

Fourth Session – Forty-First Legislature
of the
Legislative Assembly of Manitoba
DEBATES
and
PROCEEDINGS
Official Report
(Hansard)

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The Honourable Myrna Driedger
Speaker*

MANITOBA LEGISLATIVE ASSEMBLY
Forty-First Legislature

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ALTEMEYER, Rob	Wolseley	NDP
BINDLE, Kelly	Thompson	PC
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YAKIMOSKI, Blair	Transcona	PC

LEGISLATIVE ASSEMBLY OF MANITOBA

Tuesday, April 2, 2019

The House met at 10 a.m.

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

Please be seated.

ORDERS OF THE DAY

PRIVATE MEMBERS' BUSINESS

Hon. Kelvin Goertzen (Government House Leader): Good morning, Madam Speaker.

Could you please call for debate, Bill 226, The Presumption of Death and Declaration of Absence Act and Amendments to The Insurance Act, brought forward by the honourable member for Rossmere.

Madam Speaker: It has been announced that the House will deal with second reading of Bill 226, The Presumption of Death and Declaration of Absence Act and Amendments to The Insurance Act.

SECOND READINGS—PUBLIC BILLS

Bill 226—The Presumption of Death and Declaration of Absence Act and Amendments to The Insurance Act

Mr. Andrew Micklefield (Rossmere): I move, seconded by the member for Fort Richmond (Mrs. Guillemard), that Bill 226, The Presumption of Death and Declaration of Absence Act and Amendments to The Insurance Act, be now read a second time and be referred to a committee of this House.

Motion presented.

Mr. Micklefield: Some time ago I had a meeting that I shall never forget. I've changed the names of the family because they did not want their names to be used. I'm going to call the mom Shirley and the son David. They were a normal family living in a normal home, working normal jobs. Shirley was a nurse; David held a job he enjoyed with people he

liked; and then on a normal day in a normal week, everything changed.

It began when David didn't come home from work. That was not so bad; he was, after all, an adult. But when he also didn't come home that evening, his mom Shirley became more concerned. And as David wasn't answering his cellphone, she decided to call his work, as well as a few friends whose numbers she could find. No one knew anything. David had been at work; it was only after that that he seems to have vanished. By the following morning, the police were involved and with hours a full scale search was underway involving posters, people, police, social media and every and any other tool or technique available. Where was David?

Soon the RCMP issued a Canada-wide alert and dogs, people, ATVs, even helicopters joined human chains looking for David, for anything. The support was overwhelming but, sadly, David was never found. He remains missing today.

The experience that accompanied the panic, grief and unspeakable sorrow was the last thing the family expected. Days became weeks, then months and now years. David was not considered dead, just missing. But it soon became apparent that other elements of David's life were very much alive: car payments, phone payments, insurance payments, taxes all continued despite the bewildered mother's pleas for understanding, all with little sympathy from creditors eager to collect.

Then came the collection agencies calling, visiting, insisting and not understanding that what was already a very difficult situation was not made easier by their impertinence. Shirley, David's 74-year-old mom, was forced to postpone retirement and take on extra nursing shifts to make David's payments and hoped the collection agencies would leave her alone.

Related complications continued to surface with taxes, bank accounts and insurance. Attempts at creative solutions fell flat at the feet of legal requirements. What if Shirley sold her car and used David's? That wouldn't work, because if there was an accident, David would need to make the claim. Any changes to insurance also required David's signature. He was, after all, the owner.

A generous friend had co-signed some of David's loans and now found his own credit rating in question as the collection agencies came after him too. You sully his name by not paying his debt, Shirley told me from her living room couch, tears running down her face. And the unintended victim is his friend, who would be responsible. Shirley recalls this rigmarole endured by families with missing loved ones the re-victimization of victims who find their grief compounded by the reinforcement of their loved one's absence. The nature of this victimization differs for each missing person case, but they all prevent closure both at an emotional level, but also with mortgages, cars, banks, insurance companies and collection agencies. Eventually, it was determined that David was presumed to be dead, but even that didn't make things much simpler.

The changes I'm proposing today will help families deal with grief, find closure, and stop what they feel is a continued victimization. It will provide clear legal options for families in these situations who wish to sell assets, pause, or stop payments or just have their loved one officially declared dead even when there is not a body to confirm the death. The legislation also provides the option for a judge to declare someone absent, allowing the court to assign a person to take care of their affairs.

Last year, there were approximately 7,000 people reported missing to police, though some years have seen that number as high as 10,000. Now, thankfully, about 98 per cent result in reunification, usually within a few days or even a few hours. There are approximately 40 cases where the missing period exceeds 90 days, and most of those exceed 90 days by a healthy margin. Some are taken up by a project devotee, a task force investigating suspected homicides. There are an additional 80 or so cases that are historic open cases, where a person is missing and suspected as possibly dead by misadventure, suicide, or unknown causes. These cases are active, have been fully investigated a number of times, are regularly reassessed and are now awaiting new avenues of investigation. These 80 cases date back to about 1980.

The current legislative mechanism for these kinds of missing person cases, where the individual is presumed to be dead, are handled by Manitoba's Presumption of Death Act. Presumption-of-death legislation allows courts to issue orders declaring someone to be presumed dead so that the estate of the missing person may be administered, insurance

proceeds may be payed out, or a spouse may remarry.

* (10:10)

Manitoba's Presumption of Death Act is based on research from the early to mid-1960s and became law in 1968. That's 51 years ago, but it has not had a single amendment or revision since. This caught the attention of the Manitoba Law Reform Commission in 2015, who issued in the fall of that year a 104-page report outlining their concerns and calling for significant reform to the act.

This bill elaborates the recommendations of the Law Reform Commission, with my own interviews with victim families and experts, including those involved with the MMIWG community, police, legal experts and insurance stakeholders, Public Guardian and Trustee and the office of the medical examiner. I also examined how other jurisdictions handle these situations and incorporated best practices wherever possible.

Many of the Law Reform Commission suggested changes to the existing act made sense: clarity for definitions, cross-jurisdictional recognition and common sense cleanups of wording or process that have aged poorly or been proven ineffective or improved by another jurisdiction grappling with the same issues.

Aside from incorporating the Law Reform Commission's often common sense recommendations, this legislation does several other things: (1) it lays out a pathway for closure for families and spells out how they can—how that can be done more clearly than has been the case for more than half a century; (2) it gives police and other involved parties a way to counsel people in this situation by clarifying what can happen; (3) it empowers the Public Guardian and Trustee to act in situations where no other person can step in; (4) it defines the nature, qualifications and role of an interested person; (5) it provides multiple protections against abuses or nefarious uses of such a law and gives judges options to prevent accesses—excesses while—when dealing with such a sensitive topic; it also allows for appeals; it allows for a missing person to be declared absent, an option allowing a family to move forward with closing down business affairs, mortgages or other financial commitments, but stops short of declaring a person to be dead; (8) it amends The Insurance Act to anticipate these unfortunate situations, but also gives insurance companies recourse in cases of suspected fraud or other

nefarious situations; (9) and, finally, it recognizes other Canadian and international declarations of a similar nature so that families from other places with interests in Manitoba can find the help they need to bring closure to the affairs of their loved one.

Madam Speaker, I hope this morning that all parties will support this legislation which has not been revised in 51 years. The Law Reform Commission has highlighted the need for change. The Winnipeg police have affirmed their support, but most of all it is for the families that I hope we can come together to do something for those who just want it all to end.

I will never forget my friend, Shirley, so I have called her this morning—sitting on her couch, crying and talking about the re-victimization of families because the laws are not currently clear. She also said to me, if there is something good that comes out of this, that's what I want. That's what I want, too, Madam Speaker, and I hope colleagues on all sides of the aisle will join me in that worthy endeavour.

Questions

Madam Speaker: A question period of up to 10 minutes will be held. Questions may be addressed to the sponsoring member by any member in the following sequence: first question to be asked by a member from another party; this is to be followed by rotation between the parties; each independent member may ask one question; and no question or answer shall exceed 45 seconds.

Ms. Nahanni Fontaine (St. Johns): First and foremost, let me just acknowledge and say congratulations to the member—to the member opposite in respect of presenting and introducing his bill. Regardless, I do always—well, maybe not always regardless—but I do want to just acknowledge when members do take the initiative forward and present their private member's bills.

However, I would ask the member, Madam Speaker, why is this not a government bill as opposed to a private member's bill?

Mr. Andrew Micklefield (Rossmere): Well, obviously, this morning, Madam Speaker, I am functioning in the capacity of a private member.

I'm not going to address the government's priorities in this particular hour, but I brought this forward. It was agreements to move ahead with this matter and, obviously, there is support from

everybody on our side. I'm hoping that that'll be joined by the support of others as well.

Mr. Wayne Ewasko (Lac du Bonnet): I'd like to congratulate and thank the member for bringing forward Bill 226, and thank you very much for sharing your heartfelt stories.

Can you share with the House who you've consulted with in regards to this idea and bringing this bill forward?

Mr. Micklefield: Thank the colleague opposite for—the colleague for the question.

I consulted with, obviously, the victim's family who I referenced in my speech, the Winnipeg Police Service representative from the MMIWG community, the Public Guardian and Trustee, various lawyers from the legal community who've worked with these kinds of cases. I've consulted with the Law Reform Commission. I consulted with the medical examiner's office. I consulted with insurance companies and, I believe, that's the complete list.

Mrs. Bernadette Smith (Point Douglas): Can the member just elaborate a little more on who he spoke to from the MMIWG community and consulted with?

Mr. Micklefield: I had a very productive conversation with Sandra Delaronde, who was very helpful in giving the insight into some of the challenges faced by families in this awful situation, and I was sincerely grateful for the chance to sit down with her and benefit from her insight as someone who's worked with people in these situations more than most.

Mr. Brad Michaleski (Dauphin): Yes, thanks to the member from Rossmere for bringing this very thoughtful piece of legislation into this House to be talked about. Again, it's a very difficult situation to have to deal with—family members having to deal with the affairs of people that are missing and presumed dead.

So can the member please explain the rationale behind this bill?

Mr. Micklefield: Well, the first reason that I brought this forward is because somebody brought it to my attention that their family had suffered with the current legislation which is inadequate, outdated and more than 50 years old without a single amendment. It's time we update this legislation. It's time we do these families right and provide a clearer path for

closure not only at an emotional level, but at a very practical level as well.

Mrs. Smith: As the member knows, there's a high number of indigenous women and girls that have been murdered or gone missing in this country of Canada, and specifically here in Manitoba.

So my question would be, if the member thought of speaking to MMIWG families—Sandra is a representative of the coalition, but she is not a direct family of someone who is missing. So could the member speak to that?

Mr. Micklefield: Yes, certainly, if this bill can move ahead today, then there's the committee stage, and I'd absolutely welcome the opportunity to hear from anybody who'd like to weigh in or make comments. I've been contacted by people who've shown interest in the bill and, certainly, this is one step in the legislative process, and I'd welcome the opportunity to continue that conversation with anybody who shows interest if things can move forward today.

Hon. Colleen Mayer (Minister of Crown Services): First of all, I'd just like to thank the member for Rossmere (Mr. Micklefield) for the work that he's put into this bill. It is a very important conversation that we are having here today.

I am a mother, a daughter and a sister, and I can't imagine the magnitude that this grief brings upon families.

Can the member please explain exactly how this, the changes to this legislation, would help families?

Mr. Micklefield: The present legislation does not provide a clear path, is ambiguous on some key points and the definitions are, unfortunately, not plain or always clear. And so this legislation will clean up that ambiguity and offer families a way through that makes sense, that has some clear next steps and allows people to navigate the laws—as well as lawyers to navigate the laws, as well as the police and others dealing with people in these situations in a much clearer way that can be helpful. So that that's how it'll help families.

* (10:20)

Ms. Fontaine: I do just want to take a quick moment to acknowledge my sister colleague, the member for Point Douglas, whose sister, Claudette Osborne, as has been noted in this House many times, has been missing for close to 11 years now, and who has worked tirelessly bringing attention to that but also trying to find her sister and bring her sister home.

So I just want to put that on the record and acknowledge it.

I—and to that end, Madam Speaker, I am curious why the member didn't just walk over and actually speak with the member for Point Douglas (Mrs. Smith) on how this potential legislation would impact on her life and what her experience would be with that.

Mr. Micklefield: I, too, want to acknowledge the member opposite and the situation that is obviously very personal for her and certainly would welcome the chance to talk through this or to talk on this topic. But, certainly, I actually can't imagine what that must be like and I'm not going to pretend that I have a neat and tidy answer for that. My heart goes out to you, sincerely. Just getting involved in this has opened my eyes to a world that really I hadn't considered very much and—so, certainly, I do want to show respect and I—I'm not sure quite what the right words are—

Madam Speaker: The member's time has expired.

Mr. Cliff Graydon (Emerson): I'd like to congratulate the member for Rossmere for bringing this forward and the research that he has put into this has been great. It certainly must be tough to do that type of research and so I congratulate him for that.

The question I would have for him is, because this legislation has been in effect for so terribly long and has never been revisited by any party in the past, why do you suppose that is?

Mr. Micklefield: I thank the member for that question.

To be quite honest, it baffles me why we've allowed a law that is so important to people, and I think should be important to society, to lay stale for 51 years. The Law Reform Commission did raise this, but even so, that was back in 2015. They were tackling that 45 or so years too late. So I think it's very unfortunate that this law has gathered dust the way it has and I'm hoping that we can dust it off, modernize it, get it up to snuff. We have the support of numerous people in affected communities and I certainly hope—

Madam Speaker: The member's time has expired.

Mr. Ewasko: Again, I'd like to thank my very passionate colleague from Rossmere for bringing forward this bill. I know we've also—you've mentioned the many communities and the organizations that you've had consultations with about bringing forward this bill. Can you also expand

and explain on how this bill is going to help reduce the burden on the court system here in Manitoba?

Mr. Micklefield: I want to thank my colleague for that question.

The court system is currently put into somewhat of a dilemma because the legislation is ambiguous. There are questions that are not contemplated; there are definitions that are not made clear, and so this legislation cleans that all up, provides some clear paths forward so that families know where they're going, know what they're getting and know how to get there.

Madam Speaker: The time for this question period has ended.

Debate

Madam Speaker: Debate is open.

Ms. Nahanni Fontaine (St. Johns): So I'm pleased to put a couple of words on the record in respect of Bill 226, the presumption of death act. Certainly, I would suggest to the House and submit to the House that members on this side of the House and this side of the Chamber have attempted in a very real way to support families who have loved ones who are missing throughout our term, or for many, many years. And I think that it is a very difficult conversation to have, and as someone who's been working with MMIWG families for well over 20 years, including, again, Madam Speaker, with the member for Point Douglas (Mrs. Smith).

In fact, I'm not even sure if the member for Point Douglas remembers the first time we met. But actually the first time we met was at a meeting at the Assembly of Manitoba Chiefs. And at that meeting—and the member for Point Douglas talks about this quite often, that when her sister Claudette went missing, there wasn't a lot of co-ordination and what seemed to be a lack of action or, you know, front-line resources put when Claudette meant—went missing.

And it wasn't 'til the member for Point Douglas reached out to her own chief at the time that there was a huge meeting at the Assembly of Manitoba Chiefs. And that was actually the first time that I met the member for Point Douglas. And I remember as—you know, with every time that I meet a family that is in the midst of literally the quintessential example of crisis—right, a loved one is missing—I'm always amazed at the strength of families.

But I'm also equally cognizant of how difficult it is on families, and families don't know what to do, where to go, who to talk to and on top of that just wanting to bring their loved one home. So I know that it is—and I know of it not as a family member. And I always try to be very clear when I talk on MMIWG—which I do, quite often, across the country—but I always acknowledge that I'm not a family member. So there's no way for me personally to know it on a—that cellular level that families do.

And so it is a difficult conversation to be able to have with families. And so I do want to acknowledge the member opposite for meeting with the family that he noted. I think that it's important to engage with families that are going through this.

And, to that end, you know, it is families that have loved ones missing—or murdered, as in the case of missing and murdered indigenous women and girls—who are actually the experts in what they need, and the experts in the resources that they need or the supports that they need. And so I don't doubt, at all, what the member put forward today here. And I would suggest that that is, you know, a very—a common experience that families go through. And I would suggest it is, you know, not something that anybody would—any of us in this Chamber would want families to go through, just—regardless of which party or where we sit in the House.

As I've mentioned, you know, I've been working with families for well over 20 years. And, interestingly enough, Madam Speaker, I actually haven't had the opportunity to—I haven't had the opportunity where families actually bring this up.

And so what I want to put on the record is that there is socio-economic differences in respect of families that are struggling or experiencing a missing loved one. To that end, that—and I'm not saying that it doesn't happen, certainly it does. But I know that the vast majority of the families that I live with, you know, they don't necessarily have the same amount of resources or financial considerations that perhaps some of the families that I work with, which is not to say that that is any less, I do just want to put that on the record, that it's important to acknowledge, when we're trying to legislatively, or through policy and program, make things better for Manitoba families who are in the midst of living through and experiencing a loved one missing. That within that spectrum of families, that there are vast differences, right.

* (10:30)

So, again, you know, I just want to note that, you know, I don't particularly see anything egregious with the bill. I'm not concerned that perhaps we're not going to be supporting it. I do just want to, you know, put on the record, though, that I think that there could have been a lot more substantial consultation with MMIWG families.

And so, you know, again, respectfully and gently, I just want to put on the record that in this House and, actually, across Canada, Madam Speaker—and I'm not sure if members in this House know this. But the member for Point Douglas (Mrs. Smith) is the first MMIWG family member ever to be elected across the country; and so, you know, and is an expert—as I said earlier, as an MMIWG family. She is an expert on going through and living through and journeying through having a loved one missing and, obviously, quite every—obviously, everybody knows in this House that the member for Point Douglas and myself are very, very close. And I can tell you that there's not a day that doesn't go by that we're not talking about MMIWG or we're not doing work in respect of MMIWG, and there is not a day that goes by where she's not talking about or still seeking justice and closure for her sister, Claudette.

So I think it would have been fair and it would have been proper to just walk across the Chamber and to have a conversation with the member for Point Douglas. And I know that sometimes, you know, things in this House are very not always very collaborative, but I can definitively tell the House and yourself, Madam Speaker, that the member for Point Douglas would have really appreciated that and would have taken the time to sit down with the member to discuss this bill and maybe even offer insights in how to make it more comprehensive and robust for MMIWG families.

And so, you know, I would encourage the member opposite to take that time and to reach out to the member for Point Douglas in a collaborative manner so that we can have the best bill. And perhaps I would even suggest that—and I'm not entirely sure at this point—but perhaps there is some amendments to the bill that we can look at and we can work together on strengthening the bill. But I just put that out there for the benefit of the member opposite if he's listening. I don't know if he's listening.

But, you know, for instance, one of the things that I know families, you know, indigenous families

would struggle with is the ability to go to court in seeking, you know, to declare a loved one deceased. And so perhaps that there's some work that could be done in partnership with the member for Point Douglas there.

So just in the last, you know, minute and 18 seconds that I have left, I feel like I just want to kind of bring this back to—while these measures, you know, may or may not be proper and they may good for some families, from some Manitoba families—but I think it's also incumbent on the member opposite when you're bringing forward a bill like this to also, then, take an environmental scan of the resources that his government is actually putting towards MMIWG in Manitoba. And I would suggest to you that, certainly, I know from when I was the special adviser on indigenous women's issues, we did a phenomenal amount of work working directly with MMIWG families. And I can tell the House unequivocally that MMIWG families are very frustrated that there's not any work occurring from this government and there seems to be very little action on the file of MMIWG. You know, once in a while, hosting a tea or some, you know, some little things, isn't enough to be able support families.

So I would encourage the member opposite to also ask his Premier (Mr. Pallister) what are the resources that he's applying and securing and confirming and committing to MMIWG family members.

Madam Speaker: The member's time has expired.

Ms. Cindy Lamoureux (Burrows): I'm happy to rise today and just put a few short words on the record to this bill this morning.

I congratulate the member for bringing forward such a much overdue bill, and the bill has not been amended since 1968 and the Manitoba Law Reform Commission wrote their report back in 2015.

In the report from the commission, they stated Manitoba's presumption of death act is one of the least satisfactory of the statutes. The act fails to provide those applying for orders of presumption of death, persons charged with administering the estate property of those subject to these orders, those who might have reason to object to a declaration of presumption of death order, or those who following the issuance of an order declaring them to be dead, turn out to be in fact alive, sufficient certainty as to their rights and obligations in this area of the law.

There are some concerns about the bill. While we have not had it very long for review, I notice that it diverges quite a bit from the recommendations of the 2015 report, which is interesting because the Law Society is normally quite thorough with its recommendations. This bill does follow those, but it gets quite specific, particularly with the interested person's definition.

We will be supporting the bill along through committee, and we are looking forward to hearing from interested Manitobans.

Mr. Matt Wiebe (Concordia): I would've been happy to yield my spot here to member of the government to put some words on the record but I don't see anyone rising.

So I want to begin this morning by congratulating the member for Rossmere (Mr. Micklefield) for bringing forward. In particular, I listened very carefully when he related the story of a constituent that specifically has been impacted by this issue, brought this forward to him as a—the local representative for his community, and now he's brought that here to this Legislature.

I've shared many times that I think some of the best ideas that are brought forward in this House are ones that come from local community members or from experiences that are shared by local community members. And I do believe that it's at the very least a way that we can bring forward issues that are directly related to the people of Manitoba in a way that—you know, not to say that some of the other pieces of legislation that we deal with here don't impact people, but it just impacts them in, I think, a very different way and I think it also helps all of us to understand the impact that again, a piece of legislation like this can have.

I know the member for Fort Rouge (Mr. Kinew) has brought forward a bill, again directly from his constituents' experience with regards to gender identification, and I think that's something that members opposite have taken very seriously and, hopefully, that will be moving forward soon as well.

But I mention this simply because, Madam Speaker, I think that—as I said, that personal connection or that connection to community is what hopefully humanizes the work that we do here and allows us to relate to it in a way that's more powerful than simply taking notes from someone else and reading them, and so that's what I wanted to do here as well.

Now, I don't have a personal connection to a family or to an individual that has dealt with this particular issue. And so I feel as if—in part, I'm learning and I'm trying to understand a little bit more about the implications. I appreciate that the member opposite has sought some legal opinion and legal advice, because I'm not a lawyer. I know there are potentially some lawyers in this room that may want to put some words on the record and hopefully give us some context there, but I do feel that in that way I'm learning.

What I do have, though, is some experience in terms of how a community reacts to the terrible situation when someone goes missing. Now, I don't have the same kind of depth of knowledge that my colleague from St. Johns has. I certainly don't have the personal experience that the member for Point Douglas (Mrs. Smith) has, but what I—what I've experienced in the last while is actually two pretty well-known cases that affected our community.

* (10:40)

And one that I just want to make sure that I put on the record is with regards to Thelma Krull. And that's a name that I think everybody here in this Chamber would recognize. It's—it was a—sort of an unbelievable story that gripped, I think, this city and, I would say, the province.

But what many people may not realize is that Thelma Krull went missing about a block away from my house, the place where my kids play soccer, the place where I walk my dog, the place that I played soccer when I was a kid. In the neighbourhood that my kids and my wife and myself, we live and we, you know, use all of the different community resources every single day. And so it hit us in a way, and my—you know, my parents live in the neighbourhood, and family and friends. So, when it happened, it was—it hit us in a very real way.

And actually the day—or maybe it was two days after Thelma had gone missing—we were having a backyard barbecue with some friends, and the police came into our backyard and asked, you know, if they could search our yard. And went through our shed, and kind of behind the shed, and all of this, and—like, it just, it was really real. It was very direct; it was happening in our neighbourhood.

And, subsequently, I had an opportunity to talk to a lot of affected people in the neighbourhood. There was just kind of an uncertainty, a fear that was

happening throughout the neighbourhood. And, while obviously this bill doesn't directly address, you know, that problem or that issue of how a community comes to terms with something like this that has happened, I think it does speak somewhat to the uncertainty that the family feels. And the ability for them to find—I don't want to use the word closure because, obviously, when a family member is missing, that's not—there's no closure until that person is found. But there is some way to move forward as a family.

And, in the case of Thelma, I know her family struggled very hard with this. You know, there was, you know, an ongoing investigation, and it was difficult for them to find that ability to move forward.

So I do hope that this is something that will add to that sense of closure or sense of certainty for the community. You know, in that field, today, where Thelma went missing, you can walk by. There's a tree at the base of the hill—again, my kids were tobogganing there this winter—where there's still a memorial for Thelma. And that just goes to show how much of an impact that's had on the community. And I think this kind of legislation helps to, again, show that closure, or give the community a sense of—at least the family is able to move forward, and, hopefully, that is something that also impacts the rest of the community.

The other case that I wanted to mention, simply because—again, it's something that everybody knows about and it's directly in my community—was Cooper Nemeth. And Cooper was not only somebody who lived in our community, or just outside of my constituency, but lived in our neighbourhood. But the events of that evening happened in my community. We were actually at my parents' place walking back. A police helicopter, well, okay, that happens from time to time, I think, in every neighbourhood. We actually walked by the scene of where they found Cooper, with my kids in tow in the wagon coming home that evening.

Again, I mention this not because it is directly—maybe, I mean, the family—we were part of the Bear Clan search, myself and some friends, we organized a few nights, we were out searching for Cooper—I mention this because, again, this sense of just absolute uncertainty and fear that gripped the community. And obviously Cooper was somebody that was found, you know, in terms of, you know, the timeline here—maybe not in a position where this

would have been applicable, this particular legislation. But had it been something that would have dragged on, this is the kind of legislation, I think, that may have helped in that situation.

So I do appreciate that we're able to come forward. I know that there's many others that wish to speak on this, and I do hope that members of the government stand up and just give their perspective. It doesn't have to be partisan, it doesn't have to be something that, you know, is a hit against one person or one government or the other, but I think it's helpful when we put on words on the record that are genuine, that are real, that come from our communities. Everyone probably has some experience with, you know, with missing people, especially with the number of missing and murdered indigenous women and girls that are, you know, that are in our province today.

I think everybody could probably bring forward an experience, and so I do hope that everybody takes that opportunity.

I do just want to, as I close here, Madam Speaker, you know, simply put on the record in the same way I think my colleague from St. Johns did, in terms of trying to understand exactly why this is coming forward as a private member's bill.

I understand that the member says, well, he is a private member, so this is his opportunity to bring it forward. However, you know, he also sits at a caucus table. He also sits at a table with the Premier (Mr. Pallister), with Cabinet ministers, with, you know—with a government that is able to put this forward in a substantive way.

Obviously, the government has the ability to pass, you know, all but a few bills every year. So they have the opportunity to sort of push this through at an expedited way and a way that probably would be more efficient and just show that this government stands behind it.

Again, I hope that members opposite will stand up, will explain why they would bring it forward in this manner rather than as a government bill but, more importantly, that they would bring it forward in a way that speaks to the heart of this, that speaks to the families, that speaks to the experience that so many people have. And, you know, and just shows that we, as a Legislature, can come here in an honest, genuine way, bring forward those concerns of constituents and hopefully move forward after everybody has had a chance to put those words on

the record—to give that context that I think connects it to all Manitobans.

Thank you, Madam Speaker.

Hon. Kelvin Goertzen (Minister of Education and Training): Madam Speaker, to answer the questions for the member opposite, the government supports this legislation. The member for Rossmere (Mr. Micklefield) is a member of the government caucus. He is a well-respected member of the government caucus, like all the members are. He has good ideas, thoughtful ideas. That was demonstrated this morning. The government supports the legislation and wants to see it move forward to committee this morning and we are prepared to do that if the opposition is willing, as well.

Mr. Andrew Swan (Minto): I'm pleased to get up and speak about Bill 226 this morning. I want to congratulate and acknowledge the member for Rossmere for bringing this bill forward.

I think it is important that it is being debated today and I believe we will be in a position to send it to committee, once other members have had their opportunity to speak on this bill. And I know, in particular, my colleague, the member for Point Douglas (Mrs. Smith), will want to put some comments on the record, based on what everyone in this House knows is her family's personal experience with what happens when someone goes missing and the aftermath.

I heard what the Government House Leader (Mr. Goertzen) had to say. I think it was a reasonable question that was asked by my colleague, the member for St. Johns (Ms. Fontaine), of why this isn't a government bill. And I say that, Madam Speaker, from my own experience in knowing the resources that are available to the government, as opposed to a backbencher. And I've had the experience to see that from all different perspectives.

This is an important bill. I think it is appropriate, given the work of the Manitoba Law Reform Commission, that it is time to give this bill—or to give this issue a look. I think we need to move carefully to make sure that this bill, if it, indeed, does pass, is the best possible bill.

And I say this based on some of my own experience and perhaps I can share this with the House and I share this for the benefit of the member for Rossmere, just to understand the complexities of this area.

When I was the Attorney General of Manitoba, I brought forward a piece of legislation called The Missing Persons Act, and that piece of legislation, which, similarly, was supported by law enforcement in the province of Manitoba, supported by many others. The purpose of that law was actually to prevent cases from getting to the stage that would involve Bill 226. Many times that people would go missing, there was frustration by family members and frustration by law enforcement that because of privacy, that because of different systems, it's often difficult to move swiftly to do everything that can be done to try to find someone and bring them back home.

And The Missing Persons Act basically would—basically pierces through the shroud of privacy and tries to get—knock down those different silos to give law enforcement, to give others who may be able to help to try and find people who've gone missing.

* (10:50)

I want the member to know that developing that piece of legislation was not easy and actually involved a lot more work and a lot more considerations than I could have possibly imagined when a very good idea came forward.

And some of the considerations around that act included whether it is appropriate in all cases to reveal that information, who it should be revealed to and what use could be made of that information.

And here was one of the things which I had not pondered before we had serious discussions about that bill and I was advised by legal counsel for the Province. One of the questions that came up is, well, what—how does The Missing Person's Act work if it's a person that doesn't want to be found; which on the one hand, you think, well, how could that possibly be. In having conversations with law enforcement, having conversations with families, having conversations with others, it is also the case sometimes that somebody who goes missing is missing to their spouse, is missing to their family. But they may want that situation to continue and it can be a situation where somebody has been abused in a relationship. It could be a situation where there are other circumstances that even though in this House we find hard to believe, mean the person who is missing doesn't necessarily want to be located and returned to their home and to their family.

And we did extra work with The Missing Person's Act to make it very clear that if somebody's

located, the law enforcement officials or others who locate that person will give the person the opportunity to let law enforcement know if they want that to be revealed and, of course—of course—in almost every case, of course the family would be entitled to know that. There are some cases based on a particular circumstance where that simply would not happen, and we made sure that the act was drafted in such a way to reflect that. I don't want to point to a specific section of this act where that might be the case, but it is simply something that I think we need to look at very carefully—and I'm hoping when the bill does go to committee, because we expect that it should go to committee in a timely way, there may be others who are able to provide their perspectives and their ideas on this.

It is often said, Madam Speaker, that the tough cases make bad law, and I just want to make sure that the law that comes out of this will be the strongest possible law to deal with a difficult situation.

I will also put on the record a situation, a real case that happened back when I was in law school. It's a case, Madam Speaker, that you and other members of the House probably recall, and it was the disappearance of Christina [phonetic] Jack. Christina [phonetic] Jack was married to an individual named Brian Jack here in the city of Winnipeg. And she disappeared and most people, whether they had legal training or not, whether they were involved in law enforcement or not, thought that it was highly likely that Brian Jack knew or was responsible for Christina [phonetic] Jack's disappearance, but without a body it was very, very difficult to convict Mr. Jack.

Now, there is nothing in the bill and I don't say this to be alarmist, I simply say this to say that we need to carefully consider the bill. There would be nothing in this bill that would've prevented Brian Jack a week after Christina [phonetic] Jack's disappearance, if he had the means, if he had a lawyer prepared to take it on, from showing up in the Court of Queen's Bench and saying, well, my wife is missing. I have no idea where she is.

There are no time limits specified in Bill 226 that would suggest when somebody can come forward. I agree with my friend completely that the current time frame needs to be reviewed and needs to be changed.

I wonder, though, if it is in the interest of the public in Manitoba that someone can come forward

quite—very soon after and say, well, here I am. I had the money to get the lawyer. By the way, I'd like the insurance proceeds. I'd like the house put in my name. I'd like the vehicle put in my name and I'd like my spouse's or my mother's or my business associate's assets put into my name.

I also put on the record the strange case of Gerald Cotten. That name may not ring a bell, but the situation certainly will. That's the individual who actually operated Bitcoin company who disappeared or died on his honeymoon in India, leaving people who believed that they had investments with the company that he ran which we understand made total 160 to 180 million dollars who are now told that he's the only one that had the password for the Bitcoin accounts. I know from media stories that he apparently made a will 12 days before he's alleged to have died, left his entire estate to his wife and, in fact, left a trust for his two Chihuahuas.

That is not a Manitoba case, but that is also the kind of case, even though extreme, that I think we need to take a careful look at. To make sure that doing the right thing—which I know absolutely the member for Rossmere (Mr. Micklefield) is trying to do—to make sure that there aren't anomalies, there aren't particular situations, there aren't particular problems that wind up being something which makes us wonder why we simply allowed the bill to go forward after one hour of debate.

So I know how complicated these things can be. I certainly respect greatly the work of the Manitoba Law Reform Commission, and I know that they will have taken a good look at it. I think we need to ask a few more questions, even before we go to public committee hearings, about some of these concerns.

I think that— [interjection]

Madam Speaker: Order.

Mr. Swan: —there would not be a great deal of difficulty with some more questions, with some more thought being put into this, given that any affected person—an insurance company, their public trustee—public guardian trustee—can move ahead for an order.

Again, there is nothing in the act which specifically directs a judge to take into account any concerns the judge may have about who the applicant is. There are simply some provisions which say that it is up to the judge to determine whether the person truly believes the person is deceased or is missing. I am a little concerned that there is nothing in this bill that could deal with someone who may

know more than they may be letting on to the court, and I think it's an important thing for us to consider.

Thank you.

Mr. Ted Marcelino (Tyndall Park): This bill is something that I will support, and although there had been questions as to the process itself, as to how a presumption of death is to be proceeded with, the civil procedure currently in place before the court systems provide that there's a certain period of time, which is seven years.

And my real, honest-to-goodness concerns are those other presumptions under the insurance act that provide the sense that if there should be a common disaster—it's one of the subjects that I dealt with when I was with—when I was practising law in the Philippines—common disasters, meaning same event, and if people died, like the ones that we had with Typhoon Haiyan, or an airplane crash, it becomes a question of who died first.

And the question regarding life insurance policies become a little bit more specifically troubling, because some presumptions, like the ones that we have under the insurance act, say that the beneficiary will be presumed to have died ahead of a life insured during their death in a common disaster.

Now, it is a question that needs to be addressed by a bill that purports to amend a 51-year-old—I was told—51-year-old law. And if it—if this is meant to facilitate the expeditious settlement of estates to benefit families, it also should correct some of those that are so solidly 'corruptivized' us: obstacles to the expeditious settlement of estates of missing people.

Madam Speaker: Order, please.

When this matter is again before the House, the honourable member will have seven minutes remaining.

* (11:00)

RESOLUTIONS

Res. 3—FleetNet Replacement

Madam Speaker: The hour is now 11 a.m. and time for private members' resolutions. The resolution before us this morning is the resolution on FleetNet Replacement brought forward by the honourable member for La Verendrye.

Mr. Dennis Smook (La Verendrye): I move, seconded by the member for Dauphin (Mr. Michaleski),

WHEREAS the former NDP Provincial Government neglected the province's emergency communications system resulting in frequent failures; and

WHEREAS the former NDP Provincial Government was warned as far back as 2008 that FleetNet was obsolete and would soon need to be replaced, but took no action making Manitoba the last jurisdiction in North America to upgrade to a modern system; and

WHEREAS replacement parts for the FleetNet system have not been manufactured since 2003, and public safety organisations were forced to source replacement parts on online auction websites such as EBay; and

WHEREAS in October 2012, the previous NDP Provincial Government was notified that a decision to upgrade the communication system needed to be made and there was still no course of action taken; and

WHEREAS the health and safety of all Manitobans was threatened by the critical planning and failing of the previous NDP Provincial Government because it placed its own agenda above the constituents of Manitoba; and

WHEREAS FleetNet suffered a major outage at the peak of the 2012 fire season; and

WHEREAS under transition from the former NDP Provincial Government there was no mention about the outdated FleetNet communication system and the immediate need to replace it; and

WHEREAS after 17 years of the NDP tearing down Manitoba, the current Provincial Government indicated it was here to rebuild by announcing a contract for a new public safety communications system that will replace FleetNet, along with the VHF radio system used by conservation officers and wildland firefighters; and

WHEREAS the Premier cited the increased time to repair each incident from accumulative 700 hours in 2012 to more than 1,000 hours to date in 2016, threatened the ability of front line workers to interoperate when responding to emergencies; and

WHEREAS the new system will include radios with GPS, which can track the location of first responders to improve their safety, while incorporating advanced encryption to ensure police operations are secure and the system is compatible with those used by agencies outside of Manitoba; and

WHEREAS the current Provincial Government's tendering process led to costs coming in below forecast.

THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba congratulate the current provincial government on making an improvement to the provincial public safety communications technology system.

Motion presented.

Mr. Smook: It is an honour to be in this Chamber today and bring forward this resolution about a very important public safety issue: the replacement of Manitoba's public safety communications system, that was commonly known as FleetNet for many years. This system is used by firefighters, police, municipalities, conservation officers and the RCMP to communicate with others during emergencies and just on regular basis.

Mr. Doyle Piwniuk, Deputy Speaker, in the Chair

Madam Speaker, I would like to congratulate our government for seeing the importance of communications to our first responders and acting by replacing an old and tired system. Having been a volunteer firefighter, I know how important it is to be able to communicate with your fellow firefighters in times of emergencies. There are times that not being able to communicate could be the difference between life and death.

Madam Speaker, as I mentioned in my resolution, the previous government knew that FleetNet was obsolete and needed to be replaced as far back as 2008. Replacement parts for the system had not been manufactured since 2003. Public safety organizations were forced to source parts from places like eBay. Can you imagine not being able to order them from a regular supplier but you had to go and look for parts to fix the radios that we were using for the public safety?

Madam Speaker, this is no way to run a system that people's lives depend on. The previous government knew that the system was due for failure and yet did nothing about it and was gambling with lives of firefighters and other first responders—*[interjection]*

Mr. Deputy Speaker, there will be time from the members opposite to want to make comments, there will be lots of time, so if—I would appreciate if they would give me the floor.

Madam Speaker—Mr. Deputy Speaker, when it happened in October of 2012, a fast-moving wildfire was threatening the RM of Stuartburn and the town of Vita. Extremely dry conditions and strong winds fueled the fires. Fire departments from all over the south east came. The strong winds were spreading the fire so fast that all the fire departments had to constantly move to get in front of the fire. A command centre was set up at the school and the mutual aid co-ordinator was using the FleetNet radios to constantly dispatch fire departments to where they were needed.

Then it happened: the FleetNet system failed. Communication between the command centre and all the firefighters and other first responders was lost.

When you have firefighters trying to fight a wildfire in an area that is completely unfamiliar to them and no one communicating with them, telling them what their next move should be, this becomes an extremely dangerous situation. Not knowing the territory, not knowing where roads dead-end, not knowing what an escape route could be, the loss of communications could cost lives.

Madam Speaker, in order to communicate with the different crews, individuals in vehicles were given the task of relaying messages to the different crews and bringing back updates to the co-ordinator, not a very safe or efficient way to fight fires. I was one of those individuals. Especially wildfires because they go—they are so unpredictable—they generate their own wind and there is so much heat. You never know where they are going to go. The hospital, the school; the entire community was evacuated.

Madam Speaker, this fire could have been a lot more devastating than it was. Four homes, a bridge on Highway 201, a number of cars and outbuildings were lost. Thousands of acres of bush and fields were burned. But the important result? That no human lives were lost. Although because of the thick smoke and zero visibility, two vehicles went crashing through the burnt-out bridge, but firefighters rushed over to help the two drivers who were trapped in their cars and rescued them without serious injuries.

Looking back at that day, we were very lucky. It could have been a lot worse.

Mr. Deputy Speaker, the unacceptable part is that while fighting the fires, the FleetNet communication system failed, putting the lives of

firefighters and other first responders and residents of the community in danger. The loss of FleetNet services that occurred in Vita did not only create an unsafe situation for Manitobans and emergency first responders but was fully preventable. The NDP government knew the FleetNet system needed replacing, but they still did nothing.

Mr. Deputy Speaker, Premier Selinger came for a helicopter ride on day two of the fire to see the damage caused by the fire. In talking with him, he knew that the system needed replacing but yet nothing was done while the NDP were in power. In response to all the wildfires in 2012, and there were several—Manitobans urging the government to replace the FleetNet system. The AMM passed a resolution calling on the NDP to replace this outdated system. Many fire departments and mutual aid districts asked to have the FleetNet system upgraded. Even with all the attention to this problem, the NDP still chose to ignore this problem.

Madam Speaker, Manitoba was the last jurisdiction in North America to upgrade their emergency communications system due to the negligence of the NDP. If the NDP were concerned about the safety of Manitobans, even though they had done nothing about the FleetNet system to replace it, in all the years that they knew the system needed replacing, one would think that the transition from the former NDP provincial government to the present PC government—that it would have been one of the items that was discussed, especially because of the importance to the safety of Manitobans and because the replacement of the system came with almost a \$400-million price tag.

Where were the NDP's priorities? Obviously not with the safety of Manitobans. FleetNet is just one example of the government services the NDP failed to manage properly and was left to decay.

Mr. Deputy Speaker, the health and safety of Manitobans is our top priority, and we intend to make Manitoba safety—safer for all first responders and all private citizens.

Our government is replacing the outdated old technology FleetNet system with a new digital system that will include radios with GPS—*[interjection]*

Mr. Deputy Speaker: Order.

Mr. Smook: —which can track the location of first responders to improve their safety, while incorporating advanced encryption to ensure police

operations are secure and the system is compatible with those used by agencies outside of Manitoba. This technology will enhance radio range, clarity, provide expanded coverage and improve the safety of first responders while they work to protect Manitobans.

In August of 2018, our government was proud to announce Bell Mobility had been awarded the contract to provide Manitoba with a new emergency communication system. Mr. Deputy Speaker, I was fortunate to be at the West St. Paul fire hall as the minister announced that Bell Mobility was awarded the contract. There were a lot of Manitobans representing a number of emergency service providers from across the province at that announcement. I spoke to a number of them, and they were all excited this new system was finally going to be a reality. The common comment that I heard was: It's about time.

* (11:10)

Mr. Deputy Speaker, I am proud to be part of a government that takes the safety of Manitobans seriously. This resolution is a very straightforward one. Let me step—sum it up for the members opposite.

The previous NDP government was well aware of the dangers that emergency first responders were subject to: having to use old and outdated communication systems that was prone to failure. And 'despite'—despite pleas from the AMM, Mutual Aid Districts' fire departments and many more Manitobans, the NDP did nothing to replace it. They had plenty of time to do so; they were made aware of it as early as 2008—then, again, in 2012, with all the wildfires that plagued the province.

Yet, even up to the election of 2016, nothing was done. I believe that all members of this House should stand with me in congratulating the current provincial government on making an improvement to the provincial public safety communications system and pass this resolution. Thank you.

Questions

Mr. Deputy Speaker: A question period up to 10 minutes will be held and any question may be addressed in the following sequence: the first question may be asked by a member from another party; any 'sumtequent' questions must be followed by a rotation between parties; each independent member may ask one question; and no question or answer shall exceed 45 seconds.

Mr. Jim Maloway (Elmwood): I'd like to ask the member: When will this system be fully implemented and installed?

Mr. Dennis Smook (La Verendrye): I thank the member for Elmwood (Mr. Maloway) for the question. Since being awarded the contract, Bell Mobility has began the 'implemation'—implementation of the project, outfitting the towers and site builds with the new public safety communications system equipment, began in January of 2019.

To date, 20 sites have been outfitted with new equipment, with a target completion by summer of 2020. Following a successful system build, transition of FleetNet users will begin with a completion target of June 2021. On time, as is expected.

Mr. Brad Michaleski (Dauphin): I want to thank the member from La Verendrye for this great resolution, and his testimonial and his experiences that he's—that he had with the old system that the NDP never replaced. So it's totally—again, totally appropriate that we acknowledge the government for the investment that they're making towards safety of first responders and communities and municipalities.

So can the member inform us of who he consulted with on this matter?

Mr. Smook: I want to thank the member for Dauphin for an important question. I don't think I'll be able to answer it in the 45 seconds that I have, but I'll start and I'll be able to answer it later.

This is a great question because there are two parts to this resolution. The first being the lack of the previous NDP government to fix a problem that they were well aware of and that not having a proper communication system put the lives of emergency responders in danger. After the fires of 2012, there were many newspaper articles and experts in the emergency services that stated the need to upgrade the emergency communication system.

Even Premier Selinger, when visited—

Mr. Deputy Speaker: The honourable member's time is up.

Hon. Jon Gerrard (River Heights): The aspect of the emergency response to fires, which the member has been talking about, has been, in the experience in 27—the fact that there's not been an airport in Wasagamack. And, although this has been known for many years, there still has been no plan to—from the

provincial government to help and support the building of this airport.

This is essential because it was chaos as a result of this.

When will there be progress on the airport at Wasagamack?

Mr. Smook: I would like to thank the member for the question, but it is a question that really has nothing to do with this particular resolution. Like this resolution is about one government's inaction to do something with the FleetNet system and another government's will to do it. So, basically, yes, I believe that all questions of such—are important because of airports or whatever, but this is really not a topic to do with the present resolution. Thank you.

Mr. Tom Lindsey (Flin Flon): It's refreshing to hear the member stand up and say that public safety is important. So, if accessibility and public safety is so important, can the member explain to us what his government is doing to force Bell MTS or themselves to provide cellphone coverage throughout the province so that maybe I could phone a first responder?

Mr. Smook: I would like to thank the member from Flin Flon for the question. And, yes, cellphone service is important. It's important right across the province.

Right now, the resolution we are dealing with is the FleetNet system replacement. This is extremely important; firefighters all—from all over the province, whether they be fighting forest fires in northern Manitoba or wildfires in southern Manitoba, communications is important. Without communications, it is very difficult to have the safety of the firefighters properly looked after and communications of how to fight the fire is extremely important.

So, basically, the member's question may be an important one but has nothing to do with this particular resolution.

Mr. Cliff Graydon (Emerson): I want to thank the member for La Verendrye for bringing this forward.

As that fire that he talked about in his presentation, there were 27 fire departments there and the fact that they couldn't communicate with each other was very unfortunate, but it was very fortunate as well that one or two of them weren't trapped on some roads. And the fire was moving at

about 20 miles an hour, so, quite frankly, it was as very, very serious situation.

My question, though, to the member is, why does he feel that the former government refused to update the system when they knew that it was inadequate?

Mr. Smook: I thank the member from Emerson for this important question.

I was not the former government, so it's difficult for me to answer that question. We know that—
[interjection]

Mr. Deputy Speaker: Order. Order.

Mr. Smook: We understand that the previous government had the ability. They had no problem spending money, so I don't think money was the problem at that time. Why they did not upgrade the system, I don't know. It was important. Whether they didn't care or they just were not interested, I don't know, but the system definitely needed upgrading. I mean, you can go through all the articles that were written about the fires in 2012, you can look at a lot of different speakers, and it is extremely important.

Mr. Michaleski: Again, I want to thank the member from La Verendrye for giving us his first-hand testimonial of the situation of being a volunteer fire department so he obviously knows the importance of the technology and we know the technology today is impressive; it helps people to work better, more efficiently and in a lot of cases makes people work incredibly safer than they used to.

So can the member please explain why it's so important to switch to this new system?

Mr. Smook: I'd like to thank the member from Dauphin for an excellent question and this is an easy one.

When systems are no longer being supported and parts are no longer available to repair the radios, old analog technology is being replaced by digital, the new systems have so many more safety features, like GPS, to track the first responders. They are more compact and they provide a more dependable communication system for our first responders.

I think Manitobans deserve an emergency system that works. I don't see a lot of members opposite still walking around with an old brick phone, old technology. We understand that we need to replace the system as it is needed. Thank you.

Mr. Gerrard: An effective emergency response needs good communication but it also needs the presence of airport, at places like Wasagamack, and it also needs a change in the approach to fighting forest fires. In 27, it was a major problem because it was a small fire. The alert was given about the presence of the small fire and that small fire was not put out when it could've been put out easily and it spread, and there had to be thousands of people evacuated from Garden Hill, Wasagamack and St. Theresa Point.

So, when will the government change its approach to fighting fires to make sure small fires are snuffed out quickly?

* (11:20)

Mr. Smook: And I do agree with the member that fires are a very dangerous situation and they start off small and they can grow in a hurry to be a major concern. Evacuations cost money. All this is an important part of fighting fires, but as far as what the government's plans are—I know that there are plans in the works but I cannot comment specifically on what our government is doing for airports because airports are not part of this here particular resolution that I brought forward.

It's about congratulating the government for taking one step, the first step that was needed.

Mr. Maloway: I'd like to ask the member then, how long this system is projected to last and how long will it be before it will have to be upgraded?

Mr. Smook: It's a very interesting question because I guess a system is only as good as the maintenance you put into it.

If we maintain the system the way the NDP maintained the roads and the old FleetNet system, I doubt very much if that system will last very long at all. I mean—[interjection]

Mr. Deputy Speaker: Order.

Mr. Smook: I believe that with zero maintenance—you have a system. It's no different than if you don't change the oil in your car. If you don't look after something, it's not going to look after you.

So Mr. Deputy Speaker, I—the system is only as good as the maintenance you put into it. It's something that's important. That we look after all the stuff we have: roads, maintenance—

Mr. Deputy Speaker: The time for question period has expired.

Debate

Mr. Deputy Speaker: The debate is open. Any speakers?

Mr. Jim Maloway (Elmwood): Well, thank you, Mr. Deputy Speaker, and I want to thank the member for his resolution today. And, you know, it's fine. I guess he can take cheap shots. He's saying that—you know, blaming the previous government for all the ills and of course that's just normal fare in politics, I guess. The reality is that he's going to be the former government before too long. He'll be.

So, Mr. Deputy Speaker, what I'm interested in finding out—and I did ask him the question, he really didn't answer it—is when will this system actually have to be upgraded?

Because what happened, of course, when the previous government a number of years ago, was—actually the first government—actually probably the first government ever to have what is called a ERP, we went with a SAP system and we centralized the government payroll and a lot of functions of the government. And that was a very expensive process, but, like this process, the old system was starting to fall apart.

We had old software, by the way. Talking about previous governments here, right? We had old software from the Filmon years and, you know, we want to talk about the—about previous governments. We had software programs from the Filmon years that had survived all that time and they were at the end. And so it was a case of like, trying to sort of band-aid the system to keep it working properly, or to go with a new system.

And the government of the day took a very big leap forward by going with the SAP system, which, by the way, up until that point, had only been used in industry, like pulp mills and things like that, plants like that in Germany and wherever else they had these systems in place. But Manitoba was the very first government to employ that system. I don't remember the Conservatives of the day making a big fuss about this whole issue. I think they just accepted that progress had to be made here and it was cost effective. Even though it was expensive, it was cost effective to move to a new, centralized system.

Well, Mr. Deputy Speaker, guess what happened? In about three years' time, you know, Microsoft came in with a new—the new software system and they said, we don't support that old system. And all of a sudden, here we were. We were

just into a constant upgrade, like every—we'd just get finished an upgrade and we're onto another one.

And that was my question to him is how long—like, does he understand their commitment to this system and how long-term it's going to be and how much it's going to cost over time?

He's talking about why the old system was, you know, past its due date and had to be replaced, but I don't know that he has any understanding of how long this—and how well this new system is going to work. He's taken this leap of faith that everything's going to start working out okay. Well, you know, how did that alert system work for the—their Minister of Infrastructure (Mr. Schuler), right? It didn't work out that well.

And so I think the government are going to have some ups and downs in this just to be understood in this process as well, and he's indicating that it's going to be fully implemented in June of 2021. Well, you know, by June, maybe even before June 2021, there's going to be like, whole bunch of software upgrades that are going to have to be done. It's going to be incompatible with some of the system.

You know, he—think about the cellular system in the province, right? You would think that every time we have a new upgrade to a system that somehow things are going to be better and that, you know, new is always better. But yet, what we're finding is some people that are still out there with those brick phones like the member was talking about—you know, those old analogue phones—are still able to get coverage, you know, whereas people with the latest, hottest iPhone X are basically in dead-air space in some areas of the province. So think about that.

I mean, I'm all for—I've always been kind of on the bleeding edge of technology but I've pulled back a lot over the last few years, and so I don't jump out front anymore in front of the train because I've been run over too many times by all these great new technologies that don't work out. Like, look at the—you know, let's go back to the Filmon government once again. They decided they wanted to set up SMART Health and they spent like \$50 million in it.

Now, was it a good idea? Well, it was a terrific idea. 'Amata' fact in—it only makes sense that you would have a health-care record available on a computer anytime you're in a car accident and, you know, there has to be medical attention given to you. It'd be nice to have your records available when it was only available in those days in the doctor's office

and to a certain extent, even today, it's kind of getting there but it's taken, you know, 20 years. United States was very advanced in electronic health records because of the lawsuits, because of the lawsuits that patients were bringing against doctors—*[interjection]*

Mr. Deputy Speaker: Order.

Mr. Maloway: —for mistakes that were being made, so they drove the agenda a lot more.

But, to give the Filmon government credit, yes, they did. They started dealing with this electronic health record, but they were ahead of the curve. They were way ahead of the curve and, at the end of the day, they spent like \$50 million on a system that I guess didn't work that well, and basically, I think, at the end of the day, most of that \$50 million was lost and scrapped, but other software producers and developers eventually developed a system that is, you know, become competitive and now there's a bunch of systems out there.

But this is the—this—the problem you get into with these systems: you've got to move to some system but whatever system you come into there's a lot of unforeseen problems. And, you know, this government, this member is going to, you know, reap what he sows at the end of the day because we're going to be able to point out to him all the mistakes that are going to happen because of his decision right now to go with this system that this government has committed itself to over the next couple years.

I'm not saying they shouldn't be doing it; yes, they should be doing it, but don't stand here and pontificate about how terrible the previous government was when the reality is the taxpayers of Manitoba got good value for many years out of a system that was—*[interjection]*

Mr. Deputy Speaker: Order.

Mr. Maloway: —actually, you know, was actually producing, okay? Was it as good as it could have been? Well, absolutely not. But, bear in mind that we are getting into the system now after somebody else has paid for the development costs, okay? Those early adopters who set up this system in other jurisdictions 10 years ago, they paid a much higher fee to get into it, and Manitoba is now benefitting by having the—that system being established in other provinces and other jurisdictions, and those upfront costs being paid, and now they're able to get into a system that is cost-wise, way more cost-effective than it was in the past.

* (11:30)

But that is only going to last so long, right? Another, you know, another five or six years, something else is going to develop and then he's going to find himself out in the wilderness once again, right? With a cellphone that doesn't work, you know, and that's what we want to know, is when is this government—it's had three years, talking about cellphone coverage in Manitoba and they were complaining about that before, too. The reality is the cellphone coverage is actually getting worse. Why is it getting worse? Because, as I explained to him before, as long as you have different systems out there, different analog systems and different digital systems, and as long as you have—you know, we're talking about 5G now. Well, you know, like, when is all that going to happen? And you know, you've got the 4G. Well, we have these different systems out there.

So you can have the most expensive phone on the market and not be able to get through. Or you could have a brick phone that only—not a smartphone, just a little brick phone that makes phone calls—will actually get a phone call through. Where your expensive iPhone X is not going to work. So, you know, you have to kind of look a little bit deeper into all this before you stand up, raging about this previous government not getting the job done.

Well, let me tell you, as I explained before, we got the job done when it came to S-E-P. And we didn't hear all this whining and complaining from the conservatives all those years.

Mr. Deputy Speaker: Order.

Mr. Maloway: I don't recall one complaint that they had all this time.

Thank you, Mr. Deputy Speaker.

Mr. Deputy Speaker: The honourable member's time is up.

Mr. Brad Michaleski (Dauphin): Thank you very much, Mr. Deputy Speaker. And again, I want to thank the member from La Verendrye for bringing forward this really important resolution.

Again, you acknowledge responsible governments when they make smart decisions. And, when it comes to emergency communications, which is probably one of the most important things for our first responders and our communities, it's important that the government makes responsible decisions and

responsible investments. So this is totally an appropriate resolution here today, that congratulates the current government on this investment. It'll serve all Manitobans, not just the first responders, but families, and communities and municipalities across the province.

So, and again, I can't think of anything—you know, when we ask our first responders to go towards danger, you know, we expect that they'll—and we hope that they'll come home safe and they'll be able to work in a very safe environment, co-ordinated environment. And the communications tools that the governments provide are critical to that safety and that co-ordinated effort to preserve—help and preserve life and property. And so it's a little bit concerning to hear comments, you know, about having to get parts on eBay and duct tape and band aids from the previous government, because that's just—when you're talking about emergency communications, it's probably one of the most important tools our first responders can use.

So I do want to, again, first, also acknowledge all the first responders that do such a good work. And the member from La Verendrye can speak with experience on the failure of the communications systems, as a first responder. So we really, really appreciate that. So, what—also, emergency communications are a vital hardware for emergency responders because it allows them—and it's not like a cellphone where you have to dial up to people. That emergency equipment allows the first responders to press the button and talk to other members of the team, talk to incident command; and that time is so important, when you're talking about safety and preserving property. So we do know the FleetNet communication system was plagued with—over the last decade and again, a very kind of concerning to understand now that no replacement parts were made since 2003. And, you know, it is 2019 and the government—previous government was warned in 2008.

Now, we know, again, the member from Elmwood brings up a point, you know, technology does change. But, you know, there is unforeseen things—but you—it is not okay to forget about these systems and not look at a replacement strategy or some sort of budgeting for newest and latest technology.

So we know that the new technology our PC government is investing \$380 million in new emergency communications technology and this

technology will enhance the radio range and clarity, provide expanded coverage over a more secure network and improve the safety of first responders while they work to protect Manitobans. The new digital system will include radios equipped with GPS, which can track first responders' locations for their safety.

Now, Mr. Deputy Speaker, again, in talking with—as a former municipal councillor, talking with the first responders in the Dauphin area, even with the City of Dauphin and the volunteer fire department in Sifton, there is—the conditions that it—can exist in rural Manitoba, often they're very large spaces where communications is critical, you know, it is not something like in—so much in an urban centre where you can—where you're so close to everybody.

A lot of times—and, again, depending what sort of emergency that might be, and I know fires, forest fires, grass fires are something that occur and it's—multiple units from different departments are called in. And often they're on—either on foot or on ATVs, and they'll go out there and fight those fires. And a lot of times those fires—and, again, and it can be consistent with any airborne sort of danger to the first responders like hazardous smoke or anhydrous ammonia or things like that, where the wind conditions can change. And it's very, very important that—and the volatility of these fires, they can change considerably, they can change direction. So it is very important that the people that are on the ground that are doing this work are informed and that 'ints' in command and the commanders in—that are looking after the situation are aware where these people are, because often they're—they go into these situations to fight, you know, an animal that you just don't know which way he's going to turn. And that's really important that they're made aware, if the situations arise, that they're able to get out of harm's way and there's—people can actually find them and help them.

So this is one of the most important parts of emergency communications for our first responders, and it's really important, as a government, that we make current investments in modern technology and we're able to, again, help these people out. And the adoption of GPS technology and being able to find where these first responders are located is incredibly valuable tool for our first responders that are, again, dealing in often remote conditions, remote weather situations—whether it's on land, it could be on water. And it's—again, it's very important that everybody has proper communications.

So this upgrade will, again, allow for Manitoba first responders to co-ordinate with other first responders and that's, again, very important. And I think the member from La Verendrye brought that up, where multiple units could come in, multiple departments, multiple first responders can come into a particular area—they may not be familiar with the terrain, they may not be familiar. So it's, again, very important—again, when you're talking about GPS technology and being—having those eyes on—from the—from above. Often—again, that's technology that is an incredibly valuable tool for the people that are working in our first response teams.

So, again, some of the 'dother'—other dangerous conditions: again, there's washouts, there's highway traffic incidents, you could have infrastructure failures this time of year with flood, you know, all of sudden you can have a significant infrastructure failure and first responders—there could be accidents, there could be a need for police to reroute traffic, there could be—and it could be something to do with a hazardous material being involved in those things, so all of a sudden first—firefighters are coming in there.

* (11:40)

So all these people really need to communicate well, and not just for their—for the safety of the public, but it is also for the first responders.

So I will close—I don't know, I haven't had very much time left here, but I know we, you know, we've been in here just over three years as government, and there's been a lot of messes that we've had to clean up across all sectors.

But this is one particular thing that's really, really important, and it's almost unthinkable that the previous government would ignore this, and delay acting on this, because there's so many people's lives that are on line—on the line.

So, again, we do really congratulate the current government for making that commitment, and making this issue a priority for all Manitobans, because it's—again, it affects everybody, and it's not an issue, really, 'til it becomes an issue. But when it becomes an issue, it is absolutely critical that communications are running up to snuff, they are current, and you're able to communicate with other first responders.

So we're cleaning up the messes, as I mentioned. There's lots of them, but this one here, I do want to congratulate the current government on making these

necessary improvements to help keep Manitobans safe.

Thank you.

Hon. Jon Gerrard (River Heights): I thank the MLA for La Verendrye for bringing forward this resolution. There's no doubt that the province's emergency communications system has needed upgrading and replacing for some time. There's no doubt that there was major problems in getting this done, and at the former government, which was there from 2000 to 2016, didn't get the job done.

But the government, if—the Conservative government in the 1990s had its own problems in setting up communications and software, and SmartHealth was very expensive and it never worked.

And so, you know, there are those of us who are skeptical until we see this actually working; we hope that it works very well, because it is really critical for emergency response.

But the emergency response clearly needs more than a communication system. It needs, as I have already talked about, an airport at Wasagamack. This was clearly demonstrated in 2017. I have comments here from a woman who was in St.—or, in Wasagamack.

She said, we have no airport; it was really poorly co-ordinated. What happened was that people had to be loaded into boats, and often this was at night. And it was, as she says, it was very scary on the boats. All the darkness and things flying, ashes flying, with elders in boats all over the place. There were seven people on the boat with her; one man got sick, she said, adding that many arrived with little more than the clothes on their backs.

And so, clearly, making sure that the infrastructure that is for the emergency response is absolutely critical. And making sure that we have an airport that's functional and that's excellent in Wasagamack is part of that.

We are also concerned with what this government is doing in terms of Lifeflight, and I have raised those comments many times in this Legislature and outside, and we remain concerned that—because Lifeflight is a very important part of the emergency response.

There needs to be a much more organized provincial plan for fighting fires. This was made abundantly clear in 2017 when there was a small fire

not all that far from Garden Hill, in Wasagamack. And because there wasn't a rapid response, even though the fire was known about, that fire became a big fire, so big that it threatened the communities of St. Theresa Point and Wasagamack and Garden Hill; and thousands and thousands of people had to be evacuated at very high cost. And so putting out a fire like that early on is extremely important, so that we don't have the danger, the high cost, the risks associated with very, very large fires.

I think it is to be noted as well, that when we are dealing with fires in this era that we are in at the moment, we are very concerned about climate change. If we let small fires get big, we are putting large amounts of carbon dioxide into the atmosphere, increasing the carbon dioxide in the atmosphere, increasing the greenhouse gas in the atmosphere, and increasing the problems of the warming of our planet—problems which we need to address in many ways—so that it is important along with the fire plan, that it be co-ordinated with climate change plan.

Sadly, this was missing in the government's climate change plan. They mostly cut out about two-thirds of that plan, but even in what was left, there wasn't adequate attention to boreal forest stewardship, fires and greenhouse gases.

Indeed, one of the things which is important in any emergency response, and this has already been mentioned, is really good co-ordination with people in the communities which are affected. And part of that communication needs to be put in place before there is a fire; and that is a community fire plan.

And, indeed, that has been a problem under this government. One of the issues that I have raised is the fire plans in May 23rd, 2018. Almost a year ago I had asked the minister responsible for the fire plans for the Community of Paungassi and little rapids—and Little Grand Rapids.

The minister replied and I quote—he said, I would like to suggest to all members of the Legislature that there are fire plans in place and if the member would like to have access to those, perhaps not today or tomorrow, but we can get those for him, end of quote. Those fire plans have never been produced, in spite of large efforts by ourselves, talking with people at all levels of government, and I have had to conclude that they didn't exist then and from what I know, they haven't been put in place since.

It is really, really important that communities have fire plans and that those fire plans have effective local initiatives that will address the safety of the community if there is a fire in the boreal forest.

I give you an example. I was in Riding Mountain National Park, and there they have developed a fire plan for their community. They have put in place a fire break. It is done in a way that is sensitive to the environment and they have also put in place—and talked to people in the community—made sure there are measures to decrease the potential for fires to spread to homes in the communities.

It was a major problem in Fort McMurray that the fire got into bushes or other things which were flammable adjacent to homes, and then spread to homes. And we need to make sure that we have fire plans which decrease the likelihood of the fire getting into the community. We need to make sure that there are those fire breaks and that there are measures being taken to decrease the likelihood of fires spreading to and within communities.

I've been asking about this for some time. This is an important of any emergency response plan. Sadly, from what I have seen so far, this is not adequately in place.

* (11:50)

And, lastly, I would talk about the need for high-speed Internet to communities. This is clearly needed for emergency responses and yet there are many communities in Manitoba without high-speed Internet. And although there has been some press releases by the government, from what we have been able to determine, there has been so far not a lot of real action. In fact, we found that one area where there was supposed to be an upgrade—this was west of Lake Manitoba—there was actually, for some people, decreased service and they were unable to use their phone quickly to find out about what was happening, and that was clearly a problem.

So, when we see that this government has said that it was improving service and in fact decreased service to some people, this is clearly a problem, and we have to be skeptical and concerned about what this government is doing, and watching very, very closely. There is a big need to make sure we have the best possible emergency response system and I would hope that we can move in that direction. It needs a lot more than just communication and I hope the government will pay attention to these other

elements which are so critical if we're going to have a really good response to emergencies in the future.

Mr. Tom Lindsey (Flin Flon): I rise this morning to talk about this private member's resolution, private member's bill.

You know, a lot of private members' bills that we talk about are very important issues that are substantive that really are designed to accomplish something. Sometimes we stand up and talk about private members' bills that just make us all feel good, that everybody is in agreement with.

And then there's ones like this that accomplish nothing other than perhaps the member from La Verendrye's next election campaign, because the whole point of this private member's resolution is pointless, right? This—it's pointless, it's—this government stands up and pats itself on the back because it says they fixed something. Okay, so what about everything that they didn't fix?

The member from La Verendrye stands up in great flourish and talks about how important public safety is. I agree. I agree with that aspect of what the member from La Verendrye had to say. So my question during the question and answer period of this was, when is his government going to fix cellphone service in this province? Oh, he says, that's got nothing to do with this bill. Oh, don't want to talk about that, only want to talk about what you didn't do, not what they're not going to do.

So—[interjection]—and I see the member all of a sudden wants to answer these questions. He has got four new towers in his constituency. You know how many I have in my constituency? None, no new towers. Do you know what, when I first started travelling back and forth between Winnipeg and Flin Flon, I had cellphone service all the way down No. 10 Highway. Didn't have it going across No. 60, but once I got onto No. 6 at the junction, I had cellphone service again. Now, under this privatized system that the previous PC government foisted on the citizens of Manitoba, I don't have service anymore.

So, while the member stands up and talks about all the wondrous things that they're going to do with this FleetNet system, that they're going to—already started putting some things up or doing something, and yet the system that we have for the safety of Manitobans in the North has gotten worse under this government, as this government continued to say, well, the privatized system is better because the

former premier is going to get richer with it. And maybe that's what this Premier (Mr. Pallister) hopes. Maybe he hopes that someday when he's not the Premier, which, hopefully, is sooner rather than later, that he'll be able to get rich sitting on a board of something that he's privatized. I certainly hope not.

So we know that under this government's watch, by their continued selling off assets, getting Manitoba telephone system, which used to be public and work reasonably well, into the private hands and now selling it—agreeing to sell it into a private conglomerate, service has actually gotten dramatically worse, particularly in northern Manitoba.

The member from La Verendrye talks about his story with a fire and the safety of people. Well, you know—[interjection]

Mr. Deputy Speaker: Order.

Mr. Lindsey: If the member from Brandon will listen, he'll learn something—maybe.

A year or so ago, there was a citizen, a Manitoban—a northern Manitoban, who was trying to drive from Thompson to Lynn Lake. Now it's bad enough that this government won't maintain those roads, but there's a blizzard happens, Mr. Deputy Speaker, and that person was unable to travel any further, forward or back. Now, if we had cellphone coverage, he could've called somebody and said: Don't worry; I'm fine. Wait 'til the storm settles down and then come and get me. But this government didn't fix that, because we don't have cellphone service there.

So, while they talk about how important the safety of everyone is, they don't really mean that, because they still have done nothing to assist those communities in the North that don't just have spotty cellphone service; they have no cellphone service—over some of the worst driving conditions that you can imagine. And, certainly, I support our first responders. I've—in a previous job, used to work very closely with those first responders to make sure that we actually had safety plans in place and evacuation plans in place to make sure that systems were there that worked. This government doesn't do that.

You know, they talk about: Well, when you were in government, you should've fixed everything. Okay. So, now, this government should fix everything. So, you know, we talk about computer systems and the importance of them. Now, a little

education for the member from Brandon and the member from La Verendrye—*[interjection]*

Mr. Deputy Speaker: Order.

Mr. Lindsey: —Flin Flon is border town. We have a hospital there. So far, the government hasn't completely decimated it, but they're working at it. But we have a hospital there that services communities on both sides of the border. So, when will this government fix the computer system, so that it can talk to the computer system on the other side of the border? Because they have no plan to fix that, Mr. Deputy Speaker. So hurry up, member from La Verendrye; fix everything.

You seem to think the previous government should've fixed everything, so now, let's have this government—*[interjection]*

Mr. Deputy Speaker: Order. Order.

Mr. Lindsey: —fix everything. *[interjection]*

Mr. Deputy Speaker: Order.

Mr. Lindsey: Or, you know, 2021, they won't be the government anymore, and this system that they've

given the contract to their friends from Bell MTS to make sure that they shovel more public money into their pockets, will maybe be running, but will it continue to function? Well, we don't know that. Will it require more public money going to Bell MTS? Probably. But, you know, Mr. Deputy Speaker, we've talked about a couple of systems that this government has failed to even recognize, never mind failed to fix. So I point that out to the member from La Verendrye and his compatriots in this government: that there's a couple of examples of things they need to fix.

But that's not all, Mr. Deputy Speaker, there's more. *[interjection]*

Mr. Deputy Speaker: Order.

Mr. Lindsey: We just recently—

Mr. Deputy Speaker: Order.

When this matter is before the House, the honourable member for Flin Flon (Mr. Lindsey) will have two minutes remaining.

The hour being 12 p.m., the House is recessed and stands recessed until 1:30 p.m.

LEGISLATIVE ASSEMBLY OF MANITOBA

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