracy in action. I think there are a lot of people that need to be congratulated on this. I would certainly start with the people of Ukraine for believing in democracy, for believing that they wanted to ensure they had their chance to raise what is very important, and that is their democratic right to vote. I hope those of us that are fortunate enough to live in democracies, as we see in Canada, some of the voting public that, from time to time, look at elections and say, "Well, should I or should I not vote? Well, I may or may not vote."

Mr. Harry Schellenberg, Acting Speaker, in the Chair

The point is, Mr. Speaker, what we saw and I hope a lesson well learned for all of us is that we should never take democracy for granted. It is a very precious thing. People of the Ukraine proved how precious it was by standing in their place, standing in Independence Square, standing for what they believed was the right thing to do and ultimately democracy was served.

We have heard the two members, the member from Russell, the member from Burrows, suggesting that time will tell if the right thing was done. In a sense it was democracy served. I think the member from Russell quite eloquently stated that both the new president, Mr. Yushchenko and the prime minister, Yuliya Tymoshenko have said very publicly, "If we are not living up to what it is that we fought for, and democracy is not being served, then once again Independence Square will be the place where you can come and let us know that democracy perhaps has not been served." I do not believe that is the case. I believe the people of Ukraine have made a good choice in the process they went through. I support it.

I would just like to thank the Canadian Ukrainian Congress and all groups who organized and funded the observers that came over from Canada to be a part of this very important part of world democracy. I want to salute all of those involved for being a part of political history. Again, I want to pay special tribute in this Legislature to the member from Russell, to the member from Burrows, for sharing personal anecdotes with us to bring back that personal passion to understand what took place and how special it was to them because through their

stories and through their eyes, they have brought back something that is special to me as a legislator.

I always talk to my two daughters, who have passed the voting age now, about the importance of being involved in democracy. I know they watched as well. Sarah and Hayley, my two daughters, watched very closely what took place in Ukraine. We were together as a family. I salute all of those that were involved, and I thank the Legislature for giving me a few minutes to put those notes on the record. Thank you.

Hon. Jon Gerrard (River Heights): Mr. Speaker, I rise to indicate that this resolution has the full support of the Liberal caucus and that we are fully behind the effort to congratulate the government of the Ukraine and the new president and the new prime minister for their commitment under difficult circumstances for improving the nature of democracy in the Ukraine.

We know full well the extraordinary difficulties that people of the Ukraine have had to live with during the last century. We know of the extraordinary problems that happened in the 1930s with the famine. We know of the difficult time in building a fully independent country with strong democratic traditions in the last 20 years, and we have witnessed the extraordinary challenges that people in the Ukraine had in ensuring that there was real democracy in the last few months. We have watched some of the incredible challenges, including what evidence points to being a dioxin poisoning attempt, and we salute the people in the Ukraine who have been able to make their way through and in spite of such extraordinary challenges to achieve real democracy.

I want to pay tribute to those in Canada who were over there observing members of all political parties, and to those in Canada, the Ukrainian Canadian Congress, the Canadian government, who have made possible a significant participation by Canadians in working with people in the Ukraine to ensure there was real democracy. I think that this achievement of the Ukraine stands as a beacon of light in a world where it has not always been easy to uphold and build upon strong democratic traditions. So we salute the new president, the new prime minister and the people of the Ukraine for what they have achieved.

Mr. Ron Schuler (Springfield): Congratulations to the people of Ukraine. I just want to put on the record, once again, my family, the Schulers, who lived in Volhynia in the Ukraine spoke very highly of their time that they lived in Ukraine. In fact, my father spoke of it as the best years of his life. My father, who fluently spoke Ukrainian, spoke very much about his years that he lived there. Unfortunately he passed away before we could pick up a lot of Ukrainian, though I do know yak she myesh. I hope I have not said anything that I have to apologize for later on.

What has been historically a wish for Ukraine, freedom and democracy, are now a reality. For that, we congratulate, No. 1, the people, No. 2, President Viktor Yushchenko and, of course, Prime Minister Yuliya Tymoshenko.

We would also like to thank members from this Assembly who went to help ensure in a very small way, in their own way that the election was free and democratic: the Member for Russell (Mr. Derkach), the Member for Burrows (Mr. Martindale). I would also like to congratulate my member of Parliament, the Honourable Joy Smith, from Kildonan-St. Paul, who also went and at some times felt that she was being threatened and would not stand for it and stood up to those who wanted to deny the people of Ukraine their free and democratic vote. To all of you who went and stood proud and stood tall for democracy, we congratulate you. Most importantly, to all of those individuals who stood against a corrupt regime, congratulations. You deserve a free and democratic society, and as an individual whose family came from the Ukraine, who lived on the steppes of the Ukraine and experienced its beauty, we all rejoice with you today. Thank you very much.

* (11:40)

Mr. Tom Nevakshonoff (Interlake): Mr. Deputy Speaker, it is with pleasure that I arise today to speak in support of this resolution. I heartily congratulate the people of the Ukraine on their success. Of course, in the Interlake constituency, I have a great number of people of Ukrainian ancestry, and I am sure they all feel likewise, so I speak on their behalf in this regard as well. I might add that I speak on this topic as somebody who is of Russian ancestry, but I want to make the point that my ancestors who came over to this country were Russian Doukhobors, and they too had experienced the scourge of suppression.

They were persecuted by the czarist regime, who insisted that they fight in their military campaigns, and it was on that basis that Queen Victoria granted them a charter to come over into this country.

I guess the point to be made is that Russian people have experienced suppression themselves by dictators like Stalin, and even Brezhnev could be looked at as a dictator, so we know what it feels like and we are not in any way opposed to greater freedoms within the Ukraine, and indeed, within the Russian Republic as well, which has also gone down the road toward democracy, to a large degree.

That reminds me of something that George Orwell wrote about in *1984* when he basically parodied in his book the Russian Revolution and how it had been subverted by people like Stalin, but I think Orwell also wanted us to understand that oppression is widespread, and we have to watch very carefully within our own societies that we do not go down this course. I think that Orwell wanted to point that out to us, that we should look within our own societies to seek for signs of oppression.

I go back to the Russian Doukhobors on that front because, when they did come to Canada, they themselves experienced suppression within this country, Canada. They were interned. Their children were taken away from them in an attempt by our government in Ottawa to assimilate them, very much like the First Nations people in our country experienced the residential school system.

Democracy is a growing process, but it is our responsibility in legislatures like this to look within ourselves as well, I think, to make sure that what we do upholds the spirit of freedom and democracy. I think we are doing a relatively good job with that provincially and nationally, but it is something that we should be ever vigilant for.

I know other people want to speak on this, so just in closing, I would like to once again say, on behalf of the many Ukrainian, Russian, Polish, Slavic people in general, I want to congratulate the Ukrainians for taking this giant leap toward democracy.

Hon. Dave Chomiak (Minister of Energy, Science and Technology): I, too, want to put a few short words on the record. Knowing that there are many members who wish to speak, I will limit my

comments to a couple observations and a couple points, perhaps a bit of a different twist on some of the comments that have been made with regard to this wonderful resolution brought forward by the Member for Russell (Mr. Derkach) and the Member for Burrows (Mr. Martindale).

First off, I do not know if everyone historically knows that there are some that suggest that the Kyivian state in the 12th century was in fact the first democratic state ever, and there are some that say it preceded the Greek democracies of earlier, in fact, as a democratic state. I know that a historical note that has been suggested.

The second point that I wanted to make, Mr. Speaker, is that as a child growing up in a Ukrainian community, there were many Ukrainian organizations in Manitoba and across the country who, as their goal, had Ukrainian independence and had organized and had believed, and many of those people passed on without realizing their goal, but I think the events of the past year and the efforts of the Ukrainian people and of international observers have given them all something tangible and achieved the goal that, in fact, some said would never occur.

Mr. Speaker, one of the points that I made when I had an opportunity to speak in front of Taras Shevchenko's statue prior to the second round of elections was that there is a fascinating phenomenon that we ought not to disregard, and that is the move toward democratization, be it the peaceful revolution in the Philippines, the one in the Baltic and the subsequent one in Ukraine, all achieved without bloodshed and all achieved by the actions of people, and it is truly remarkable and amazing at this time in world history that Ukraine, who has for so long been oppressed—and the word "Ukraine" translates literally into "border." Ukraine has been the border, a successive border for thousands of years that they, too, through their spirit and dedication and commitment, as a result of the Orange Revolution, were able to bring about democratization of Ukraine for which we were all truly proud and very hopeful.

I also want to specifically thank the Member for Russell (Mr. Derkach) and the Member for Burrows (Mr. Martindale). I think they underscored the part that they played, but to leave one's family, to go across the ocean to participate in a difficult process speaks to dedication and commitment that I think ought to be recognized. Yes, the people in Ukraine

on the ground deserve the credit, but I want to offer special credit to those members of this Legislature and all Canadians and all international observers and Canadians in particular, particularly the members of our Legislature who took the time and energy to go and do what they did on behalf of us and on behalf of all Ukrainians. I want to commend them for that sacrifice and for that dedication and that representation of democracy and the effects and the impact that individuals can have on the course of human events.

I just want to close by saying, I indicated earlier, in my childhood we never anticipated we would ever see a democratic Ukraine in our lifetimes; many of us did not.

Mr. Speaker in the Chair

The fact that it has occurred without violence, the fact that it has support of democracies, Mr. Speaker, is a dream realized, a dream that was centuries in development and which is truly remarkable and perhaps bodes well for the opening years of this millennium. Thank you.

Mr. Conrad Santos (Wellington): If there is one example of legislative co-operation between the majority government and the opposition, this is it. The motion was moved by a notable member of the opposition, seconded by another notable member of the government. So this is an excellent example how we, when it comes to shared value, can really co-operate despite the institutional arrangement of opposition government.

* (11:50)

I want to speak about the democratic way of life as an ideology, as a philosophy and as an ideal to achieve for our community. And this is about the Ukrainian election, but I am dwelling upon the principle in which the various interpretations of democracy as implemented in the cultural communities around the world are actually interpretations of the ideal principles. I want to speak about the core essence of democracy.

The democratic ideology asserts it is a statement of belief that the political community is composed of people who live under a framework of a political order. To say that political authority emanates from the political order is equivalent to saying that

political authority emerges from the people themselves living in an ordered political community.

According to the democratic philosophy, the democratic way of life, the democratic ideology, the cycles, the location of political authority is really not in the leader but among the left, that is to say the people themselves. While the leader may seem or apparently have the perceived power, the appearance of power, to direct the wills of the masses, in truth and in fact, the real legitimate power and authority remains through the people because it is only by virtue of the people's choice of their representative in government that these people are invested with temporary authority to make choices on behalf of the community in positions of authority.

In a society where the democratic principle is the fundamental rule, the governors govern only through the consent of the governed, to whom the persons in authority are made politically accountable, politically responsible through the periodic exercise of the right of suffrage in an election, where its electoral count is one, irrespective of the elector's social station in life, from the humblest to the noblest. Everyone counts as one in an electoral process. That is true democracy.

In determining the majority of the people who will govern them, the basic principle is stated as follows. John Locke: "For that which acts in a community being only the concern of the individual of it and being only one body must move one way if necessary. The body must move that way whither the greater force carries him, which is the concern of the majority. Or else, it is impossible to act or continue to act as one body, one community, which the concern of every individual is united into this amorphous unity, agree that it should, and so everyone is bound by that concern to be concluded by the majority."

Mrs. Bonnie Mitchelson (River East): I just want to put a few comments on the record, first to thank the Member for Russell (Mr. Derkach) and the Member for Burrows (Mr. Martindale) for bringing this resolution forward and to congratulate Ukraine and the Ukrainian community here in our city of Winnipeg and province of Manitoba. We are part of history making, as they spent time trying to ensure that a fair electoral process and true democracy happened in the Ukraine.

As a young girl growing up in the North End of the city of Winnipeg, and being immersed in the Ukrainian culture and the Ukrainian community when many of my neighbours and friends fled the Ukraine to come to a better way of life in Canada and settled in the North End of Winnipeg, Mr. Speaker, I was very, very impressed with their fierce work ethic and pride in their culture and their heritage and the strong family values that were very evident in our community as I was growing up.

I have said many times that there were those in the community that were Ukrainian and those that wished they were Ukrainian. Just by being part of that community and coming to understand and know so many families of Ukrainian heritage, I am really proud and pleased. Some of those that settled here are not here today to see the historic action that has taken place in the Ukraine, but their ancestors have seen and are very proud of what has been accomplished.

So, Mr. Speaker, I am pleased and proud to stand in this Chamber and join in a non-partisan way all members of the Legislature to say congratulations to the Ukraine on becoming a democracy, and thank you to all of those in our Manitoba and Canadian community and all other observers that took the time to go and participate and see history in the making. Thank you, Mr. Speaker.

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

An Honourable Member: Question.

Mr. Speaker: The question before the House is the resolution moved by the honourable Member for Russell, Democracy in Ukraine. Is it the pleasure of the House to adopt the resolution? *[Agreed]*

Mr. Derkach: Mr. Speaker, may we make that unanimous?

Mr. Speaker: The resolution will be passed unanimously.

Is it the will of the House to call it twelve o'clock? *[Agreed]*

The hour being twelve o'clock, we will recess and reconvene at 1:30 p.m.

LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, April 21, 2005

CONTENTS

ORDERS OF THE DAY

PRIVATE MEMBERS' BUSINESS

Second Readings–Public Bills

Bill 203–The Manitoba Public Insurance Corporation Amendment Act	
Mitchelson	1653
Cummings	1655
Taillieu	1657
Lamoureux	1658

Debate on Second Readings–Public Bills

Bill 201–The Legislative Assembly Amendment Act	
Swan	1661

Resolutions–Committee Selection

Res. 3–Democracy in Ukraine	
Derkach	1662
Martindale	1665
Murray	1667
Gerrard	1668
Schuler	1669
Nevakshonoff	1669
Chomiak	1669
Santos	1670
Mitchelson	1671