

This is Exhibit " E " referred  
to in the <sup>supplementary</sup> affidavit of .....  
..... SANET KEHLER .....  
affirmed ~~sworn~~ to before me this 4 .....  
day of April ..... 2012 .....  
.....  
.....

A Notary Public in and for  
the Province of Manitoba

TOM BRODBECK



# UNION SCHEMING SHAMEFUL

## MGEU pitch to shield its members from full investigation into child's death repulsive

I can't think of too many things more despicable and morally reprehensible than the attempt by Manitoba's provincial government union to try to quash an inquiry into the tragic death of toddler Phoenix Sinclair.

Especially when their efforts are directed to protect the careers of their union members at the expense of uncovering the truth about what happened to Sinclair.

As the *Winnipeg Sun* told you Saturday, the Manitoba Government Employees and General Employees Union demanded that commissioner Ted Hughes — who is heading an inquiry into Sinclair's death — prove that he has jurisdiction to conduct an inquiry.

### Wrong tree

The MGEU wanted Hughes to make an application to Manitoba's Court of Appeal to determine whether a commission of inquiry is legal in this case.

For starters, I'm amazed that the lawyer representing the MGEU — Garth Smorang, who made the submission to Hughes — would even make this argument.

From a legal perspective, his argument is laughable. He's actually trying to argue that executive council — commonly known as cabinet — doesn't have jurisdiction to call a commission of inquiry under The Evidence Act into the tragic death of a toddler who was under the supervision of child and family services.

Yes it does have jurisdiction

and Smorang is barking up the wrong tree.

I get that Smorang is just carrying out the instructions of his client, the MGEU. But even he should know better. And what's with his demand that a commissioner make the application to court? That doesn't even make sense.

Law school 101 tells us that if someone or some group — including a party that has standing in a commission of inquiry — wishes to contest the validity of an inquiry that they do so by making their own submission to court. They don't do so by petitioning an appointed commissioner.

In any event, now that Hughes has declined to make an application to court, the MGEU says it's going to take its fight to Manitoba's highest court on its own.

Good luck with that.

What's even more egregious about all this is the MGEU's desire to try to whitewash an inquiry that might uncover weaknesses and gaps in the child and family services system and perhaps prevent a future, similar death.

It's absolutely repugnant that a union like the MGEU would seek to protect its workers at the expense of improving care for kids and possibly preventing future deaths.

The MGEU's argument

that an inquest would suffice in probing the evidence that led to Sinclair's death shows that they're not so much concerned about the tragedy as they are about the careers of their members.

I've covered many inquests and I've sat through several commissions of inquiry.

There is a significant difference between the two. A commission of inquiry is far more thorough and probing than an inquest. They're more expensive, too. Which is why inquests

are only called when absolutely necessary, like in this case.

Inquests, held before provincial court judges, occur far more frequently. They're less expensive but they're not nearly as thorough.

### Disgusting

Which is exactly why the MGEU doesn't want an inquiry. They don't want their members to be held accountable for their actions.

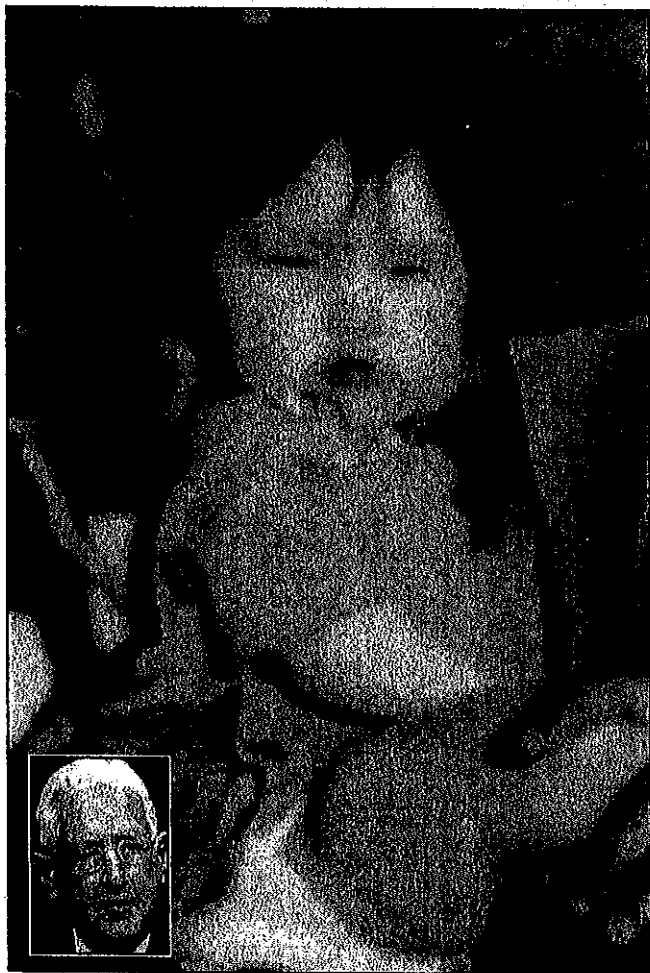
Which is not only despicable, it raises serious questions about the moral fabric of the MGEU. The union bosses at the MGEU are putting their members ahead of the safety of children in care.

Pretty disgusting.

Thank you Ted Hughes for rejecting wholesale this legally dysfunctional and morally reprehensible application.

And shame on you MGEU.

**The MGEU says it's going to take its fight to Manitoba's highest court on its own.**



(INSET) MARCEL CRETAIR/WINNIPEG SUN FILES, WINNIPEG SUN FILES

Ted Hughes (inset) is heading an inquiry into the death of Phoenix Sinclair. The MGEU is disgracefully trying to have the probe downgraded to a less thorough inquest.

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