

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

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Speaker*

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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Eighth Legislature

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

LEGISLATIVE ASSEMBLY OF MANITOBA

Tuesday, June 1, 2004

The House met at 1:30 p.m.

PRAYERS

ROUTINE PROCEEDINGS

PETITIONS

Alzheimer's Disease

Mrs. Myrna Driedger (Charleswood): I wish to present the following petition.

These are the reasons for this petition:

Alzheimer's is a debilitating disease.

Cholinesterase inhibitors are known to slow or even prevent the progression of Alzheimer's.

The provincial government asked for the development of an Alzheimer's strategy in 2000 and was presented with nine recommendations in 2002, none of which has yet been implemented.

In the absence of a provincial Alzheimer's strategy, the Winnipeg Regional Health Authority put in place a policy in November 2003 whereby Alzheimer's patients entering personal care homes are being weaned from certain Alzheimer medications in a move that the WRHA's vice-president of long-term care has referred to as a financial necessity.

The administrative costs of the Winnipeg Regional Health Authority have more than tripled since 1999, to a total of more than \$16 million a year.

In a move that amounts to two-tier medicine, the families of Alzheimer's sufferers in personal care homes may request that the drugs continue to be delivered at the family's expense.

We petition the Legislative Assembly of Manitoba as follows:

To request the Minister of Health (Mr. Chomiak) to ensure that his attempts to balance his

department's finances are not at the expense of the health and well-being of seniors and other vulnerable Manitobans suffering from this debilitating disease.

To urge the Minister of Health to consider reversing his decision to deny Alzheimer's patients in personal care homes access to certain medications.

To request the Minister of Health to consider implementing a provincial Alzheimer's strategy.

Signed by Diane Dreikluft, Denise Colburn, Dennis Dreikluft and others.

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

Highway 227

Mr. Ralph Eichler (Lakeside): I wish to present the following petition to the Legislative Assembly of Manitoba.

These are the reasons for this petition.

It is unacceptable for the residents of Manitoba to travel the unsafe gravel roads of Highway 227 in the constituencies of Lakeside and Portage la Prairie.

Inclement weather can make Highway 227 treacherous to all drivers.

Allowing better access to Highway 227 would ease the flow of traffic on the Trans-Canada Highway.

Residences along Highway 227 are not as accessible to emergency services due to the nature of the current condition of the roadway.

The condition of these gravel roads can cause serious damage to all vehicles, which is unacceptable.

Residents of Manitoba deserve a better rural highway infrastructure.

We petition the Manitoba Legislative Assembly as follows:

To request that the Minister of Transportation and Government Services to consider having Highway 227 paved from the junction of highways 248 and 227 all the way to Highway 16, the Yellowhead route.

To request the Premier of Manitoba to consider supporting said initiatives to ensure the safety of all Manitobans and all Canadians who travel along Manitoba highways.

Submitted on behalf of Paul Heller, Wayne Manweiller, Rhea Zitaruk and others.

* (13:35)

Minimum Sitting Days for Legislative Assembly

Mr. Kevin Lamoureux (Inkster): Mr. Speaker, I wish to present the following petition to the Legislative Assembly of Manitoba.

The background to this petition is as follows:

The Manitoba Legislature sat for only 37 days in 2003.

Manitobans expect their government to be accountable, and the number of sitting days has a direct impact on the issue of public accountability.

Manitobans expect their elected officials to be provided the opportunity to be able to hold the government accountable.

The Legislative Assembly provides the best forum for all MLAs to debate and ask questions of the government, and it is critical that all MLAs be provided the time needed in order for them to cover constituent and party duties.

Establishing a minimum number of sitting days could prevent the government of the day from limiting the rights of opposition members from being able to ask questions.

We petition the Legislative Assembly of Manitoba as follows:

To request the Legislative Assembly of Manitoba to consider recognizing the need to sit for a minimum of 80 days in any given calendar year.

Signed by Adrian Eisma, W. Santiago and Danny Deluz.

Proposed PLA–Floodway

Mr. Stuart Murray (Leader of the Official Opposition): I wish to present the following petition to the Legislative Assembly of Manitoba.

These are the reasons for this petition:

The Province of Manitoba has tabled legislation in the Legislature that may result in the \$660-million expansion of the Red River Floodway by the summer of 2005.

The Premier of Manitoba plans to subject all work related to the project to a Project Labour Agreement (PLA).

The proposed PLA would force all employees on the project to belong to a union.

Approximately 95 percent of heavy construction companies in Manitoba are currently non-unionized.

The Manitoba Heavy Construction Association has indicated that the forced unionization of all employees may increase the costs of the project by \$65 million.

The chair of B.C.'s 2010 Construction Leaders Taskforce has stated, "Major industrial projects built under project labour agreements from the energy sector in Alberta to off-shore development on the East Coast have repeatedly incurred cost overruns, labour disruptions and delays."

Organizations including the Winnipeg Chamber of Commerce, the Canadian Taxpayers Federation, the Manitoba Heavy Construction Association, the Canadian Federation of Independent Business, the Merit Contractors Association of Manitoba, the Winnipeg Construction Association, the Construction Association of Rural Manitoba and the Canadian Construction Association have publicly opposed the Premier's plan to turn the floodway expansion project into a union-only worksite.

Manitobans deserve an open and fair competition that protects taxpayers from unnecessary costs and respects workers' democratic choice.

Manitobans support the right of any company, both union and non-union, to participate in the expansion of the Red River Floodway.

We petition the Legislative Assembly of Manitoba as follows:

To request the Premier of Manitoba to consider ending his government's forced unionization plan of companies involved with the Red River Floodway expansion.

To request the Premier of Manitoba to consider entering into discussions with business, construction and labour groups to ensure any qualified company and worker, regardless of their union status, is afforded the opportunity to bid and work on the floodway expansion project.

Signed J. W. Yarema, Greg Daniels, Joan Yarema and others.

Pharmacare

Mrs. Mavis Taillieu (Morris): I wish to present the following petition.

These are the reasons for the petition.

Pharmacare is a drug benefit program for all Manitobans, regardless of age, whose income is seriously affected by high prescription drug costs.

Under the Doer government, Pharmacare deductibles have been increasing by 5 percent each year for the last three years. As a result of the 15% hike in Pharmacare deductibles, individuals are facing increased costs ranging from \$36 to \$660 a year. Seniors, fixed- and low-income-earning Manitobans are the most negatively impacted by these increases.

We petition the Legislative Assembly of Manitoba as follows:

To urge the Premier of Manitoba to consider reversing his decision to increase Pharmacare deductibles by 5 percent in Budget 2004.

To request the Premier of Manitoba to consider reducing health care bureaucracy, as previously promised, and direct those savings into sustaining Pharmacare.

To urge the Premier of Manitoba to consider re-evaluating his government's priorities and to consider suspending his government's plans to spend \$100

million on new VLTs at a time when seniors and fixed-income Manitobans cannot afford medication.

It is signed by Don Nesbitt, Harry Deputter and Bob Cuddy and others.

Highway 227

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

These are the reasons for this petition.

* (13:40)

It is unacceptable for the residents of Manitoba to travel the unsafe gravel roads of Highway 227 in the constituencies of Lakeside and Portage la Prairie.

Inclement weather can make Highway 227 treacherous to all drivers.

Allowing better access to Highway 227 would ease the flow of traffic on the Trans-Canada Highway.

Residences along Highway 227 are not as accessible to emergency services due to the nature of the current condition of the roadway.

The condition of these gravel roads can cause serious damage to all vehicles, which is unacceptable.

Residents of Manitoba deserve a better rural highway infrastructure.

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To request the Premier of Manitoba to consider supporting said initiatives to ensure the safety of all Manitobans and all Canadians who travel along Manitoba highways.

Signed by JoAnne Humiski, John McGowan, Bill Simpson and others.

MINISTERIAL STATEMENTS

D-day Anniversary

Hon. Gary Doer (Premier): I have a statement for the House, Mr. Speaker.

This weekend is being marked as the 60th anniversary of D-day and the Battle of Normandy. Manitoba and Manitoba veterans will be represented at these events by a very distinguished Canadian, the Honourable Duff Roblin. Mr. Roblin is a veteran of the Normandy campaign serving with the Royal Canadian Air Force and with the Royal Air Force during the war. Mr. Roblin is a former premier, senator and senate leader. We are all honoured that he will represent this province during the upcoming historic celebrations in France.

While in France, Mr. Roblin will meet with the Canadian Ambassador to France, Mr. Claude Laverdure, before attending events in Putot-au-Basin where he will lay a wreath along with Her Excellency the Governor General. Mr. Roblin will also be present at the ceremony at Beny-sur-Mer where he will speak on behalf of Canadian veterans. I would point out, Mr. Speaker, that Mr. Roblin did tell me that the last time he was there was when they were burying his allied soldiers and comrades at that location. He will lay a wreath along with Her Excellency the Governor General.

The next day, June 6, Mr. Roblin will attend events at Juno Beach and Arromanche. These events will also be attended by Her Majesty the Queen, President George Bush, Prime Minister Tony Blair and several other prominent leaders from around the world.

Mr. Speaker, this 60th anniversary marks a pivotal moment in our history. We will also remember those who fought bravely and those who made the ultimate sacrifice to defend our democracy.

Mr. Stuart Murray (Leader of the Official Opposition): I wish to acknowledge the comments put forward by the Premier and add that we on this side of the House also want to pay tribute to the 60th anniversary of D-day, the Battle of Normandy and the Italian campaign.

I believe today was a wonderful day where we know that the premier, Duff Roblin, was given the

opportunity to go and represent Manitobans and will do so ably. I thought it was very interesting, I was asking Premier Roblin what it was like on the day when he landed on the beach. To hear him recount it was something that was incredible. He said it was a calm day, they were able to land. There was lots of flotilla in the channel but they were able to land and, because of high tide, he was able to drive his jeep right up onto the beach. To hear him recount just sends chills up one's spine to know that, as the Premier of the province of Manitoba, he was there when it happened.

I think it is important for all of us in times of a federal election, some provincial by-elections, a civic election for mayoralty that perhaps we as citizens who have the ability to vote, Mr. Speaker, might be reminded of the importance of D-day for those veterans who fought to give us the ability to vote in a freedom of expression.

* (13:45)

I just wanted to add one other comment, Mr. Speaker. The Honourable Duff Roblin was asked by the media, "What year did you enlist?" He said, "Well, I enlisted in 1941." And the reporter asked him, "Well, what made you enlist?" In typical Duff Roblin fashion, he looked at the reporter, he said, "There was a war going on. You might have heard about it." I thought it was classic Duff Roblin.

I would like to just close by saying that I know that D-day is going to be headed by President Bush, French President Jacques Chirac, Queen Elizabeth II of Britain, Chancellor Gerhard Schröder and the Russian President Vladimir Putin.

I can only say, as a proud Manitoban, we all will be represented by a proud Honourable Duff Roblin. Thank you.

Mr. Gerrard: I ask for leave to speak to the Premier's statement.

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

Hon. Jon Gerrard (River Heights): Mr. Speaker, I rise to join the leaders of the other two parties in an all-party tribute to those who served so ably in the Canadian Armed Forces, particularly in the Second World War and, most particularly, as did the Honourable Duff Roblin at D-day and in Normandy.

I think we all owe a huge debt of gratitude to the efforts of those who served in the Canadian Armed Forces and, most particularly, in the Second World War, to which we pay tribute today. It is an opportunity for all of us, as well, to pause for a moment and think how important their efforts were to preserving what we have in terms of democracy here and how we must be constantly vigilant to ensure that democracy in Manitoba and in Canada works well and serves people well. Thank you.

INTRODUCTION OF BILLS

Bill 301—The Jewish Foundation of Manitoba Act

Ms. Kerri Irvin-Ross (Fort Garry): I move, seconded by the Member for St. Norbert (Ms. Brick), that Bill 301, The Jewish Foundation of Manitoba Act; Loi sur la Fondation dénommée, be now read the first time.

Mr. Speaker: It has been moved by the honourable Member for Fort Garry, seconded by the honourable Member for St. Norbert, that Bill 301, The Jewish Foundation of Manitoba Act, be now read a first time.

Ms. Irvin-Ross: Mr. Speaker, this bill replaces The Jewish Foundation of Manitoba Incorporation Act. It updates the foundation's investment powers and modernizes its corporate governance. Thank you.

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

Introduction of Guests

Mr. Speaker: Prior to Oral Questions, I would like to draw the attention of all honourable members to the public gallery where we have with us from Westpark School 21 Grade 5 students under the direction of Mrs. Heather Boddy. This school is located in the constituency of the honourable Member for Portage la Prairie (Mr. Faurshou).

Also in the public gallery we have from Henry G. Izatt Middle School 44 Grade 9 students under the direction of Ms. Meghan Boast and Ms. Carrie Dunford. This school is located in the constituency of the honourable Member for Fort Whyte (Mr. Loewen).

Also in the public gallery we have from Riverbend Community School 25 Grade 5 students

under the direction of Mrs. Dianne Moroz. This school is located in the constituency of the honourable Minister of Health (Mr. Chomiak).

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

ORAL QUESTIONS

Red River Floodway Expansion Master Labour Agreement

Mr. Stuart Murray (Leader of the Official Opposition): Yesterday the Premier dismissed our calls to have the employers of the floodway expansion project, those who will actually be building the floodway, at the negotiating table. The Premier's blasé attitude was to say, and I quote, "The ultimate employer is the Floodway Authority. It is the one paying all the bills and the way I read it, the way I read the report, it does not exclude that employer from the process."

* (13:50)

Mr. Speaker, that is quite frankly arrogant. What an obvious display of his true feelings towards Manitoba's business community. How can this Premier possibly justify this blatant dismissal of the very people who will be building the expansion of the floodway?

Hon. Gary Doer (Premier): We are not, Mr. Speaker.

Mr. Murray: That is very, very interesting, Mr. Speaker, because it was this Premier who said very clearly that the ultimate employer is the Floodway Authority. It is the one paying all the bills. Well, I would remind this First Minister that it is the taxpayers of Manitoba who will be paying all of the bills and it is the business community that will be creating the jobs.

Will this Premier do the right thing and back down in his plan to force non-unionized workers to pay union dues and give the employers a seat at the negotiating table instead of just him and his union buddies?

Mr. Doer: Mr. Speaker, the member opposite would recall his rhetoric of the last three months, "forced unionization, the sky is falling, the sky is falling." That kind of hyperbole fell like a house of cards

when the Wally Fox-Decent report was presented last week to the public of Manitoba. His claims fell like a house of cards.

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Mr. Doer: Thank you, Mr. Speaker. The plan for proceeding on labour-management issues was recommended by Wally Fox-Decent. The members opposite are to the extreme of Wally Fox-Decent, to the extreme of Vic Toews, former Justice Minister and Labour Minister in this House. They are the extreme of whomever. Manitobans want a plan that includes no strike or lockout. That is in the public interest, and we are proceeding in the public interest.

Mr. Murray: Mr. Speaker, the heavy construction employers should be at the bargaining table, not just the Premier and his union boss.

Back in April, the Premier's Floodway Authority head, Mr. Ernie Gilroy, stated that they would be forming an employers' committee which would include the construction industry, a committee that apparently still has not been struck. Since the authority itself recognizes the construction industry as the employers, will this Premier do what Manitobans really want? Manitobans really want to allow workers who are not unionized not forced to be paying union dues and Manitobans would respect the fact that the employers, the ones that are actually doing the work, should have a seat at the bargaining table, not just his union buddies.

Mr. Doer: Well, Mr. Speaker, this is reminiscent of speeches past. The days lost to strike and lockout have been reduced under our initiatives and leadership. A couple of months ago we were going to break the balanced budget legislation. Now it is forced unionization. Now it is something else. The issues of input and consultations with all sectors are recommended in the Fox-Decent report. The members opposite want to take one part or another part of a mediated report. The public interest is served by a long-term agreement and a long-term management plan to have no strikes and lockouts. Mr. Fox-Decent has recommended that. That is what the public wants. That is what we are going to look at.

Red River Floodway Expansion Master Labour Agreement

Mr. Kelvin Goertzen (Steinbach): On Saturday, a Winnipeg newspaper editorial noted that the

Floodway Authority has been too cosy with the unions at the expense of employer representatives. Now the Premier seems intent on making an already cosy relationship into an exclusive one by leaving employers on the sidelines in the negotiation of floodway worker issues. The issues discussed will impact workers. They will impact employers and they will impact the economy elsewhere. Why will the Minister of Water Stewardship (Mr. Ashton) not give employers a seat at the table?

Hon. Gary Doer (Premier): Mr. Speaker, the no-strike-and-lockout provision is extremely important. It is in the public interest, we would argue, to proceed in that way. Mr. Fox-Decent's plan, not one member on one side or another member on another side, a plan developed by a person who has worked for former Premier Duff Roblin, who has worked for former Premier Ed Schreyer, who has worked for former Premier Sterling Lyon, who has worked and given advice to former Premier Howard Pawley and who has given advice on numerous occasions to former Premier Filmon. He is giving advice to all of us. He is a wise person with the advice he has provided.

* (13:55)

Mr. Goertzen: The Premier chose not to answer the question and, while that is certainly his right, it is disappointing to all Manitobans.

Mr. Speaker, forcing workers to pay union dues impacts workers and it impacts taxpayers. The amount of dues will be one of the issues that will be up for discussion exclusively between union representatives and the Floodway Authority.

In a March 4 stakeholders meeting, the CEO of the Floodway Authority said that it was not his mandate to concern himself with the impact of a labour agreement elsewhere in the economy. If the Floodway Authority is not concerned with the financial impact of an agreement and the unions want their dues, what protection will there be for Manitoba taxpayers?

Mr. Doer: Mr. Speaker, the protection is no strike or lockout for the length of the contract. Members opposite do not get it. They were running around. The member opposite had his hand on the horn for the last three months saying, "the sky is falling, the sky is falling. There is going to be forced

unionization, forced unionization." Mr. Fox-Decent said that is not true. That is not correct. He has given us a plan to have no strikes or lockouts. They reject the Fox-Decent mediator's report. They are on the extreme fringes of this debate. We are going to represent the majority of Manitobans.

Mr. Goertzen: Mr. Speaker, credit where credit is due. I would give credit to the Leader of the Opposition who raised the issue about forced unionization and brought it forward and got that off the table, but this still sits on the table.

The CEO of the Floodway Authority has stated that he is not concerned with the impact of a labour agreement elsewhere in the economy. No matter what forced union dues cost, he said it is not his concern, yet it will be the Floodway Authority that will be negotiating the agreement with the unions which will determine what these additional costs will be to the project.

Are Manitobans now left at the whim of the unions to hope that their taxpayer interests will be protected?

Mr. Doer: In this House on December 12, 1995, the Member of Parliament for the member's area stated that workers who get the benefits of a collective agreement whether they are members of the union or not should also pay, listen to this, for the services that unions provide to them. I have no problem defending the Rand Formula. It is a historic compromise and in fact is a great good, generally speaking, for workers who need a collective voice.

That was the Conservatives then; this is the extreme fringe now.

Adolescent Parents Supports and Services

Mrs. Leanne Rowat (Minnedosa): The child and family service system has failed. A 16-month-old baby was brutalized over a 24-hour period in what police call the worst assault of a child they have ever seen.

My question to the Minister of Family Services is this: What action was taken to protect this innocent baby?

Hon. Christine Melnick (Minister of Family Services and Housing): Mr. Speaker, I think we can

all agree we are all greatly saddened by the events we learned of this morning. I know I certainly am very deeply saddened by it. We know there are the police and Winnipeg Child and Family Services investigations underway so I could not speak to the specifics of this case.

* (14:00)

Mrs. Rowat: Mr. Speaker, the Winnipeg Police Child Abuse Unit said, and I quote, "I would not call this child beaten. I would call this child brutalized. If you saw the pictures you would be vomiting right now." How can this minister justify her department's failure to protect this innocent baby?

Ms. Melnick: I would like to inform the House that our department is certainly very sensitive to the issue and we are looking at it very closely. We have an array of services that were brought in in 1999 for perinatal care. This includes counselling, ongoing support, working with families, planning with both the parents and working closely with the child.

Mrs. Rowat: Mr. Speaker, the minister should be concerned. Alarm bells are ringing on this very serious matter. Community advocates have said this tragedy could have been prevented. Winnipeg Police have indicated that the injuries are not recent. How could this minister allow this tragedy to happen under her watch?

Ms. Melnick: Again, Mr. Speaker, I would like to reiterate that we are all deeply saddened. As minister, I am watching the situation. There is a police investigation and a Winnipeg Child and Family Services investigation. I will not be able to comment on the specifics of this case, but as a department we are working with our programs we currently have both for teenage parents and for the children.

Adolescent Parents Supports and Services

Mr. John Loewen (Fort Whyte): Mr. Speaker, as Sergeant Hodgins stated, "Our laws allow for 15-year-olds to have prime custodial care." The question is, what supports are provided for young mothers and the infants in their control. What steps should have been taken to prevent this tragedy? I would ask the minister if she would explain to us and to Manitobans what mechanisms are in place to ensure

the safety of infants in the care of young moms, and will she explain to Manitobans what went so horribly wrong in this case.

Hon. Christine Melnick (Minister of Family Services and Housing): I must reiterate, Mr. Speaker, that I cannot go into the details of this specific case, but I can assure the House that we have counselling aid and decision making both in the pregnancy and in the parenting stage. We have counselling for prospective mothers, fathers, with emotional issues, with environmental issues. We deal a lot with family care and kinship care. We work with other caretakers and other supports throughout the Manitoba community. In fact we are a member of the adolescent advisory committee throughout this province and we are watching the situation very closely.

Mr. Loewen: Mr. Speaker, I would remind the minister that this is not about specifics of this case. This is about the support that should have been provided to a 15-year-old mother by her department.

This is a department that the Doer government took over control of, turned them from an agency into a department this minister has direct responsibility for. It is her responsibility to provide the services that are needed by young mothers in this province. The minister has a responsibility to the people of Manitoba to explain how the department she is directly responsible for has failed this infant. A 16-month-old infant has died. How could the system have failed this infant so terribly? That is your responsibility.

Ms. Melnick: Again, Mr. Speaker, I am unable to go into the specifics of this case. There is a police and a Winnipeg Child and Family Services investigation ongoing. We provide a variety of supports. We work with parents, both during the time of pregnancy and in parenthood. We provide them emotional counselling and supports, environmental. We work with communities. We work with families. We work with kinship care and we will continue to do so.

Mr. Loewen: Mr. Speaker, a 16-month-old infant has been brutalized, has died as a result of this.

The Minister for Energy (Mr. Sale) can make this into a laughing matter but this is serious, serious business, sir. This is the responsibility of this government that took over control of that

department. This minister has a responsibility to provide the supports and the services that young mothers in this province need in order to raise their children in a healthy environment. The Minister of Family Services has direct responsibility for a government department that is directly responsible for the care and the safety of infants at risk. The system she is responsible for has failed and an infant has died.

Mr. Speaker: Order.

Point of Order

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

Mr. Leonard Derkach (Official Opposition House Leader): Mr. Speaker, I do not know whether the Minister of Finance (Mr. Selinger) or the Minister responsible for Energy (Mr. Sale) think this is a very serious issue, but a child 16 months old has died. We are asking the minister some serious questions. The critic or an opposition member has 50 seconds to place a question.

Mr. Speaker, we are constantly hearing the interruption of these members by asking for the question. If they would please keep quiet and listen, they will hear the serious question that we are trying to pose and get an honest answer from the minister.

Mr. Speaker: On the point of order raised by the honourable Official Opposition, we do have an agreement in the House that all questions and answers by ministers have 50 seconds. You can either preamble or postamble within that 50 seconds. The only ones that have latitude are the recognized leaders in this House. If a question is directed specifically to a leader or a leader asking a question, they have unlimited time. All others have 50 seconds and I, for your information if you are not aware, do have a stopwatch here that I use for every question and every answer.

Mr. Speaker: The honourable Member for Fort Whyte, to continue with his question.

Mr. Loewen: Thank you, Mr. Speaker. I appreciate that. The system that this minister is responsible for, the system that the Doer government took control of,

has failed and an infant has died. The minister is refusing to tell us what she did about that. I would ask her what steps she is taking to ensure other infants and children in her care do not suffer the same fate.

Ms. Melnick: Mr. Speaker, I want to assure the House that each and every member of our caucus takes this incident very, very seriously and we are very, very concerned about it.

As I have mentioned previously I cannot go into the specifics of the case. There is a police and a Winnipeg Child and Family Services investigation. We will continue with the programs that we have for support, both for expectant adolescents and into parenthood, and we will continue to work with the community as we have done since 1999.

Child and Family Services Review

Mrs. Myrna Driedger (Charleswood): Mr. Speaker, a year and a half ago I called for a system-wide review of Winnipeg Child and Family Services. Front-line social workers were extremely worried that children were being returned to their parents prematurely, that children were being abused while in care and that children were falling through the cracks. All of us were ignored by the Doer government and now a baby is dead.

I would like to ask the Minister of Family Services, as she is directly in charge of Winnipeg CFS, can she tell us how she managed these warnings which were brought to the attention of this government a year and a half ago.

Hon. Christine Melnick (Minister of Family Services and Housing): Mr. Speaker, the concerns at that time seemed focussed on the shelter intake. We did a shelter review. The review has been released. It is unfortunate that members of the opposition did not attend the release of the shelter report. The report is available online. I know each member of this House also received a copy of the shelter review. That, of course, speaks to dealing with children as they are coming into care. I would direct members opposite to have a look at the shelter review as well as our action plan.

Mrs. Driedger: Well, a year and a half ago, it was not just the shelters that social workers were

concerned about. It was the whole system, and they stated so publicly. A year and a half ago, the Children's Advocate was also sounding alarm bells because she was worried about the safety of kids in care and she was considering a system-wide review.

CUPE, which represents support workers at CFS, was also calling for a system-wide review because they felt children were falling through the cracks, and if this government had heeded all of those warnings then a baby might still be alive today.

I would like to ask the Minister of Family Services to please explain how they could have ignored all of these warnings a year and a half ago.

Ms. Melnick: Again, I would refer to our shelter report. It was done by an independent source. The member has named the Children's Advocate who in fact did a very thorough and complete review of the report. She has presented me, as minister, with the report. It is available to the public. We have also a departmental response which includes an implementation team which has been meeting since the release of the report. In fact, we have already implemented a number of the recommendations in the shelter report.

* (14:10)

Mrs. Driedger: Front-line social workers were calling it a crisis in Winnipeg CFS, and it was not just about the shelters. They were saying it was a crisis through the whole system and asking for a systemic review. A year and a half ago, they were saying social workers had too many cases, they were not given enough support to do their jobs and they could not get to kids until it was too late. This government refused to listen.

How many more wake-up calls is it going to take this government to act? How many more wake-up calls are they going to sleep through?

Ms. Melnick: Mr. Speaker, this government is not only listening, this government is taking action. We have acted upon concerns around the shelter system by asking for an independent review. That report has been released. We have published a departmental response which includes an implementation team. That implementation team has been meeting. We did actually implement several of the recommendations already. We are continuing to work with support

workers throughout the province as part of interagency coalitions and we will continue to listen. We will continue to take action that is appropriate for children in care and we will continue to work with agencies throughout our province.

Adolescent Parents Supports and Services

Mr. John Loewen (Fort Whyte): Mr. Speaker, the Doer government took over this department. They took direct control of the agency and turned it into a department. The minister has to face up to her responsibility for the failures of this department. I would remind her she is the one in charge. This department is in disarray. Morale is at an all-time low. We have expressed concern. The Child Advocate has expressed concern. The people working in the department have expressed concern, and this Doer government does nothing.

We now have a 16-month-old infant that has been brutalized and is dead. Mr. Speaker, I would ask this minister if she would inform this House what specific action she is going to take to get this department on track.

Ms. Melnick: Mr. Speaker, we will continue to work within the department and within the Manitoba social support network. We have already taken action.

I believe previous to late 1999 there was great concern over the number of children being warehoused in hotel rooms rather than being brought into shelter systems. The government cut funding for the Manitoba Foster Family Network. We restored that funding because we believe children should be in homes.

Mr. Speaker, the government let the situation with the hotel spiral out of control. We took control of that situation. We brought down a \$13-million deficit to a much, much lower deficit, and we will continue to be responsible to the children of Manitoba through our shelter system and through our department.

Mr. Loewen: Mr. Speaker, a 16-month-old infant is dead. This minister has a responsibility to the people of Manitoba to start providing solutions and quit trying to lay blame at other people's feet. It is her department that is in disarray. It is her department that is responsible for providing the services and the

care that young mothers in this province need in order to help them raise healthy children. It is her department's responsibility. It is time she took responsibility for that.

I would ask her to stand in this House and tell how this young infant fell through the cracks, how this mother was failed, how she was not provided support. What is this minister going to do about it?

Ms. Melnick: Mr. Speaker, I will not be able to speak on the specifics of this case, but I will be able to speak on the multipronged approach that our department has taken working in coalition with the support network throughout the province of Manitoba, which includes counselling on decision making for adolescents who are in the stage of pregnancy and then move into parenthood, counselling to help prospective mothers and fathers as they deal with the emotional challenges, the environmental challenges, the financial challenges. We will continue to work to help our young parents identify resources throughout the community and we will continue to work with the various coalitions and support networks that we have in our province.

Mr. Loewen: Mr. Speaker, this minister can talk all she wants about programs that she thinks are in place but that are not working, are not providing the services that young mothers need because her department is in a state of disarray and she refuses to do anything to resolve that situation.

Mr. Speaker, there are other young mothers in this province who are having to raise their babies. I would ask this minister specifically to stand and tell the people of Manitoba, explain to Manitobans, how she is going to ensure that there are no other infants out there at risk. How is she going to assure Manitobans the all-time morale low that her department has hit is going to be resolved and in fact there are not other infants at risk as a result of her incompetence?

Ms. Melnick: Again, Mr. Speaker, I will not be able to speak to the specifics of this case. However, I will reiterate for the benefit of the House that we will continue to work in partnership with our support networks around the province, both through the pregnancy stage and the stage of parenthood, support in counselling, environmental support, financial support, medical support. We are there for the people of Manitoba.

City of Winnipeg Sewage Disposal

Hon. Jon Gerrard (River Heights): Mr. Speaker, the question I raise today concerns issues of central importance to Manitobans about water quality and health. Today, the City of Winnipeg continues to report the fact that raw sewage is being dumped as we speak into the Red River, the Assiniboine River, Omand's Creek and the Seine River. The latest report shows that raw sewage is going into Winnipeg's waterways at 29 different sites. Individuals I have talked with are concerned about the odour as well as the health effects resulting from the dumping of raw sewage into our wonderful waterways.

I ask the Premier (Mr. Doer) whether his government has done its homework. Can he report today on the amount of raw sewage dumped into Winnipeg's waterways during the month of May, and how this compares with the massive sewage spill last September?

Hon. Stan Struthers (Minister of Conservation): Yes, Mr. Speaker, we certainly have been doing our homework. We are doing our homework in co-operation with the City and with the federal government. Our priority is to make sure the water that flows through this city and into Lake Winnipeg is at its absolute best quality.

Mr. Speaker, we have taken it upon ourselves to make sure that the city is going through a licensing process. We have set some targets, some very real targets, that need to be met so we can protect that water. We have set some targets in the Lake Winnipeg Action Plan that the City, to its credit, has agreed to work with us to meet. Most of all, we have moved in terms of co-operation with the federal government and the City in terms of the Canada-Manitoba Infrastructure Program, with \$72 million which we are putting up our third to make sure that we can be in a position to meet these targets.

Mr. Gerrard: Mr. Speaker, the question is simple: How much raw sewage went into the waterways in Winnipeg in the last month? I asked this yesterday. Clearly the minister has not done his homework because he did not give me the answer today. Where is the problem in his government?

Yesterday and today I have mentioned health concerns. Winnipeggers are raising health concerns.

It is important that there be a statement should there be a health alert. What is the situation? How concerned should people be? I ask the minister responsible for water quality and for the health issues related to that whether there will be a health alert to let Winnipeggers and Manitobans and people who are visiting our beautiful province know they need to be concerned about raw sewage going into our rivers.

Mr. Struthers: I would ask the Member for River Heights to think back. If he wants to know where the problem is, think back to a Cabinet meeting that he attended back in 1995 where decisions were made from '95 to '97 to cut from the federal Environment Department 1400 people whose job was to work in this very area. He wants to know where there is a problem, he should start looking at his federal cousins in Ottawa on this one because that is part of the problem.

Adolescent Parents Custody Issues

Mr. Kevin Lamoureux (Inkster): My question is for the Minister of Family Services. Mr. Speaker, the brutality of the incident that we heard about yesterday is truly saddening to all Manitobans. I have a daughter that is turning 13 and it is hard for me to imagine a child of 13 having a baby and not having a question of custody.

* (14:20)

You have an individual at the time, who knows, 20, 21 years old, living with the mother. The question that I have to the Minister of Family Services is actually fairly straightforward. That is, who was the one responsible for the child? Who had custody of the child when she had the baby to the date as of yesterday?

Hon. Christine Melnick (Minister of Family Services and Housing): Mr. Speaker, I will not be able to comment on the specifics of this case.

Income Assistance One-Tiered System

Mr. Tom Nevakshonoff (Interlake): This morning the honourable Minister of Family Services and Housing was in Arborg to announce that The Employment and Income Assistance Amendment Act becomes effective today. Could the minister

brief the Assembly what effect this historic legislation will have on the people of Manitoba?

Hon. Christine Melnick (Minister of Family Services and Housing): Yes, Mr. Speaker, this is indeed a very positive day for the province of Manitoba, particularly the rural communities. I was in Arborg this morning with the member from Gimli. While we went with local people there and we also—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Ms. Melnick: I was in Arborg this morning with the Member for the Interlake and we were joined by the president of the AMM and other members with whom we have worked in very, very close partnership to bring about a one-tier system of social assistance for the people of Manitoba. This means that all people of Manitoba will be able to access the same benefits, the same training and the same job opportunities that we will be working with them on. This is also a very good day for rural Manitoba in that people will no longer have to leave their communities in times of difficulty through employment. They will be able to stay within their communities and help to build those communities.

Fatality Inquiries Amendment Act Proclamation

Mr. Gerald Hawranik (Lac du Bonnet): Mr. Speaker, this certainly is a sad day for Manitoba. We learned that the Minister of Family Services is not doing her duty in protecting this child and yet we have The Fatality Inquiries Act, the very act that would in fact help in this case, has not yet been proclaimed. Will the minister advise why that act has not been proclaimed?

Hon. Christine Melnick (Minister of Family Services and Housing): I will take that under advisement, Mr. Speaker.

Mr. Hawranik: Yes, Mr. Speaker, since the Minister of Family Services has no answers, perhaps the Minister of Justice can give us an answer. Why has the fatal inquiries act not been proclaimed in Manitoba?

Hon. Gord Mackintosh (Minister of Justice and Attorney General): Mr. Speaker, there is a Fatality

Inquiries Act that is in place in Manitoba. It has been for some time.

Fatality Inquiries Amendment Act Proclamation

Mrs. Bonnie Mitchelson (River East): I believe that over a year ago, long over a year ago, there was an amendment to The Fatality Inquiries Act that was unanimously passed by this House that had specific reference to inquests that would be undertaken, independent inquests into the deaths of children. That amendment has not been proclaimed. Can the Minister of Justice explain to this House why?

Hon. Gord Mackintosh (Minister of Justice and Attorney General): Well, Mr. Speaker, I will look into the question raised. I certainly recall amendments to the inquest process in terms of the timing of inquests. My recollection is that was proclaimed but I will look further into the answer to the question.

Health Care System Medical Errors

Mrs. Myrna Driedger (Charleswood): Mr. Speaker, the Minister of Health insults Manitobans by his frequent refusal to answer questions in this House. Last week, he refused to tell us why the Health Sciences Centre has been allowed to avoid reporting critical clinical occurrences. That is unbelievable.

I would like to ask the Minister of Health: Can he tell us how patient safety and preventable deaths are going to be improved when he allows the Health Sciences Centre to be negligent in reporting these occurrences?

Hon. Dave Chomiak (Minister of Health): Mr. Speaker, I just want to remind the Member for Charleswood that as a result of the Sinclair inquiry and the 12 baby deaths that occurred in the mid-nineties of which there was no reporting structure available, Judge Murray Sinclair put out a seminal report, the longest inquest in Canadian history that made recommendations followed by the Thomas report, most of which recommendations are not only implemented, those that are not are in the process of being implemented. That sets up one of the most comprehensive regimes in the country.

I think it is very unfortunate that the member tries to make politics on something that was not even

considered as an issue to be raised by members opposite when they were government. We in fact make these issues public and are prepared to learn from mistakes, Mr. Speaker, because that is what it takes to improve the quality of care.

Mrs. Driedger: Mr. Speaker, it was this Minister of Health who spent the last year bragging about his critical clinical occurrence process and how well it is dealing with all of these incidences, but he has misled us because there are huge reporting gaps in that system. The gaps are so big you could drive a semi truck through them.

I want to ask him: Has he ordered the Health Sciences Centre to report these instances? Is he going to demand accountability or just talk about it?

Mr. Chomiak: Mr. Speaker, prior to coming to office, the access to wait lists in this province was zero. Prior to coming to office, FIPPA requests, that is Freedom of Information, were not even allowed to go to hospitals. Those members opposite would not allow The Freedom of Information Act to apply to hospitals. Not only did we proclaim it, but we give the member page after page after page of information. In addition, prior to 1999 when the baby deaths occurred, nobody knew about it. I got phoned at home. The reporters got phoned at home in order to try to make the public aware of it.

An inquest not only made conclusions but told us how to improve the situation. I am happy to say that other jurisdictions are looking to the Manitoba experience to improve their situation. Mr. Speaker, part of the process of learning is admitting you have made mistakes, something I think the member opposite ought to take some credence and learn for herself.

Mrs. Driedger: Mr. Speaker, the Minister of Health continues to insult Manitobans by refusing to answer questions in this House. It is his process that is full of gaps despite his bragging about it for the last year.

Mr. Speaker, extrapolation from a recent study indicates that up to 750 Manitobans die annually as a result of preventable medical error and 7000 are injured. This is in Manitoba, yet this Minister of Health is on record as saying only 350 die, and the WRHA is saying that there are only 6000 injuries. We obviously do not have complete data so who knows what these numbers really are.

I would like to ask the Minister of Health: When can Manitobans expect accurate data so that patient safety can be improved?

Mr. Chomiak: Mr. Speaker, for the first time in Canadian history a study was done and released last week with respect to patient safety error. Twenty anonymous hospitals from five provinces provided their data. Manitoba and Winnipeg was one of the only jurisdictions to actually provide raw data on this, never before provided, and what do members opposite say, "Oh, I know we did not do it for 11 years when we were government, but because you are providing this data, you are not providing enough."

I ask the member to look to September 2002. For the first time in history, we provided comparative data across the country from Manitoba, by the way, which we fared very well, Mr. Speaker, for the first time. It never happened during the lean, mean 11 years of Tory rule. It happened when we were government and reported, and the member has never referred in this Chamber to this report. She has not even looked at this report or referred to it. I—

*(14:30)

Mr. Speaker: Order.

Mrs. Driedger: Mr. Speaker, on a new question—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. The honourable Member for Charleswood, on a new question.

Mrs. Driedger: Thank you, Mr. Speaker. There was a national study that just came out and Manitoba did not, we were told, present any information into that particular report. Manitoba was excluded, and I would like to ask the Minister of Health, in view of the statements that he just made, why Manitoba hospitals were not involved in providing information into that national study that looked at preventable errors. Why did Manitoba not participate?

Mr. Chomiak: Mr. Speaker, the study was prompted on the recommendation of the chairman of the steering committee of the national College of Physicians and Surgeons, one Dr. John Wade, who sits on the board of directors of the WRHA, who actually recommended the report. It was an academic

study that was undertaken on data that was provided anonymously. We do not even know the hospitals. This was the only jurisdiction that has allowed that kind of information to go out to the public in order to inform the public, because we are following the Sinclair recommendations.

Remember, Mr. Speaker, in the 1990s, this information was hidden and covered up and much harm was done. Now we are open and we are going to face the prospect of members opposite picking issues, as they tend to do, but we think the public is mature enough to understand that we are providing this information. They know the system has improved under stewardship of this Premier (Mr. Doer) and this government. We work at it every single day and try to learn from our mistakes, not try to cover them up as happened during the 1990s.

Mr. Speaker: Time for Oral Questions has expired.

MEMBERS' STATEMENTS

Gateway Resources

Mr. Peter Dyck (Pembina): Mr. Speaker, Gateway Resources is an organization located in Winkler and Morden that provides services to people with disabilities. Yesterday was Gateway's 2004 annual general meeting which I had the privilege of attending along with my honourable colleague, the Member for Minnedosa (Mrs. Rowat), who was asked to share a few remarks with those in attendance.

It was a privilege for us to share dinner with the board of directors before the general meeting began and gain a better understanding of the difference Gateway is making in the lives of individuals living with disabilities and hear of the tremendous contribution Gateway makes to the local community.

Gateway Resources provides residential community living, educational and employment opportunities, all within the Pembina Valley, ensuring that people receive much-needed services within their home communities. Partnering with local business, Gateway has extended its employment program giving people the opportunity to participate in a variety of working settings and take on new challenges. Meaningful employment is important to all participants in the program which builds confidence and allows for further personal development.

Gateway also offers a community learning program and life enhancement program. These initiatives allow people with disabilities to receive additional job training along with encouraging participation in physical activities and social events. These are but a few of the many valuable initiatives offered by Gateway Resources.

Gateway has demonstrated a solid commitment to enhancing the lives of people with disabilities residing in Winkler and Morden, a commitment worthy of our heartfelt gratitude. I would like to thank the board of directors for their leadership over the past years and the years that are to come. I would also like to take this opportunity to encourage the staff and volunteers whose daily efforts are instrumental in maintaining the services Gateway provides. Thank you.

Canadian Forces Day

Ms. Bonnie Korzeniowski (St. James): This Sunday is Canadian Forces Day. On this day Canadians reflect on and recognize the contributions made by the brave members of our army, navy and air force. The first Sunday of June was officially proclaimed to be Canadian Forces Day in 2002, following a parliamentary motion reflecting the desire of Canadians to recognize the achievements of their armed forces.

It is very significant that this Sunday coincides with the 60th anniversary of D-day, one of history's most significant battles in which Canadians played a leading role. Mr. Speaker, Canadians are already familiar with Canadian Forces missions in Afghanistan and Bosnia-Herzegovina. However, Canadian troops have been deployed to places such as Sierra Leone, the Sinai Peninsula and the disputed border between Ethiopia and Eritrea without making the front pages.

Manitobans are very supportive of the Canadian Forces. Over 3000 Manitobans are part of the regular armed forces. Almost 1000 are involved in civilian operations of the Canadian Forces and more than 1000 Manitobans are proud to serve in the reserve forces.

I am proud to be part of a government which has taken action to improve the lives of our armed forces personnel. Our recent budget included new tax breaks for military and police personnel deployed outside of Canada. We have passed legislation to

ensure that Canadian Forces members and their families keep their right to vote and retain their driver's licence benefits while serving in other countries and provinces.

Mr. Speaker, on behalf of all Manitobans, I would like to thank all members of the Canadian Forces for their selfless contributions. I wish all of these brave men and women continued success in their mission to bring peace to all people across the globe. Thank you.

John Sushelnitsky

Mr. David Faurschou (Portage la Prairie): Mr. Speaker, it is my distinct pleasure to share with this Assembly the accomplishments of a well-respected and highly successful Portage la Prairie teacher, Mr. John Sushelnitsky.

Mr. Sushelnitsky, now retired, received a life membership from the Manitoba Teachers' Society at a banquet and ceremony held last week here in Winnipeg. I am very pleased to say that I was able to attend this wonderful event and show my support for Mr. Sushelnitsky.

He started his teaching career in 1964, coming to Portage la Prairie in 1968. He taught both French and history throughout his career in teaching. As well, for two years within his 39-year teaching career he spent time as an educator in remote parts of Africa, fulfilling one of his lifelong dreams to serve overseas.

Mr. Sushelnitsky, I am proud to say, was my home room teacher in Grade 8. The issues we discussed in class, such as the FLQ crisis, instilled in me the curiosity about politics and the Canadian political landscape. I am very grateful to have had the opportunity to study under Mr. Sushelnitsky.

Mr. Sushelnitsky stated that, in terms of your career, what you do in the classroom is basically your greatest achievement.

It is truly a privilege to stand in this Chamber today and acknowledge the successful career and extensive involvements of Mr. John Sushelnitsky. I would like to, on behalf of all honourable members, thank Mr. Sushelnitsky for his unwavering commitment to Manitoba students and to congratulate him on receiving a life membership with the Manitoba

Teachers' Society. He is truly a worthy recipient of this honour. Thank you.

Commonwealth Parliamentary Association

Mr. Drew Caldwell (Brandon East): I was honoured and privileged to attend the 16th annual Commonwealth Parliamentary Seminar in Kuala Lumpur, Malaysia, last week on behalf of the Manitoba Legislature.

Manitoba has a strong record of participation in the Commonwealth Parliamentary Association, a record of participation professionally facilitated by the Office of the Clerk for the Manitoba Legislature and maintained by my predecessors in this Chamber.

The CPA was originally founded in 1911 as the Empire Parliamentary Association. It works in the fields of good governance, international trade, promoting democracy and democratic development of human rights, gender awareness through the Commonwealth Women's Parliamentary Association and the awareness, more generally, of parliamentary democracy among the youth of the Commonwealth.

At the annual Commonwealth Parliamentary seminar, along with active participation in seminars, discussions and debate I was charged with the responsibility of chairing a session on the role of the presiding officer and staff of Parliament presented by Shri Gangu Ram Mussafir of Himachal Pradesh, India. With the recent election of a new government in India, the world's largest democracy, the meeting of Commonwealth delegates from India was particularly interesting.

I also had the privilege of sharing time with Senator Laurier LaPierre who represented Canada at the Canadian Parliamentary seminar. Mr. LaPierre, who is perhaps most well-known for his seminal television news magazine program, "This Hour Has Seven Days" on the CBC, was very much the provocateur at the seminar and, as one who is sometimes known to question authority and express critical irreverence toward established orders myself, I was inspired by the sharp wit and wisdom of this spirited and energetic septuagenarian.

The Commonwealth Parliamentary Association is a valuable international institution in stimulating democratic development in today's global village. It is a testament to the ideals of the citizens of

Manitoba and the members of the Manitoba Legislature that we, as a people, actively participate in the undertakings of the Commonwealth. Thank you, Mr. Speaker.

* (14:40)

Adolescent Parents

Mr. Kevin Lamoureux (Inkster): I want to take this opportunity just to emphasize the question that I had posed earlier today. I think that, all in all, it is safe to say that there are certain crimes in society that offend all Manitobans without exception. The brutality as reported is really appalling and has offended so many people. The question that I had asked the government, or asked the minister to respond to, was the issue which has been raised to me in regard to this matter.

It is hard to imagine, and I use the word "child" because that is what she was. What we do know is that she was 15 years old and the baby was, I believe, 16 months old. She would have been, maybe, 12, 13 years old in having this child. For me, as I am sure all members of this Chamber can relate to a 12-, 13-year-old child being out in the real world with a baby.

I would like to think that is one of the reasons why we have Family Services or infrastructure within government, to protect those individuals who are vulnerable. Here is a case where there is a great deal of vulnerability. That is why the question that was put to me was who, ultimately, had custody of that child. I do believe that the minister needs to get to the root of that particular issue. Who was responsible for the child that ultimately had the baby, Mr. Speaker?

If it means we need to have some form of an inquest done in the province, the sooner that we get action on that the better it is, quite frankly, because we know this is an issue that is out there and it does need to be addressed.

We have seen how the Minister of Justice (Mr. Mackintosh) can stand up and have press conference after press conference about what sort of, quote, "action" that he is taking. Here would be a wonderful opportunity for this particular minister to stand up and to take action.

Mr. Speaker: Is the honourable Member for Morris getting up on a point of order?

Mrs. Mavis Taillieu (Morris): On a grievance, Mr. Speaker.

Mr. Speaker: Just wait till I call for it.

GRIEVANCES

Mrs. Mavis Taillieu (Morris): It is a serious matter to rise, I think, on a grievance, but I wish to speak today on the conditions of the roads in southern Manitoba. The conditions of the roads are appalling. Many of them have been neglected over several years—

An Honourable Member: Five years.

Mrs. Taillieu: —more than, the Member for Portage says over five years. It is more than five years in many cases. It is 10 or 20 years in some cases. *[interjection]* Five years or more, okay. Whatever.

Since the heavy snowfalls and the rainfalls that we have had recently, there have been many complaints of roads being impassable because they are not adequately graded. To grade a road adequately, they must be taken down at least a foot, the roadbeds repaired and then gravelled and then packed. It does not work just to pull the gravel up from the ditches or the sides of the roads and then pack them. That is not grading a road, and that is the way our Transportation Department has been looking after roads, if you can call it looking after roads.

Now think of Highway 75, one of the major highways in the province, coming from the United States into the major city in our province, Winnipeg. It is a major trucking route; it is a major trade route; and therefore it is a lifeline for the economy of our province. Not only that, it brings a lot of tourists to our province and to our city. That road is in appalling condition. If you travel that road, it is just crumbling, and especially through the town of Morris it is unbelievable. There are many, many semi-trailers that go along that route and that of course, the heavy weight of the semis, adds to the problems with the road.

Another highway that is in real need of repair is Highway 59, another major route from the United States into Manitoba, coming from the south, coming from the United States again into our province and going south to the tourist area of St. Malo. And that is a very growing area for tourism and we should be

welcoming people into our tourist areas instead of discouraging them because they ruin their automobiles travelling on our decrepit roads. That Highway 59 has seen several major accidents. The shoulders are soft. It is a very narrow road.

When is this government going to look after some of these areas?

Highway No. 2 from Starbuck to the Perimeter Highway in my constituency. I have had numerous people call and complain to say they have lost pieces of their car after hitting potholes on that piece of, if you could call it a highway, Highway No. 2, I think appropriately named. In fact I believe that the Minister of Transportation (Mr. Lemieux) received an invitation from a constituent of Starbuck to come for a ride along that road so that he could see how in disrepair the road actually is. In fact, driving along Highway No. 2 to Starbuck there is a major dip in the road because this part of the highway goes over a major drainage ditch. Now this has eroded so badly that the department of highways has had to come and erect flashing red flags. There are flags that are waving and they have been there for over a year. That is how bad that highway is, and every day people have to travel over that highway.

Another person I know from Starbuck had a friend who was a motorcyclist, and he was travelling all across Canada. He started out in Vancouver and he was travelling, and he actually went to Starbuck to visit them and the route between Starbuck and the Perimeter Highway, in their words, was without a doubt the worst road in western Canada.

Mr. Speaker, Highway No. 305, if we can call it a highway, runs south all the way through southern Manitoba right down from Portage through Brunkild and down to Highway 23. It is a weight-restricted road; it is not an RTAC road, and yet people living along this road have to haul their grain, and as well, people along this road haul their large bales or the Isoboard plant, or now called the Dow plant, picks up a lot of this straw, hauls it along these roads to go to the straw board plant in Elie. These roads cannot handle this anymore. They have to be addressed. A person along Highway 305 leaves his farmyard and becomes overweight the minute he leaves his farmyard. He has lived on Highway 305 for 36 years and now, because of the weight restrictions, because of the deterioration of that road, he cannot go out on that road without being weight-restricted, that being

the case because the evolution of the grain handling has evolved past the evolution of the maintenance of the roads.

I have just had another letter from a person near Ste. Agathe, who says that Highway 200 is in such disrepair that her son's car got stuck in the middle of the road. This is a road that people need to travel on every day to and from their place of residence to their place of work, and they cannot do that because they get stuck in the middle of the road.

*(14:50)

Mr. Speaker, when is this Department of Transportation going to spend its budget and fix some of these failing roads that people just cannot pass over anymore? I know that it is a tough budget when there is money that needs to go into health care and needs to go into education and needs to go into a lot of services, but at some point this government will have to address the amount of money that needs to go into transportation and roads because transportation and the roadways in rural Manitoba are the lifeline of people that live there. They depend on those roadways to do their business. They depend on going in and out of town. They cannot do anything without going on a road. They need to have these roads. It is taken for granted in the city of Winnipeg. You can go anywhere, but in rural Manitoba, if a road is out, you cannot. Where do you go? I had a road washed out my own driveway. I could not leave my house because the road was gone. There was only one road in. Fortunately, we were able to fix it ourselves and not have to wait on the Department of Transportation.

Another time, Mr. Speaker, after the great snowfall that we had on May 12, then on May 11 we had a big snowfall. There were trucks backed up all the way across the prairies. Many trucks lined up along the Trans-Canada Highway east of Winnipeg trying to get out. Now, what they did is they took a circuitous route through the town of Headingley onto a gravel road, Highway 241, and what happened with that is that road is totally destroyed because this is a gravel road not meant for one semi-trailer, let alone a whole raft of semi-trailers that went around the barricades to get around so they could go out on the highway and keep doing their business. That destroyed another road. I asked the minister in Estimates if he would fix that road. No one has come to look at that road, no one. That road is in disrepair again.

As I said earlier, roads in rural Manitoba are the lifeline of people living there. Some time in the near future this government will have to address the situation in rural Manitoba, in southern Manitoba, as people are saying, "It is the year 2004. Why are our roads looking like it was 1954?" Thank you, Mr. Speaker.

ORDERS OF THE DAY

GOVERNMENT BUSINESS

House Business

Hon. Gord Mackintosh (Government House Leader): Mr. Speaker, would you please canvass the House to see if there is agreement to do bills in the House and concurrence in committee with no votes or quorum.

Mr. Speaker: Is there agreement for bills to be called in the House and for concurrence to be called in one of the committee rooms and that there be no quorum count or quorum call? Is there agreement?

An Honourable Member: Wait a minute.

Mr. Speaker: Okay, just wait.

Is there agreement for no quorum call in the committee but there could be a quorum called for in the House? *[Agreed]*

Also, is there agreement that there be no votes in committee? *[Agreed]*

So now, in accordance with Rule 23(5), the House will now resolve into the Committee of Supply in Room 255.

Mr. Chair, please take the chair in Room 255.

In the House, we will move on to bills.

Mr. Mackintosh: Mr. Speaker, would you please call bills in the following order: Second reading on 47, and then moving to this order: 5, 12, 14, 20, 21, 22, 23, 24, 26, 31, 33, 35, 37, 38, 39, 40, 42, 43, and then 45 and 48.

Mr. Leonard Derkach (Official Opposition House Leader): Yes, Mr. Speaker, according to our rules, I would like to table a list of ministers that we would

like to have in the committee for concurrence today and following.

Mr. Speaker: Okay, the list of ministers to be called for concurrence has been tabled.

SECOND READINGS

Bill 47—The Legal Aid Services Society of Manitoba Amendment Act

Hon. Gord Mackintosh (Minister of Justice and Attorney General): I move, seconded by the Minister of Education, Citizenship and Youth (Mr. Bjornson), that Bill 47, The Legal Aid Services Society of Manitoba Amendment Act; Loi modifiant la Loi sur la Société d'aide juridique du Manitoba, be now read a second time and be referred to a committee of this House.

His Honour the Lieutenant-Governor has been advised of the bill and I table his message.

* (15:00)

Mr. Speaker: It has been moved by the honourable Attorney General, seconded by the honourable Minister of Education, Citizenship and Youth, that Bill 47, The Legal Aid Services Society of Manitoba Amendment Act, be now read a second time and be referred to a committee of this House.

His Honour the Lieutenant-Governor has been advised of this bill and the message has been tabled.

Mr. Mackintosh: Mr. Speaker, there are some particularly important points that I would like to bring to the attention of honourable members at this point. Manitoba's legal aid scheme has been facing some challenges, given an evolving legal environment of more complex cases and increased costs.

Private lawyers who take legal aid cases have publicly spoken of withdrawing their services. Instances where services were actually disrupted have also occurred. It has become very clear that new approaches to managing resources and delivering services along with a renewed focus on the public interest are essential if we are to maintain a stable and reliable legal service for low-income Manitobans.

In response to these challenges, on November 25, 2003, I announced an independent review of

Legal Aid to lay the foundation for necessary changes. The report from this review made a number of recommendations. Among these were an increased reliance on Legal Aid staff lawyers for criminal cases; measures to allow staff lawyers to represent more than one party in a case without giving rise to a conflict of interest; and removal of choice of counsel from the legislation.

The report also highlighted the importance of strong management committed to serving the public interest with a focus on quality, efficiency and productivity. This bill would lay the legislative foundation for implementing these recommendations.

Legal Aid Manitoba, the new official name for the arm's-length corporation as proposed in the bill, would be clearly empowered to select a lawyer for a person who is granted legal aid. This change would allow cases to be streamed to the most efficient and effective mode of delivery, whether in the private sector or through staff lawyers. It would also allow Legal Aid Manitoba, though, to continue to honour clients' preferences in the many cases where doing so will continue to make good sense.

Lawyers employed by Legal Aid Manitoba will not be found to be in a conflict of interest by the Law Society of Manitoba simply because a lawyer is representing a person in a case involving another person who has been represented by another Legal Aid staff lawyer. The government is further empowered to pass a regulation containing the operational guidelines needed to prevent conflicts of interest.

The bill also makes change to the management and operation of Legal Aid Manitoba. A management council is established to direct the business affairs of Legal Aid Manitoba in the public interest, with particular attention to service quality and cost effectiveness. An advisory committee established, to my knowledge, for the first time in legislation in this country will provide a formal mechanism for stakeholder voices to be heard in policy decisions made by the council. Indeed, consultations on proposed tariff increases must be followed, given this legislative proposal.

The appeal process for decisions about legal aid applications will also be streamlined. Other changes will prevent and deter misuse and abuse of legal aid. Applicants will be required to complete a written authorization allowing third parties to disclose

financial information about them. Legal Aid Manitoba will be required to investigate the financial resources of applicants charged with criminal organization offences.

Criminal organizations, as groups, will be prohibited from accessing public interest group funding. A lawyer will be obliged to advise Legal Aid Manitoba if in the course of representing a Legal Aid client he or she discovers that the client is not eligible to receive legal aid.

Finally, the bill creates an offence for making a false or misleading statement to obtain legal aid or failing to disclose changes in financial circumstances that could affect a person's entitlement to legal aid.

Mr. Speaker, we will be able to discuss this bill in more detail as the legislative steps are pursued and particularly at committee stage. I will conclude my remarks at this point. I look forward to the support of this House in having this bill passed.

Mr. Kevin Lamoureux (Inkster): Mr. Speaker, I wanted to take this opportunity to put a number of words on the record in regard to this bill. It was anticipated, I think, by many that we would be receiving this bill. I am pleased that the minister brought it in when he did. I say that in hopes that the government's true intention on this bill is not to try to pass it through and ultimately have it given third reading and royal assent and so forth, because we truly do believe that there is a need for public input on this bill. In particular, its ramifications, like a lot of other pieces of legislation, are fairly far-reaching, but it has been one of those issues I think over the last number of months, many would argue the last number of years, that has been needed to be addressed.

I know at our party's annual general meeting back in March, we recognized the value of Legal Aid and the services that it provides to the degree in which we actually had some guest speakers come to one of our justice workshops and talk about the whole legal aid system and where it can improve and some of the things that just are not operating well.

Over the years things have changed quite dramatically in other areas such as some of the tariff costs. There is a great deal of concern that they have not been able to keep up as inflation, if you like, continues to grow. The dialogue that I have had

internally within my party, within a justice committee that I have, and just receiving the feedback from other people has been actually fairly overwhelming in terms of recognizing that there is a need for change. We support that. We support the need for change with Legal Aid in the way in which it is operating today. The primary reason for that support is because we recognize the value of Legal Aid while at the same time we recognize that the government over the last number of years has not really done just service to the lawyers and, ultimately, the clients of those individuals who need and rely on legal aid especially in the whole area of funding.

What seemed to ignite the issue was the gang trial, when we went to the mega-trial. There was a great deal of concern in terms of what the cost was going to be to the taxpayers. I think that at the time I had raised the issue of the gangs in Québec where it was proven to have cleared over \$100 million in profit. We know that in the province of Manitoba the gangs make money here too, yet the province was looking at somewhere between \$2 million to \$3 million in terms of subsidy going there and to what degree that money was going to be coming out of the current Legal Aid budget.

As the minister tried to address that issue, there was a great deal of concern in regard to what their actual intentions were. I do not believe Legal Aid people would articulate that we just want legal aid for all cases, period, and that it is general in all areas, that there might be a role for staff lawyers. I, for one, do think, that there is a role for staff lawyers, but having said that, I do believe that there is a role for also the current system of Legal Aid lawyers. A big part of the concern is that we are not too sure in terms of what the actual intentions of this government are regarding the current legal aid system.

*(15:10)

Today we already do have somewhat of a hybrid. We do have some staff lawyers and we do have the other Legal Aid lawyers. My concern is, is it the government's intention to move toward staff lawyers and build up on the staff lawyers and try to marginalize or minimize the private sector through Legal Aid services role in our court system? I think that that is a concern that many people have, and that is, in most part one of the reasons why I think that on this legislation that we really need to do our

homework in making sure that we are developing a system of justice, a system of defence, if you like, that is most appropriate for today and will be there in a very tangible way well into the future.

I did get the press release which explains some of the details of the legislation. I have not had a chance to read the entire bill as of today, Mr. Speaker, but I can assure you that I will read the entire bill prior to us going into committee. It is my intention to, as much as possible, get more individuals involved in this consultation. I had requested more information in terms of the report that the Minister of Justice (Mr. Mackintosh) tabled the other day. To date, I still do not have a copy of the report. I would like to be able to get a copy of the report. The purpose of that is just to help me facilitate the types of discussions that I would like to enter into.

My understanding is that what we are going to see on this piece of legislation is, possibly, getting debated over the next few days and, hopefully, passed out of second reading so that there is always, then, the potential that maybe in the month of August or September we might be able to have committee meetings in which individuals would have had the opportunity to be able to go through the legislation in detail and work with members of the opposition and the government, I must say, in terms of finding out if there is a need, where there might be a need, for possible amendments, to try to get a better understanding in terms of what direction the government really and truly wants to take Legal Aid Services.

Mr. Speaker, there are, unfortunately, times in individuals lives in which require the services of lawyers. When that occurs, we have a responsibility to ensure as much as possible for those that do not have the financial means, that they have the opportunity to have access to a lawyer. Ultimately, if you were to move purely to a public defender model, where you just had staff, you really take the opportunity of choice. You also exclude other lawyers in the profession from being able to participate in specific cases. It is an issue, it is an area, that would cause grave concern if, in fact, that was something which the government was toying with in the long term. Many would ultimately argue that there would be also an additional substantial cost of doing that.

One of the things with the tariff system allowing for private lawyer participation is that the fees have

been relatively competitive. The amounts of dollars that have been tied in with those tariffs one could call into question, because they really have not increased the actual set fee for a specific act or defence. So there are some concerns there. Having said that, a movement toward a purely public system would not be in Manitoba's best interest.

Equally, to forgo staff lawyers and rely purely on the private sector through a subsidized Legal Aid would not be the way to go. The best example that I could come up with is the one that I referred to a few minutes back, and that is in regard to the gang issue. People get very, very upset if they find that someone does, whether it is a criminal organization or some sort of a horrendous crime, and they say, "Well, we have a right to the very best lawyer in the province and we believe that the public should be footing 100 percent of the bill for the defence." Manitobans, as a whole, I believe, would not support a system of that nature. What they do support, I believe, is adequate representation whether the person has the financial means or they do not have the financial means.

The current system, ultimately, yes, it does need to be modified, but not only in terms of legislatively. I think that we need to talk about some of the tariffs, some of the areas in which the Legal Aid tariffs could be possibly expanded, some areas of the law which Legal Aid lawyers have done exceptionally well in and, potentially, could even that much more. We need to talk about that, and then we also need to get the feedback as to where and in what sort of circumstances the role of staff lawyers could be brought into the picture in order to ensure that certain, maybe, criminal laws, and I just use that as an example, some of the criminal laws being used.

With those few comments, the Liberal Party sees the legislation, all in all, as a positive in the sense that it will generate the discussion that is necessary. I would obviously reserve the position that we will take on this bill until at least we have had the opportunity to have more consultation because of the magnitude of the bill and the importance of ensuring that there is legal representation for all Manitobans no matter what their economic means might be.

I think, because of that, we truly do not want to see this bill passed or given third reading at least until the public has been provided the opportunity to respond to the report that the minister has just recently tabled inside the House. My understanding

is, very clearly, the government has no intention of attempting to pass this bill prior to early fall, let us say September, October, or whenever it might be.

With that, Mr. Speaker, I will conclude my remarks in hopes that when it does go to committee, we will be provided the type of feedback that will ultimately make it better legislation and, most importantly, part of the presentations in consultation that we all have a responsibility to do, that will address some of the other issues such as the tariff fees and so forth and see what we can do to make our legal aid system that much better. With those few words, we are prepared to see the bill pass.

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

The question before the House is second reading of Bill 47, The Legal Aid Services Society of Manitoba Amendment Act.

Mr. Peter Dyck (Pembina): I move, seconded by the honourable Member for—

Mr. Speaker: Order. I will do this once more. Is the House ready for the question?

An Honourable Member: No.

Mr. Speaker: No. Okay.

Mr. Dyck: I move, seconded by the honourable Member for Fort Whyte (Mr. Loewen), that we adjourn debate.

Motion agreed to.

* (15:20)

CONCURRENCE AND THIRD READINGS

Bill 5—The Manitoba Public Insurance Corporation Amendment Act (Claimant Advisers)

Mr. Speaker: Now we will move on to concurrence and third reading of Bill 5, The Manitoba Public Insurance Corporation Amendment Act (Claimant Advisers).

Hon. Gord Mackintosh (Minister of Justice and Attorney General): I move, seconded by the Minister of Education, Citizenship and Youth (Mr.

Bjornson), that Bill 5, The Manitoba Public Insurance Corporation Amendment Act (Claimant Advisers), reported from the Standing Committee on Legislative Affairs, be concurred in and be now read for a third time and passed.

Motion presented.

Mr. Kevin Lamoureux (Inkster): Mr. Speaker, just before we pass it out of third reading, I just wanted to make note that providing for claimant advisers is a very positive thing. We support the bill in principle. What we have found, and whether it is Workers Compensation or if it is Manitoba Public Insurance, that, unfortunately, individuals quite often find themselves in a position in which they are not happy with the decision that has been made. They can go through an appeal system and, quite frankly, the appeal systems can, in fact, be fairly long and difficult and are opposed to obligating individuals who have claims in that they are able to go to an adviser as opposed to having to go to a lawyer, is a very strong, positive thing. For that reason, the principle of the bill is positive. It allows for claimant advisers which will allow claimants to proceed with their appeals, and for that reason, we support the bill ultimately being given third reading and passing.

Mr. Glen Cummings (Ste. Rose): Mr. Speaker, this bill moves somewhat in a direction that I think has been an oversight for the last few years in the way in which no-fault insurance is being managed in the province. Because one of the most important aspects of no-fault insurance is that people feel they have had fair access, that they have been fairly heard and that they have been fairly treated.

By restoring some more assistance to those who have claims within the no-fault system, perhaps claimants will feel that they have had a reasonable hearing. In committee, I put on record that it was hoped that those who would become advisers would be appropriately trained.

I recognize that experience, in and of itself, will make them better trained. But, most importantly, no one should enter into this system without feeling that they have some supports, that they are being thrown to the wolves, if you will, or being thrown into the system without supports has become over the years more and more clear that assistance of this type is important. I am prepared to see it pass.

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

An Honourable Member: Question.

Mr. Speaker: The question before the House is concurrence and third reading of Bill 5, The Manitoba Public Insurance Corporation Amendment Act (Claimant Advisers).

Is it the pleasure of the House to adopt the motion? [*Agreed*]

Bill 12—The Highways and Transportation Amendment and Highway Traffic Amendment Act (Trucking Productivity Improvement Fund)

Hon. Gord Mackintosh (Government House Leader): I move, seconded by the honourable Minister of Conservation (Mr. Struthers), that Bill 12, The Highways and Transportation Amendment and Highway Traffic Amendment Act (Trucking Productivity Improvement Fund), reported from the Standing Committee on Legislative Affairs, be concurred in and be now read for a third time and passed.

Motion presented.

Mr. Leonard Derkach (Russell): I have a few comments I would like to put on the record on this particular bill. This is a bill which is supposed to be designed to assist in the improvement of our highways and the transportation routes that we have.

I think government needs to take note about what is happening to the roads in our province. This afternoon, we heard from the Member for Morris (Mrs. Taillieu) with regard to a grievance on the condition of highways in our province, specifically in her area, but I think this is more the case in southern Manitoba than it is in the northern part of our province.

In Estimates, the Minister of Transportation (Mr. Lemieux), highways and transportation, said that they have made a conscious decision as a government to put significant resources into the northern infrastructure and northern roads at the expense of roads in southern Manitoba.

Now, traditionally, we have always gauged the amount of money that we would invest in the

infrastructure of roads in our province on the basis of populations and on the basis of usage, but what is happening by upsetting the amount of the proportion of money spent on highways in southern Manitoba means that our highways in southern Manitoba are deteriorating before our very eyes.

Secondly, Mr. Speaker, there is a responsibility of the federal government to come forward with money and we acknowledge that. We have fought for that when we were in government and we will continue to fight for that in that a greater share of federal money has to come into our road infrastructure, especially the roads designated as our national highways roads.

Mr. Speaker, this government has consciously abandoned—*[interjection]* I am going to wait until the speech is over and then I will start again.

This is a good thing. When members want to debate and make their comments known on a bill like this, that is a good thing, Mr. Speaker, because although the bill before us is the productivity act on highways, we need to make sure that this government understands their actions have caused our highways in this province to deteriorate to a point where in some instances they are absolutely dangerous.

They are dangerous not only to the travelling public who use our province—we pride ourselves with being open to tourism. Who in the name of common sense wants to drag their trailer on Highway 83 when by the time you get from the border to my community your trailer is falling apart because of the condition of the roads? Who wants to drag their motor home from Brandon to Clear Lake on the kinds of conditions we have on those roads between Brandon and Clear Lake?

If we could somehow get to the North, if we could somehow hop over the southern roads and get to the North, we could almost travel anywhere on paved roads that are wider than No. 1. I have been on those roads. I would die for those roads to be built to that standard in southern Manitoba.

The Minister of Conservation (Mr. Struthers) seems to be amused by this. Perhaps he should get off the little jet and drive some of our highways. Then he would understand the condition of these roads. Because he is a minister of the Crown now, he

can just hop on the little jet and fly over the infrastructure, but what he needs to do is drive it.

* (15:30)

I note that even in the town of Roblin, this is in the Minister of Conservation's own backyard, there is a design that was developed seven years ago to change the intersection of Highway 83 and Highway 5. The work was all set to go. There was money set aside in the budget for that. Five years later, after this government is in power, nothing has been done on that road. That road is dangerous to the town of Roblin. The minister has addressed the road east of Roblin, but certainly nothing has been done through that town and at that intersection, which is dangerous. *[interjection]*

Now he says up north. Yes. We know that all of the money goes north. This government has made a conscious effort to put the majority of highways infrastructure resources into the North, abandoning the south. I have nothing against the North, I love the North, but you cannot do that at the expense of roads where the major markets are, where the major transportation routes have to be. The minister just has very much abandoned that area.

The truck productivity act does nothing more than simply double tax the people who make the economy run. I wonder whether this government has taken into account that trucking firms that are a major economic engine not only in the city of Winnipeg but in this province could very well pick up and put their head offices in other places than Manitoba. It is not very hard for transport companies to say, our head office is now going to be in Alberta and not in Manitoba or it is going to be in Minnesota, not in Manitoba.

I go back to the years of the Pawley government and the Schreyer government, when we had a thriving processing, agricultural, livestock processing industry in this province. One Minister Uruski at that time decided to implement a program that was going to subsidize cow-calf operations in this province. At that time the government was warned that if you do that you will kill the processing industry in Manitoba. The government was warned about it. At the same time Alberta decided that they were going to subsidize the fat cattle industry and the feed industry. On that basis, you will note that Alberta grew their slaughter industry. Manitoba's slaughter industry disappeared off the map.

Mr. Speaker, I say to this government be careful what you do. Although this looks like an attractive way and, perhaps, a publicly acceptable way to put more money into a designated fund for designated stretches of road, the dangerous concept here is that we may cut off our nose to spite our face. I warn this government to be careful what they do here because the transportation industry in this province is very key to the economy of this province.

The trucking industries that we have as residents of this province need to stay in this province. I do not care if we talk about Arnold's, if we talk about Direct Transport. I hear that Direct Transport may be moving. Arnold's, TransX, Bison, these are companies that we rely on very heavily to keep the engine of the economy of this province going. It is little things of this kind that tend to discourage others from locating in our province.

Although there may be some benefit to this act, Mr. Speaker, I question whether or not the positives outweigh the negatives. That is something I leave with the government to measure because we do not want to destroy an industry in this province that is very vital to the very nature of how we do business and the engine of our economy.

With those words, Mr. Speaker, I will conclude my remarks on this bill.

Mr. Larry Maguire (Arthur-Virden): I would like to, as well, as we move in third reading on this bill, Bill 12, The Highways and Transportation Amendment and Highway Traffic Amendment Act. The Trucking Productivity Improvement Fund is the acronym that this government would like this bill to be known as.

Mr. Speaker, as has been pointed out by the Member for Russell (Mr. Derkach), there are a good many roads in Manitoba that do need upgrades. The Member for Morris (Mrs. Taillieu) today in this House grieved in regard to the condition of the roads in this province. I think the government would do well to take into consideration the well-spoken words of the Member for Morris today in regard to the condition of this province's highways.

I, too, would like to add a couple more that she was not able to mention. I know down in the Cartwright area that, absolutely, the circumstance is that we may be losing a Manitoba business they

cannot even get into the town with an empty truck where the front wheels are overweight. If they cannot do business in rural Manitoba then this government has absolutely no plan, as they pointed out yesterday in Question Period, in regard to the development of rural Manitoba. I think it is shameful that we are not looking at better ways of helping the total infrastructure in Manitoba in regard to these circumstances.

Mr. Speaker, just this morning I had a phone call from a woman in the area of Provincial Road 464 where she has been complaining about no gravel on that road for years. It is an absolute mess since the snow and the rains that have just occurred. They are continuously grading this road but with no gravel on it, of course, it does not matter how many times they grade it, they cannot get the product up and down the road. She cannot even get to work. She missed two days of work during that storm because she could not even get down the gravel road to get to Neepawa to go to work.

So I just caution the government that we have to look at all of these areas, never mind the capital budget that has not been announced yet from this government in regard to highways. The only reason I allude to capital budget is because, as we have seen in this bill, this government's plan is to provide more permits, weed out fees and collect more permit fees. We do not know at what level they will put them to. We are basically looking at an open-ended situation here that they could put the fees and the fines at whatever level they want.

In an area of concern in regard to Manitoba businesses, Manitoba businesses should be quite concerned that those fees, and I have already had presentation from some companies who have indicated that the permit fees that are presently before them today are so high that it just does not really make economic sense for them to operate. These are not farm trucks. They are heavy equipment in this province.

I want to give another prime example that one industry has indicated to me, in the oil industry, and I have mentioned this to the minister of highways in Estimates, that we are losing, in their estimate, at least a quarter of a million dollars a day in economic activity in this province because they would not supply permits at a time when the roads were in their driest state earlier in the month of May, before the 12th of May, in that they have been in the oil

industry's history in southwest Manitoba. Only when the snow came on the 12th of May did our roads start to get worse. If we had the same kind of a process as Saskatchewan does where they can reinstitute the weights and measures on a 48-hour notice, two days' notice, then we would have more economic activity in this province and still be able to look after our roads.

There are fines and permits as I have pointed out, but this government is carrying this bill forward with the auspices that they will partner with private industry. Yes, there are some industries in the private sector who would like to have the opportunity to partner with the government in regard to getting an approach built. Or a side lane off of a highway, an access road that they may have the opportunity to use to expand their business, or even maybe a bridge to get to a particular plant that they need to for processing. Because many of these industries have developed from a small family business into something that is much larger today regardless of where they are located in Manitoba, whether it is inside the city of Winnipeg or outside the city of Winnipeg, then there may be some benefits for some of those.

The concern that I want to express in this House, and I take the government at their word in regard to their intentions of this bill—I only caution that what might happen if it was to be taken sort of ad nauseam by a new minister or, say, bless us, if a Liberal government ever came into power. I would indicate that under the wrong hands this type of legislation could very well be a detraction to the industries in Manitoba. So I caution the government of the day to be very aware of the kinds of negative impacts that could take place from a bill like this, if you are just going to out and increase fees and permits and penalize private sectors for the infrastructure that government should put in place to attract business to Manitoba. Then we have to be very cautious.

Mr. Speaker, I mentioned the capital budget earlier only because this bill cannot take away from the present maintenance and capital budget of this government, or any future government. It is very, very important that those budgets that have been put forward by the Transportation and Government Services of this government be maintained and not be supplemented by this kind of a pothole package, if you will, that allows little pockets of money to be used on whatever pothole section of whatever highway that may need it.

Of course that has been very clearly the intention of the government, that they have indicated that these funds and permits, fines in private sector areas will go to the particular project or the particular part of the road that the fine may have been collected on, or permitted for.

* (15:40)

While that is applaudable, Mr. Speaker, the government is not even doing that today with the present budget that they have. There has been a lapse of money in the government in the Department of Transportation. We know that it has been taken out to provide the government with having to take less money out of the rainy day fund in an effort to balance their books in the last few years.

I think it is very, very clear that while the capital budget has been announced for some sections of Manitoba, 36.7, I think it was, for the northern area of this province this year. Estimated at about a quarter by the minister, in Estimates, of the budget that we expect to see; not a \$120-million or \$130-million capital budget, but by pure extrapolation we could be into the \$145 million to \$150 million in this area. I think that was a bit misleading because in Estimates I do not think the minister meant to say that was really a quarter of his budget because it just does not add up. That would leave him about \$30 million short, \$20 million to \$30 million short in this year's budget.

I know that the government hopefully is not trying to make up that \$20 million or \$30 million out of these fines, fees and permits. That is all I caution the minister on there, Mr. Speaker. I want to say that the Keystone Ag Producers had a concern in regard to this bill. That was of course that the present levels of highways in the province of Manitoba, the present highway classes that we have will not be decreased by this government so that more permits will have to be obtained for carrying the same load, which is just another tax on business in Manitoba if that was to happen.

They had concerns that certain sections, dealing with clause 87.1 in particular, they felt, should be removed from this bill. It allows the Province to require a permit to cross a highway, Mr. Speaker, and with a lot of farm machinery—I have farmed all of my life—that is absolutely imperative, that these kinds of people, who are trying to maintain and

actually sustain and develop our rural economies, have to get a permit just to cross a highway, I just do not feel that is a very appropriate means of trying to support a sector, particularly in the livestock industry today that is already very hard hit from issues like BSE, drought, grasshoppers and now, in 2003 particularly, BSE and late crop intentions here for getting their crop in, in 2004. The Province should allow the movement along and crossing the highways, but there should be no charge for doing so.

Mr. Speaker, as well with this bill in regard to the Manitoba Trucking Association who pointed out very clearly that in 1994, Manitoba was the home to 5.1 percent of the Canadian commercial driver population. They are very concerned that eight years later, in 2002, and I do not know where we are today, it will not be any higher I do not think, that they were represented by only 4.1 percent which is about a 20% reduction. They were very concerned about that and I have raised in this House before that concern that I think the government should be concerned about the fact that we do house many of the top trucking companies in Canada today and here we are increasing the fuel taxes in regard to some of those areas.

I know the government feels that it is their responsibility to get revenues from somewhere but, Mr. Speaker, there is certainly a circumstance here where we need to make sure that when roughly \$1.18 billion of our gross domestic product in Manitoba in 1998 depends on the truck transportation industry that we would be very careful how we treat these people because they are a very important sector of our industry, of the make-up of Manitoba.

They are also very mobile. Pardon the pun, Mr. Speaker. The trucking industry can move goods and services. They do all over the place, but so can head offices, and I know that the Minister of Finance (Mr. Selinger), I hope, would be as concerned about that as I am and that we continue to make sure that we do not tax these people out of our home, so to speak, here in Manitoba, particularly when 95 percent of the goods moved in Manitoba depend on trucks to do that, to move those goods and services around Manitoba.

The Manitoba Trucking Association, of course, is supportive of this bill, but they are also saying that it is not enough. They are saying that there needs to be more revenues put into the economy of Manitoba

through the area of the present fuel taxes that are collected as well as other sources of funding to make sure that we actually upgrade, not just maintain, the road system that we have in Manitoba.

So, with those few remarks, Mr. Speaker, I would urge that the House move on this bill and that we go ahead and pass this bill. In regard to the circumstances that are around it, I know that I have just thrown some cautionary comments to the government in relation to where they should be in regard to this bill in the future.

I would urge the government to, while they will move and pass this bill, that they take note of the cautionary, I guess, if you will, the cautionary words that we have put in place today from the different sectors of the trucking industry and industries in Manitoba.

Hon. Jon Gerrard (River Heights): Mr. Speaker, I rise to put on the record some comments from a Liberal perspective on Bill 12, the bill which establishes the Trucking Productivity Improvement Fund. We support this legislation.

We have some cautions which I will talk about, but I want to say, first of all, that I think it is good we are moving toward a position of greater accountability and transparency and I hope, in fact, we are going to achieve that through this process in which funds raised are clearly dedicated to certain particular purposes. This, I think, in the area of highways, is of special importance.

Indeed, I would put on record that we have been, in the Liberal Party, leaders in pushing for this, because successive provincial governments have acclaimed that they were matching monies raised to money spent on highways, but in fact when you look at the actual numbers it never was really what happened.

So we have pushed for this at the provincial level. We are very much in favour of greater accountability and transparency in relationship between the funds that are raised and the funds that are spent.

We are certainly also in support of this kind of initiative moving toward greater transparency in terms of federal dollars raised and federal dollars spent as well. I think that quite clearly that is

something that needs to happen over time. We need to start, for example, by having an accountability of how the equalization transfers are spent rather than the kind of vague approach that the present government is making.

I would like to compliment Mr. Rolfe, Mr. Martel, Mr. Dolyniuk and Mr. Lorenc for their presentations during the committee hearings, which clearly, in looking at this legislation, we as legislators need to consider carefully. In this case, these were excellent presentations, presentations which raise a variety of issues surrounding this Trucking Productivity Improvement Fund. The need to ensure that there is very clear accountability, that the funds will be subject to review by the provincial auditor to make sure that the accountability and transparency is there and the need to ensure that particular highways where there are particular revenues raised in fact have the benefits of those revenues being raised.

* (15:50)

Clearly, it is important that in considering this legislation that appropriate care be taken in drafting the regulations. We note Mr. Rolfe's comments for example and concern with regard to issues relating a truck, which solely crosses a highway to ensure that there is not an excessive zeal in figuring out and trying to permit everything that moves but rather that this be done in a sensible and appropriate fashion.

I note as well the comments that were made with regard to the highway between Glenboro and Carberry. This is an example of a highway which is a vital trucking route. Clearly, one of the problems here is that the highway itself needs to be brought up to a standard where it can have and carry trucks and that the section of the highway which is subject now to concerns is looked at, that the upgrade is completed that would be necessary to ensure that the highway between Glenboro and Carberry can be used by trucks without there having to be the current concerns over the stretch of highway that there are at the moment.

That section of highway is clearly one of the main trucking routes to the potato plant at Carberry. We need to make sure that in the design and construction and upgrading of highways and the maintenance that this is done so that our agricultural industries, our producers and our processing

industries are well served by the nature of the highways and by the condition in which the highways are kept.

So, Mr. Speaker, I would, with these comments and the words of caution with respect to this bill, signal our intent to support Bill 12 from the Liberal perspective.

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

An Honourable Member: Question.

Mr. Speaker: The question before the House is concurrence and third reading of Bill 12, The Highways and Transportation Amendment and Highway Traffic Amendment Act (Trucking Productivity Improvement Fund).

Is it the pleasure of the House to adopt the motion? *[Agreed]*

* * *

Mr. Speaker: Bill 14, The Gas Tax Accountability Act (Financial Administration Act Amended), standing—the honourable Member for Fort Whyte?

Mr. John Loewen (Fort Whyte): Mr. Speaker, I would seek leave to revert back to report stage on this bill to deal with an amendment.

An Honourable Member: Leave.

Mr. Speaker: Is there agreement of the House to revert to report stage? *[Agreed]* Yes, there is agreement.

REPORT STAGE—AMENDMENT

Bill 14—The Gas Tax Accountability Act (Financial Administration Act Amended)

Mr. John Loewen (Fort Whyte): Mr. Speaker, I move, seconded by the Member for Morris (Mrs. Taillieu),

THAT Bill 14 be amended by adding the following after the proposed clause 67.1(2), as set out in Clause 2 of the Bill:

Report to be included in public accounts

67.1(2.1) The report referred to in subsection (1) must be included in the public accounts each fiscal year.

Mr. Speaker: Who is your seconder? You have to have somebody in their seat.

An Honourable Member: I will second it.

Mr. Speaker: Okay.

Mr. Loewen: Seconded by the Minister of Finance (Mr. Selinger).

Mr. Speaker: Okay. It has been moved by the honourable Member for Fort Whyte, seconded by the honourable Minister of Finance,

THAT Bill 14 be amended by adding the following after the proposed clause 67.1(2), as set out in Clause 2 of the Bill:

Report to be included in public accounts

67.1(2.1) The report referred to in subsection (1) must be included in the public accounts each fiscal year.

Mr. Loewen: Mr. Speaker, as we said in committee, we are certainly supportive of the thought process behind this bill. We did raise in committee and it was raised by a couple, two or three presenters in committee, some just general concerns about the bill. One in particular being the fact that there was nothing in the original bill to indicate that the report referred to in the bill was going to be audited.

We did raise this concern at committee and proposed an amendment which was defeated at the time. The Minister of Finance indicated that the amendment was not required because the report itself would be audited automatically by the Auditor General as it was the intention of the government to have the report included in the Public Accounts.

After checking with the Auditor General, I believe his preference would be that it be stipulated in the act, if that was the wish of government, just to clarify the situation. Therefore, I bring forward this amendment to ensure that the report that is referred to in this legislation is included in Public Accounts and therefore will be subject to audit by the Auditor General and his department before being presented to this House.

Hon. Greg Selinger (Minister of Finance): Yes, Mr. Speaker, I have seconded this amendment,

because it really makes the point that I made at committee stage that all expenditures of government are subject to review by the Auditor General of the province.

We gave additional powers to him in that regard when we amended The Auditor General Act of Manitoba a few years ago, but to give greater certainty and comfort to that existing power, I perceive this as a friendly amendment; therefore, I am happy to support it.

Hon. Jon Gerrard (River Heights): I rise to speak to the amendment. I would like to indicate that we in the Liberal Party support this amendment. We are all in favour of greater transparency, clearer reporting, and want to make sure that the funds which are raised through the gasoline and the motive fuel tax are, in fact, spent on the construction and maintenance and highways, and that, in fact, we have a reporting system that will allow Manitobans to be able to see not only where the dollars are coming from, but exactly how they are being spent.

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

CONCURRENCE AND THIRD READINGS

**Bill 14—The Gas Tax Accountability Act
(Financial Administration Act Amended)**

Hon. Greg Selinger (Minister of Finance): Mr. Speaker, I move, seconded by the Minister of Agriculture (Ms. Wowchuk), that Bill 14, The Gas Tax Accountability Act (Financial Administration Act Amended); Loi sur l'obligation redditionnelle concernant la taxe sur l'essence (modification de la Loi sur la gestion des finances publiques), reported from the Standing Committee on Social and Economic Development and subsequently amended, be concurred in and be now read for a third time and passed.

Mr. Speaker: It has been moved by the honourable Minister of Finance, seconded by the honourable Minister of Agriculture and Food, that Bill 14, The Gas Tax Accountability Act (Financial Administration Act Amended), reported from the Standing Committee on Social and Economic Development and subsequently amended, be concurred in and be now read for a third time and passed.

Hon. Jon Gerrard (River Heights): Mr. Speaker, I rise on third reading to indicate that the Liberal Party

is in support of this legislation, that we are in support of the dedication of the fuel tax to the construction and maintenance of roads and that we see this as a positive step forward.

This has been indeed the policy of the Liberal Party for some time now, to move in this direction. We are glad that the government has seen the wisdom of bringing forward this legislation and taking this step. I would say that, in the legislation as it operates, there are clearly a number of issues that we will be watching very closely, that we have the kind of quality of reporting that is needed both on the revenue and the expenditure side. Clearly, it is on the expenditure side where the issues are going to be most important to ensure that the dollars are actually going to the construction and maintenance of the roads, and not to ancillary administrative services and consulting services that do not actually contribute directly to the construction and the maintenance of roads.

* (16:00)

We see that there is importance in considering the next step, which is to create an arm's-length authority to make sure that the dollars are being fairly tendered without undue political influence, that the role of the political level is to create a vision for the highway system and to create a circumstance where we really can have operation and building and construction of roads and bridges in ways that are going to best support the growth and the development of Manitoba in the future.

We have seen all too many circumstances in the past where there have been bridges to nowhere and highways built where there was not the real need, but rather that in areas where there were real needs being neglected. So this, clearly, is a step forward in terms of accountability.

It will enable us to know when we look at the dollars, not only that the provincial dollars are going where they should be going, but it will also enable us to determine, as we should be determining from a legislative perspective, whether any of the dollars which are transferred from the federal government as equalization payments are in fact being used for the construction and maintenance of roads. This is a question which the government has hidden behind on numerous occasions and allowed a lack of clarity on exactly how these dollars are being spent. We will now know whether some of these dollars from the

federal government transferred as equalization are going to be providing these important services in terms of the construction and maintenance of roads as provided for under equalization, a program which was really started and initiated by a Liberal premier, Stuart Garson.

So we welcome this legislation. We look forward to the progress and making sure that this operates well, and as Liberals we will be looking very closely at the government and the figures that the government provides, because we believe that this is a significant and important step as we move toward clearer accountability in terms of revenues and expenditures in this particular area.

Mr. Speaker, I want to say here that the highways are of particular importance to Manitobans. We have our position in Canada and indeed in North America right at the centre that, from our position, we have a major trucking industry in this province. We have important use of roads for all sorts of services for bringing tourists here, as well as for the normal day-to-day travelling that each of us does during the normal course of our lives in Manitoba.

So the attention to roads and the assurance that our highways are properly attended to is clearly one of the very important areas which the provincial government needs to attend to. It is, I think, noteworthy, when one takes a historical perspective, to look back at the 1950s when there was a considerable expansion in the highways after the Second World War, and the work of the government of Douglas Campbell, a Liberal government, in helping to make sure that the growth of our highways was proceeding well. I think that during that period, we need to look back now and build forward in a way that is very positive, ensuring that we have a road and highway infrastructure which is not only comparable to other provinces and states, but which allows the full development of our province of Manitoba in an economic and social perspective.

One of the important areas that has been discussed in the last number of years is in fact the presence of a mid-Canada corridor. That corridor is of great importance to commerce, to trade and to tourists going back and forth between Manitoba and the United States and indeed drawing in traffic from elsewhere in western Canada and northwestern

Ontario. So ensuring that that corridor is in good shape is of particular importance.

We have major east-west roads and highways, No. 1 and No. 16, which are major corridors and major transportation routes. We would see the importance of these major transportation routes to trade, to tourists and for all sorts of other vital, important concerns. We see that there is a need in looking at our highway system in the province of Manitoba to ensure that there is good service, not just in the south, but in the North as well.

There is a need to address the situation of a number of northern communities which still do not have highway access. Clearly, it would be unusual anywhere in the developed world to not have highway access to communities of several thousand people, as we do in northern Manitoba. Certainly, this is a condition that needs to be addressed, that there needs to be the kind of several-year or multi-year plan in order to make sure that this situation is properly addressed and that people in the North of Manitoba are considered as we develop and implement a better plan for the highways throughout Manitoba.

It is interesting to travel in parts of southern Manitoba. I was discussing this with the Member for Carman (Mr. Rocan) just quite recently, that I was going in a part of Manitoba not very long ago, between Pilot Mound and Glenora. Some years ago the plan was there to be able to have a section of highway follow and more directly link these two communities. Indeed the hydro poles were set up and they are there now across the diagonal, from one corner to another. This was done quite some time ago. Successive Conservative and NDP governments have left the hydro poles crossing the field without ever completing the construction of the road and the highway from Pilot Mound to Glenora, as it was originally intended.

Certainly, it is an example of a number of years of planning that could have been better, of neglect, of plans that were put in place and could have been carried through. We hope that with better transparency and accountability we will in fact get a system of highways which better serves Manitobans throughout our wonderful province.

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

An Honourable Member: Question.

Mr. Speaker: The question before the House is concurrence and third reading, Bill 14, The Gas Tax Accountability Act (Financial Administration Act Amended).

Is it the pleasure of the House to adopt the motion? [*Agreed*]

* (16:10)

Bill 20—The University College of the North Act

Hon. Rosann Wowchuk (Minister of Agriculture, Food and Rural Initiatives): I move, seconded by the Minister of Energy, Science and Technology (Mr. Sale), that Bill 20, The University College of the North Act, as amended and reported from the Standing Committee on Social and Economic Development, be concurred in and be now read for a third time and passed.

Motion presented.

Mr. Kelvin Goertzen (Steinbach): Mr. Speaker, it is a pleasure to, again, put some comments on the record in this Chamber regarding Bill 20, The University College of the North Act. We have been able to put comments on the record in the past few weeks at the various stages that this bill has gone through and we also had some comments at the committee stage, as well as a presenter who brought forward a presentation.

Certainly, I think, in discussions on this particular bill we would all agree in this House about the importance of access to education in the province of Manitoba. Of course, the term "access" has a variety of different meanings depending on the context in which it is used and depending on what it is being applied to, but I think that all members in this Chamber would agree that all Manitobans deserve access to public education, of course, but also to post-secondary education.

Clearly, we understand, members on this side of the House, that it is only through that access that we can really give young people the tools they need to achieve greater things and hopefully achieve greater things within the province of Manitoba, that they would apply those skills here in our home province, that they would use those skills in a domestic kind of fashion in their home province of Manitoba.

It is with that in mind that we all strive for that particular kind of access. We know that in the past number of years, particularly the last decade, there has been emphasis placed on providing access to higher forms of education in different means and in different mediums. The Internet has become quite a provider of education, not only in the research component of education, but clearly also in transmitting education. There are many people who do virtual types of classes these days. They do complete courses, credited courses, from institutions like the University of Manitoba and, I believe, also the University of Winnipeg, through the Internet.

I am reminded by a friend of mine who will be articling next year that virtually the entire articling process has become on-line and will be going through the on-line system. That will help those law students completing the final requirement of their certification who are doing so practising, doing their practicum in the northern parts of our province and in the far extremities in either direction. That certainly is important that we use the technology that we have available, that we use that particular forms of access that will give students and potential students of Manitoba another alternative.

I have spoken in this House, and I am reminded of the differences in access to education that occurred in the time that I entered university myself at the University of Manitoba and worked through the Asper School of Business and then the Faculty of Law. In that seven-year, or eight-year span, there was a considerable change, almost a sea change, in terms of how one could obtain the credits that were needed for that particular course. So access certainly is important and access is not just simply the bricks and mortar component of a university. That is often what we associate it with, but it is also these other forms.

We have put on record some concerns regarding funding for post-secondary education in the province, where we have some concerns that there already is not adequate funding for post-secondary education in the province. There are institutions, I note specifically the Brandon University which has expressed concerns about their funding levels and what it is going to do to their particular faculties. So those concerns have been raised about perhaps adding now another institution that will need to have appropriate funding.

That having been said, Mr. Speaker, we certainly have always been a party that has stood up for access

to education, has stood up to ensure that all Manitobans have the ability to find higher education and the ability to achieve greater things within the context of their life. To the extent that access to education provides them that tool, we certainly support it. I think that, again, we will find support on this side of the House for this particular legislation, because we do believe that all Manitobans deserve quality education, deserve access to quality education.

We hope that there will be a renewed focus on funding education throughout the system, not just the new institution that we are talking about here today. But right through the university and college system, the post-secondary education system.

So with those few comments, Mr. Speaker, I believe we are ready to see this bill move forward.

Ms. Bonnie Korzeniowski, Acting Speaker, in the Chair

Hon. Jon Gerrard (River Heights): I would like to rise to speak on Bill 20, The University College of the North Act. I want to, first of all, indicate our support from the Liberal perspective for this bill.

I would like, next, to put on the record that we are at a particular turning point now, both in the history of Manitoba and in the history of the delivery of educational services as it is evolving on a global perspective. To build upon the University College of the North, an institution which can be important vitally for northern Manitobans but can have a larger presence, can have a vision of an institution which is vital for all sorts of reasons. Not just for the North but for the rest of Manitoba and with links globally.

I believe that as the nature of post-secondary education changes and the nature of how post-secondary education is delivered, we have a whole range of opportunities to take advantages, changes in technology, so that the University College of the North can provide access not only to traditional classroom space in the North but to information, to teaching, to knowledge that is located not just in post-secondary education institutions in southern Manitoba but, indeed, in some instances from around the world.

* (16:20)

The potential at the time of the development of the Internet and the information highway and broadband communications, the potential for development in this area is enormous. At this point, we are still slow to take advantage of that in northern Manitoba. There is still much that can be done to improve access, to improve services, to improve communications in a way that would be useful to the communities in the North, to consultation and decision making, to democracy, to development of a shared understanding of who we are as Manitobans, and to a development of a shared vision in terms of where we are going.

Mr. Speaker in the Chair

Clearly, one of the things which is needed in terms of the University College of the North is some decisions early on as to the particular areas, mining, for example, forestry, tourism, where there are particular needs in northern Manitoba. Distance health care would be an example; use of Telehealth.

The development of the ability to work in an environment where the distances are as large as they are certainly is something that would be of great use to people in the North. To have a post-secondary education institution which indeed builds upon, shall we say, the competitive advantage of the North. Which builds upon a cold-testing technology type of approach which has been developed so effectively in Thompson. Which builds upon the opportunities within the boreal forest; the opportunities for better understanding of the boreal forest; for better understanding in management of our fisheries; for approaches that we need for co-management of our resources to have them well managed, to have circumstances where we are able to move forward co-operatively and productively.

I would suggest to you, Mr. Speaker, that we face at the moment a situation of particular interest which is the Clean Environment Commission hearings that have been held recently dealing with Wuskwatim and the building of Wuskwatim Dam and its transmission lines which are associated with that. Clearly we are going to have other opportunities with more hydro-electric projects proposed in the North. Certainly, the University College of the North could contribute by providing specific areas of expertise, research capacities, building on traditional knowledge as well as advanced scientific knowledge as it were. Bringing to bear on the particular issues of

the day an understanding of the areas where there may need to be environmental mitigation.

I give you an example from quite recently. I had the occasion to meet with Mr. McIvor and his family who are trapping in an area that may be affected by the development of the Wuskwatim Dam. This is an area where they have been trapping for quite a number of years. They raised some important issues about the dam itself and whether in fact it will change the water flows and the levels of water some distance from the Wuskwatim Dam. This clearly is important because of its impact, not only on trapping, but on wildlife and so on. To have the capability of really better determining whether or not the concerns which need to be addressed and mitigated or compensated for. The situation that we have at the moment is that all too often the debate turns into an argument from one point of view to another point of view, because we do not have enough of an information base to be able to know for sure what the real situation is.

Certainly, one of the big advantages of the University College of the North would be to have the information base to be able to provide support and help to people, whether they be trappers, whether they be in the mining area, whether they be in the forestry area, whether they be in the cold technology area, so that in fact we can be better stewards of the lands and the lakes and the people in terms of working with people and being joint stewards of this area in northern Manitoba.

It is interesting in talking about Wuskwatim Dam hearings, for example, and having discussions comparing the Clean Environment Commission hearings with some of the hearings that were held with respect to earlier dams built. Certainly, we have progressed significantly in terms of the legislation that deals with environmental reviews to make sure that the quality of the environmental review, that the standard of the environmental review is a higher standard and is done appropriately, and that these aspects are looked at carefully.

It is also of interest that in spite of the progression in the standards for the reviews and the federal and provincial participation and in the improvement of our knowledge of a lot of environmental areas, it is my understanding in terms of the Wuskwatim Dam hearings that there were only, I think it was two sites in northern Manitoba. In

previous concerns, at least with one of the earlier dams, in fact there had been a whole series of community hearings.

If we had a University College of the North which is well connected through broadband to communities, we could, even if we cannot physically get to all communities, we could bring communities into the process and we can use it as a focus for better environmental approaches, better co-management, better discussion and discourse so that people do not feel that they are being left out as, unfortunately, is happening all too often at the moment.

So, Mr. Speaker, I rise to talk about the University College of the North because I really believe that we are at a pivotal time, both in the history of Manitoba and in terms of the development of post-secondary education. This is an opportunity which must be taken and pursued to the fullest possible extent because certainly the many communities in northern Manitoba can benefit from this initiative, and whether it is Fox Lake or Ste. Theresa Point or Nelson House or Norway House or Pukatawagan, in many other communities in the north there really is a potential here.

Mr. Speaker, we have seen very frequently in places like Boston the development of a variety of industries and potential coming out of post-secondary education institutions because knowledge is so important a contributor to the development of economic opportunities. Clearly, this is what we are about, educational opportunities, economic and social opportunities, and it is to be hoped that we can in fact benefit from this opportunity and really take advantage of it to the fullest possible extent.

So, Mr. Speaker, I will close at this point, just in the hopes that the promise here can really become a very important reality for northern Manitoba and a need to benefit all of Manitoba.

* (16:30)

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

An Honourable Member: Question.

Mr. Speaker: The question before the House is concurrence and third reading of Bill 20, The University College of the North Act.

Is it the pleasure of the House to adopt the motion? *[Agreed]*

REPORT STAGE—AMENDMENT (Continued)

Bill 21—The Non-Smokers Health Protection Act (Various Acts Amended)

Mr. Speaker: Now we will move to report stage amendment, Bill 21, The Non-Smokers Health Protection Act (Various Acts Amended), standing in the name of the honourable Member for Russell.

Mr. Leonard Derkach (Russell): I move, seconded by the Member for Ste. Rose (Mr. Cummings),

THAT Bill 21 be amended in Clause 11(2) by striking out "comes into force on January 1, 2005" and substituting "is deemed to have come into force on January 1, 2004".

Motion presented.

Mr. Derkach: I would like to speak to this amendment because I think it is a very important one, given the fact that today in the House the Premier (Mr. Doer) did make a ministerial statement regarding the former Premier Duff Roblin, Honourable Duff Roblin being a participant in the commemoration of the activities in the Second World War on D-day.

Many of us in the House are wearing a pin today indicating the importance of the events that occurred on D-day. Many of the people who were engaged in the combat on D-day are still with us today. They are our veterans who we respect for the courage that they displayed in this particular event and in the conflict that occurred at Normandy. Veterans across this province for a long time have been asking for an exemption of taxes on their properties, which would include specifically legions across this province.

Now the legion in Dauphin has had an exemption since, I think, 1948, and all that legions across Manitoba are asking for is that they be treated in the same fashion. I am not going to blame this government for it because it is not this government's fault. It is a situation that has sort of evolved over time, but I think we are at a junction in the road so to speak in addressing this issue, and it needs to be addressed. Many of our legions are finding it

financially impossible to continue to maintain their facilities. They will only be able to do that if they are given the same exemption that Dauphin enjoys.

So, Mr. Speaker, if we allow this to wait for another year, as was presented to us by the St. James Legion, I think it was, they will not be existence. There are some others that find themselves in this precarious situation as well.

Now, one Mr. John Petrinka has been the lobbyist for these legions for a long time. I can tell you I will be very happy, personally even, if we are able to pass this amendment because then I will not have poor Mr. Petrinka running into this Legislature and lobbying so very enthusiastically both sides of the House to have this exemption approved.

Mr. Speaker, I do not say this for his purpose, but I say this for the legion members who I have a great deal of respect for, and I know all members in this House do. We just passed a resolution here not that long ago honouring the efforts of one Mr. Tommy Prince, and I think that was an appropriate thing to do. I think that there are others out there that we should be recognizing for their heroic efforts and their efforts to keep our country and our province free.

So, Mr. Speaker, I am appealing to the government to look at this amendment in a very positive way. I know that there is going to be some impact on municipalities and that sort of thing. Nevertheless, we have done this in the past. I think we need to look at it in a broad sense and ensure that this, if you like, benefit, it is a perceived benefit as well as a real one, can be extended not only as a result of the financial situation but out of the respect that we have for the veterans in this province. So with those few comments, I conclude my remarks on the amendment.

Hon. Jon Gerrard (River Heights): Mr. Speaker, I rise to speak to this amendment and certainly to support it because I think that this is a worthwhile initiative. Indeed, I would add that I have been interested in this tax issue for some time. I would add that I have been interested to the extent that I have met specifically on this tax issue with a number of people in legions in different parts of Manitoba including Thompson, in The Pas, in Portage la Prairie and in legions in Winnipeg.

Clearly, there is a need, particularly on this historic day when we commemorate D-day and the participation of the veterans of Manitoba in a very, very important historical event. Particularly today it is important that we not only consider this seriously, but that we pass it unanimously.

Indeed, I suspect that if it were not passed unanimously, legions and veterans throughout Manitoba would be in shock, because to have such a historic day as we have today, D-day, a time which will live on in the memory of all veterans for its significance. Certainly, in the discussions that I had with veterans at the legions in Thompson, in The Pas, in Portage la Prairie and with a variety of people in different legions in Winnipeg, there is a recognition that it is important that we move on this initiative, that we provide a recognition, that there is the recognition in our tax system that the veterans of Manitoba have played a very significant role in the history of our province and in the history of our country.

I think that we all are clearly in support of giving this tax benefit, tax exemption, because it is part of the bill which is being supported by members of all parties. All this amendment is doing is just moving the date, just providing for a circumstance where the legions, which are seeing a loss of some of their memberships as they are getting older, and more difficult circumstances because of the situation of changes in the smoking indoors. We recognize this in this act, that this clearly is something that we should all recognize, the contribution of the veterans, and clearly it is something that we should join together in supporting this amendment.

* (16:40)

Mr. Kevin Lamoureux (Inkster): I, too, wanted to put a few words on the record in regard to the amendment. As the Leader of the Liberal Party has stated, given the very nature of the amendment and the significance of the day, there is good reason for us to provide unanimous support of this Chamber in support of the amendment.

There are individuals, many of us have no doubt been lobbied by John Petrinka and others, individuals who have put in a great deal of effort to try and do something very positive for our legions.

Mr. Speaker, it is interesting, prior to Question Period or during Question Period, members inside

the Chamber are commemorating a very special event. We were all provided with pins. It is to commemorate the 60th anniversary of the D-day landings, the Battle of Normandy and the Italian campaign. Prior to Question Period getting underway we had all three leaders stand just to make commentary on the significance of the day. I would echo those same words. We have good reason to be especially proud in the sense of a former premier of this province representing us and will do a fabulous job in representing us.

What it does do is it really reinforces the point of our vets and the value that citizens in Manitoba, in fact in Canada, have of our vets and how they are held in such high esteem. I myself had opportunity to serve in the Canadian Forces. I am not quite old enough to have served in the Second World War, but I was old enough to join the Forces and was a member of our Forces for three years. I had opportunity through that time, and today I must say also, but specifically in that time to be able to sit down and have a number of different types of discussions and chats with some of the vets from the past and was always touched with some of the stories. The legions played a critical role for many of these vets in terms of their life afterwards, where they would visit and gather to socialize, to commemorate the experiences that they went through and the soldiers that were never able to return.

For these individuals we signify the importance of today. That is why I find it is interesting the amendment comes today because of the significance of the day. I suspect that the government is going to be supportive of this amendment, from my understanding, which again, as I commented at the very beginning of my speech, that it does receive unanimous support.

I know that as we get into the debate on the bill itself, I am going to make reference to other issues, as other members were members of the task force that went through the province. I can recall one which I was at in which there was a Manitoban that came to talk about the vets. What he said about the vets, himself not being a vet—I know the current member, I believe the Member for Arthur-Virden (Mr. Maguire), was at that particular public meeting—but what he had talked about was the importance of recognizing the value of those that served overseas for us. He was not a vet himself, but he recognized the importance of the vets. In part, with this

particular amendment I do not think it addressed his specific issue, because what he was wanting was something somewhat different than this amendment.

Having said that, there are many individuals that see this as a very positive, tangible gesture that is being made that is going to ultimately assist our legions into the future. We all have experiences that we can talk about in regard to our legions, whether it is as MLAs or prior to being elected to this fine Chamber, where we would be involved in legions in one way or another. I am sure that all of us could stand up and talk about the importance of our legions. This amendment, even though it bumps it up a little bit in terms of time, I think it provides us the opportunity to put on the record why it is that we feel that it is important, Mr. Speaker.

That is why I felt that it would be appropriate to be able to follow my leader and address this particular amendment and be very candid in support of it, especially given the significance of today being the 60th anniversary of the D-day landing. I trust that others that do want to be able to speak to this amendment will do so. Otherwise, as this amendment will likely pass, we will be able to put more words on the bill itself, which I have a number of concerns, as I know the Leader of the Liberal Party does also. I look forward to those comments.

With those few words, Mr. Speaker, we are prepared to vote on the amendment in anticipation, again, that we will be joined with all MLAs inside this Chamber to ensure that it is unanimously accepted. I must say it is the principle that is probably the most important aspect of this in terms of support for our legions and some of the work that individuals like John Petrinka did in terms of his constant lobbying in trying to effect a positive change for Manitoba's many legions. In response, at least in part, to individuals like John we have it, the legislation, before us, and this particular amendment, and see fit to get behind our war vets from the past and support it.

With those few words, Mr. Speaker, I am prepared to see it come to a question.

Hon. Tim Sale (Minister of Energy, Science and Technology): In moving, seconded by the honourable Minister of Agriculture (Ms. Wowchuk), to adjourn debate, I want to assure members that we

are supportive of the legions' concerns as this is an important matter.

An Honourable Member: They cannot do that.

Mr. Speaker: Order. If the member is adjourning debate, he just moves, seconded by, and no debate, no post-amble, preamble.

Mr. Sale: Mr. Speaker, thank you for that information.

I move, seconded by the Minister of Agriculture, that debate be adjourned.

Mr. Speaker: It has been moved by the honourable Minister of Energy, Science and Technology, seconded by the honourable Minister of Agriculture and Food, that debate be adjourned. Agreed? *[Agreed]*

DEBATE ON SECOND READINGS

Bill 22—The Water Protection Act

Mr. Speaker: Second reading on Bill 22, The Water Protection Act, standing in the name of the honourable Member for Southdale (Mr. Reimer). What is the will of the House?

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

* (16:50)

Hon. Jon Gerrard (River Heights): Mr. Speaker, I rise to say a few words on the second reading of Bill 22, The Water Protection Act.

First of all, I want to say that, as Liberals, we are in general support of this act. We are looking forward to the comments at the committee hearings. I have been calling for some time for the development and implementation of water quality standards in the lakes and rivers of Manitoba so, indeed, I am very pleased that we have The Water Protection Act coming forward to be able to provide for the water quality standards. Certainly, from our perspective, it is important that there be standards for water quality which is, in essence, a deliverable and output measure and end result which we can all subscribe to, and that those standards for water quality need to be for the water in the lakes and rivers and the

effluence which is discharged into the lakes and rivers.

Clearly, if well implemented and put in place, this can be an important step in improving the problems that we have at the moment with increasing levels of phosphorus and may help us with a variety of other contaminants.

I think it is interesting to note that nearby jurisdictions, the state of North Dakota being an example, have already water quality standards in place, and it is about time that we in Manitoba move to implement and put in place such water quality standards here in our province.

I also want to talk briefly on this legislation about one aspect which is very important if this legislation is going to work. Now the present government in looking at their management of water quality in their funding of personnel in Water Stewardship and in certain aspects historically of what was Conservation have certainly failed when it comes to having the capacity to deliver this sort of legislation.

It will clearly need a higher level of monitoring. It will clearly need a greater capacity than we have seen the present government being able to deliver. Certainly, when we looked at the budget, and we have discussed that not very long ago, the budget for surface water management has gone down since this government came into the office. The budget for ground water management has gone down, the budget for aquatic ecosystems management has gone down since 1999.

In each case, they are taking away from the capacity to ensure that we have the kind of water quality that we know that we all need, that we have the kind of water management that we know we all need.

I have raised in recent times situations in a number of lakes, from Lake Winnipeg to Killarney Lake as examples. Killarney Lake is a very good example, because it has had tremendous problems. Particularly last year, people who went to swim in the lake found that it was so full of algal blooms that they emerged green.

It was a major problem because it drove away tourists, and when one considers that Killarney Lake was a source of water for people in Killarney, clearly it needs better attention. It needs standards. It needs a

level of management which is beyond where this government has gone in four and a half years.

There needs to be a recognition that it is not enough just to pass legislation, you actually have to deliver. We have seen time and time again where legislation has been passed, we saw another example today, but not implemented. Not implemented in a day, a week, a month, sometimes a year or two years. This is a problem when we have got a government which puts forward legislation and then does not implement it.

Clearly, what we need is dedication to actually ensure there is a capacity to deliver on this, that we are not facing a situation where it is just a piece of legislation without the real power, capacity and dedication to implement this properly.

So I rise to speak, and I hope that this will be discussed at the committee stage and that we will be able to get some clearer commitments from this government in terms of the capacity to deliver.

We, as Liberals, in fact have called for some time that when legislation is brought in that there be a cost-benefit analysis done—right?—and that what we be provided with is a clear example and a clear understanding of what is going to be done in terms of implementing this, what it will cost to do this, at least so that we know that the government has thought it through and is prepared to make sure that the budget is there to deliver upon it and the government can indeed be held accountable.

This government, in looking at this particular piece of legislation, I would say that this legislation is quite a good example of the change that we need to make sure that we do not just get another piece of legislation but we actually are ensured of the capacity to implement it and achieve the desired objectives.

So I am ready to close at this point, but I think that the measuring stick here is not just what is in the legislation but is in the dedication and the commitment and the capacity to actually deliver it. That is what we are going to be watching very closely.

Mr. Kevin Lamoureux (Inkster): Mr. Speaker, I, too, want to put on some words before this particular bill passes into committee.

I do find a great deal of interest in terms of the rhetoric from this government. Do you know, I can reflect on the very first time actually that I ran, back in 1986, as a candidate. My opponent at the time was Maureen Hemphill. I can recall Maureen Hemphill and I were at a town hall meeting, and she said, "We are going to really address the water issue, the quality of water in the Assiniboine River and the Red River."

She had reinforced a New Democratic commitment. You will have to excuse me for not recalling the exact amount, but it was, I thought she had said \$100 million over a 10-year period of time, or it could have been just a flat \$10 million. The reason why I say that, when I think of the NDP's policy on water preservation and ensuring that Manitoba has good quality water, I think of the comments that Maureen Hemphill had made back then.

I think about the government's actions, because the actions speak far louder than any words. The Premier (Mr. Doer) tried to make a big statement. He said, "You know what, water is so important to us, to this government, that we are going to create a separate department. We are going to call it the water strategy and we are going to take the current minister and put him in place and make him responsible for water." You know what, the Premier was successful. I think he stole a page from the Minister of Justice (Mr. Mackintosh) and said, "You know, I can get a few good, positive clippings on this if I make a statement of that nature."

* (17:00)

But the reality is quite different. As the Leader of the Liberal Party has pointed out very clearly, this government has neglected and cut back on the types of things that would ensure that the quality of water in our province would in fact be better. The Deputy Premier (Ms. Wowchuk) might disagree with the comments, but the reality is, as the Leader of the Manitoba Liberal Party has put on the record, your government has no claim whatsoever in terms of the protection of water in our province.

I would go back to the Question Period earlier today or the day from yesterday. Sometimes you need to be loud to get through some of the minds of members opposite. The Leader of the Liberal Party raised the issue. He made reference. He did not just say there is raw sewage going in. He went as far as to

list off some of these places. What did he say? Community Row, Oakgrove Bay, Woodhaven Boulevard, Elmhurst Road, Portsmouth Boulevard, Tuxedo Avenue, Chataway Boulevard, Riverbend Crescent, Tylehurst Street, Aubrey Street, Colony Street, and then he made reference that there are even more.

Here is a leader of a political party, stands up and poses a question to the government on an important issue of protecting our waters. What sort of response did we get? There was no indication, none whatsoever, coming from the minister responsible, the one who is supposedly responsible for protecting the quality of our water. There was no direct answer to the question that was posed by the member from River Heights. Instead, he goes off on some other tangent. What were we looking for? All we wanted from the government yesterday is the same thing that we wanted from the government today when the leader posed the question. Give us a sense, how much raw sewage has gone into our water system? That is really what we wanted to get from the minister.

We had an incident a year or so ago in regard to a malfunction in the city, and there was some raw sewage that came in. The government was quick to jump on, mind you they did put a lot of the blame, obviously, on the City of Winnipeg, but they sure did come out and had taken some positions, at least in good part on it.

But now when we raise this issue, I do not think the government knows, that is what I think. The Leader of the Liberal Party puts forward a question. As opposed to the minister saying, "I will take it under advisement because we are not sure," to the Member for River Heights (Mr. Gerrard), that would have been at least a little bit more transparent. We might not have liked the answer, but at least he would have been a little bit more transparent and honest in admitting that he does not know. But what I suspect is the case is that the minister does not know and he does not want to tell Manitobans that he does not know. As a result, he went on his own little tangent to try to defend the government's lack of knowledge on what is an important issue.

Raw sewage can have a very profound impact on the quality of water that ultimately people use in different ways. Through time what we like to think is that the government is doing what it can in order to

be able to minimize issues of that nature. We do not necessarily see that. It is somewhat sad, because, as I say, the government does not have any reservations, none whatsoever in trying to give the impression that they are the strong environmentalists in the province, that the New Democrats own the monopoly on environmental laws. But the reality of it, and I know this might come as a bit of a surprise for some of them, is that nothing could be further from the truth. They try to get the little splashes here and there to try to give the perception to the public one thing, but at the end of the day what have they actually done?

I can recall, I believe it was our AGM in Gimli, the Liberal Party's AGM in Gimli, and we had some individuals, the Leader of the Liberal Party had arranged for a panel to come and talk about the condition of I believe it was Lake Winnipeg. In listening to the presentation and listening to what people that live in the area are saying, it amazes me that it has not generated the type of interest that would cause the government to take stronger and more tangible action to protect that wonderful, valuable resource that we have.

The government, for whatever reason, seems quite content to ignore the issue in hopes that opposition members will not raise it. I do not know why. I do not understand why it is that they choose to sit back and do virtually nothing as the quality of the water deteriorates, as the quality of fishing in that lake deteriorates. One has to wonder why it is the Premier says, "Look, we are going to make water a high priority." Yet, when it comes to the action, the financial commitments or the proper resourcing, when it comes to responding to questions in Question Period, when it comes to the government being able to do the types of things that are really going to be able to make a difference, it is so lacking.

I think what we want to be able to see is a government that is prepared to provide leadership. The government has failed in doing that when it comes to protecting and ensuring that the waters in the province of Manitoba are in fact being protected. That is why at the beginning of my comments I had indicated the name of the bill. You know, when it says The Water Protection Act, and then what it lists off here is all the things that it is going to be doing, and so forth, that is why when I heard that I figured I know it is important that I stand up before it go to committee, even though the Leader of the Liberal

Party has already commented on it, because water is such a critical issue for our province.

I remember having many debates about the importance of water to the province of Manitoba. We have so much fresh water in our province. I can recall at one time there was a debate saying, well, many Americans wanted to see a pipeline, if you like, going from Manitoba into the States to bring in some of that fresh water. What a disaster that would have been. I think that we should take a look at the commodities that we have. There is no greater commodity than water. We need our water. We better protect our water, and, where we can, we should be going out of our way to improve the quality of our water.

Everyone likes our riverways. Where it is best demonstrated is at The Forks. If you go down to The Forks, what is it, 15 years ago when The Forks was not there, at least in what it is today. There were very few people. Through tri-level agreements, government agreements, we were able to develop that area. Today we have hundreds of thousands of people that go there every year. What attracts them, in good part, is the same thing that attracted some of our founding settlers, and that is our riverways, the fact that we have the Red River and the Assiniboine River. We should be taking advantage of that.

I can remember one of the challenges was it was a Question Period, and this happened years back. Someone raised the issue, and it might have been Harold Taylor to Harry Enns about the quality of the water. The Member for Turtle Mountain might remember that, or Carman. Harry actually went and took a swim in the Red River in order to try to demonstrate. Now, he did have a really good swimsuit, I must say, on. I can recall the picture. But you know what, he wanted to demonstrate.

The government recognized the value, the importance of our waterways. Manitobans have cottages all over the place. We love our water places. Yet we are not seeing a government take a proactive approach at trying to protect our waters. There are concerns, environmental concerns.

Some might argue that these environmental concerns would have been best addressed by the NDP in government. I have articulated for years do not ever confuse the NDP in government versus the NDP in opposition, because the NDP in opposition

will say and do absolutely anything but once they get into government, at times they tend to forget about some of the obligations or some of the friends that cozy up to them and I have seen that first-hand.

The Premier (Mr. Doer) took a line, go out and hug a few Liberals. Well, I do not have any problem hugging a few New Democrats. I will tell you something, the number of New Democrats that want hugs is more and more, as this government is being perceived by many of your stalwarts, many of your stalwarts, as being dissatisfied with the lack of action on certain issues. Whether it is water or the environment, whether it is the health care issue, and, you know what, sometimes I think that they will pay the cost of it at a future date.

* (17:10)

At the end of the day, Mr. Speaker, we know that this government has not done a good job at protecting our waterways. We anticipate that this bill will, in fact, go to committee and when it does go to committee, I trust that there might be others that might want to be able to speak on it. All proactive legislation that would do well for our environment, you will find that we are quite supportive of as a party. That is why, with legislation of this nature, we look forward to it going into the committee. We look forward to the government listening and, hopefully, being open to ideas that others might have and most importantly, if the legislation, as we anticipate, will go through, that the government do more than just have a minister to pass some legislation, but will make sure that we have some teeth. As the Member for River Heights (Mr. Gerrard) made reference to, once legislation passes, and quite often, it is debatable in terms of when it actually becomes proclaimed, and government ultimately will proclaim it.

I have not read the final clause to see if it is upon royal assent or if it is upon proclamation, Mr. Speaker. What I do know is that progressive legislation that is in the best interests of our environment, particularly in our water, is something in which we have supported. The Leader of the Liberal Party has talked out eloquently on the environment. I believe he has likely raised the issue of environmental issues probably more than most.

So it is with those few words that we are prepared to, ultimately, see this bill go into committee.

Mr. Denis Rocan (Carman): Mr. Speaker, I rise this afternoon to speak on Bill 22, The Water Protection Act. I hesitated somewhat in standing this afternoon to put certain remarks on the record. My party has already put our position on Bill 22, but as I sat here I listened to the two Liberal members putting remarks on our record and what they are attempting to portray is that the NDP government is a bunch of bad people and people who do not really care and it is only Liberal individuals who actually care about the water resources in this province.

Mr. Speaker, the Member for Wellington (Mr. Santos), he would be the first to stand here and say this wonderful gift given to us by God, the gift of this beautiful, wonderful, clear water that we have. But the Member for Inkster (Mr. Lamoureux) tries to portray that Liberal people would be the ones who would be the guardians of this wonderful resource that we have.

It is unfortunate the member has already finished his comments because when I look at the history in the city of Winnipeg here, Mr. Speaker, I find it ironic that the Liberal candidate in St. James, the former mayor of the city of Winnipeg, this wonderful Liberal person who was quite averse to dumping raw sewage into the Red River—it was not the NDP government; it was the former mayor of the city of Winnipeg, the Liberal candidate.

Now do not come and try and tell me that this Liberal candidate did care about the cottages up north along the Red River, do not tell me that this Liberal candidate had it in his heart that he was going to try and protect this wonderful waterway that has been before us for so many years. This Liberal candidate did not give two hoots about the water systems in the province of Manitoba.

So, as I sat here and I listened to the member, I mean, you have got to be honest to the people of this province of Manitoba, because that Liberal candidate really did not give a hoot, and I heard this. That Liberal candidate, I mean, that individual was doing everything that he could to try and pollute our lake system. The raw sewage that they were dumping into the Red River which made its way up the Red River, up into that wonderful lake system, I would be the last one to try and swim across that river w

So, Mr. Speaker, I just want it known that that Liberal person running in St. James, the former

mayor of the city of Winnipeg, I will do everything in my power to make sure that individual does not get elected because an individual such as that that has a total disregard to the natural resources of this province has no business, no business whatsoever sitting in the Parliament of Canada making laws that would affect the people of the province of Manitoba, especially when we have seen his track record when he does not think twice of dumping raw sewage into the Red River.

So, to that Liberal candidate, Mr. Speaker, I will do whatever is possible and I will make sure that the people are aware that that Liberal candidate does not care at all about the natural resources in the province of Manitoba.

Mr. Speaker: Order. Seeing no speakers, when this matter is again before the House, it will remain standing in the name of the honourable Member for Southdale (Mr. Reimer).

Bill 23—The Red River Floodway Act

Mr. Speaker: Now we will move to Bill 23, The Red River Floodway Act, standing in the name of the honourable Member for Pembina (Mr. Dyck).

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

Mr. Kelvin Goertzen (Steinbach): Mr. Speaker, it is a pleasure to put a few words on the record regarding Bill 23, the Red River Floodway compensation act. I know that there are other members in this House, specifically the Member for Morris (Mrs. Taillieu), who would also like to put some comments on the record. So, in respect of that, I will certainly be brief.

When we talk about issues of compensation for residents living on the Red River Floodway, of course it is a very significant issue and I think it is particularly sensitive for those residents who are affected. All Manitobans, whether they are along the floodway, whether they are north of Winnipeg, whether they are south of Winnipeg, take an interest in it, but, of course, this bill is particularly of interest to those who may find themselves affected personally and very directly.

With that in mind, I certainly am interested to hear what comments we might hear at the committee

hearings from those who will come forward, I suspect, from the valley and perhaps from north of Winnipeg to discuss these issues, to discuss what this compensation act will actually do and specifically, perhaps, what it will not do for them, Mr. Speaker.

We have already heard some concerns that have been raised by those in the Province. I hear the Premier (Mr. Doer) is honking on the horn and he likes to suggest that members here raise issues just for the sound effect of it, just to bring them forward. He is getting some agreement, ironically, from the Member for Selkirk (Mr. Dewar) who, I think, his own constituents would find that strange that he would support that. It is very clear that these are important, important issues to Manitobans.

If the Premier thinks that we do this just simply for politics, then I think he needs to speak to the members and the residents who are in the valley and who are north of Winnipeg, as clearly the Member for Selkirk is not doing that.

* (17:20)

Now when we talk about this particular act, the concerns that have already been raised by people within Manitoba, specifically regarding the ability to appeal, the effect of not having an appeal mechanism within the bill beyond government. That has been raised as a concern and I think part of it is because there is simply a trust factor. Almost all of the effect of the bill in House will be governed by regulation and there will not be an ability for somebody to go to a third party beyond the government to have an appeal.

I know members opposite, some of them, have tried to relate to issues like workers compensation or the Manitoba Public Insurance corporation and the no-fault insurance system, but that is a faulty analogy. Here we have a position where the government itself is operating the floodway through the Department of Water Stewardship. It is the government that will be causing the harm to these individuals in the valley, and it is the government who then insulates itself from any kind of legal action. That is quite different than Manitoba Public Insurance. It is quite different from something in Workers Compensation, where the government essentially steps in as a third party between two other litigants. Manitoba Public Insurance, they step in as a presumably neutral third party between two people

who have been involved in an accident, Workers Compensation, between an employer and an employee. Here in fact you have the government was has caused the particular harm coming in and saying we are going to limit your right to another appeal mechanism.

Certainly, I find that very concerning and I know that members, or many people within Manitoba, have also expressed that concern. I look forward to hearing those concerns clearly expressed at committee. There are other concerns in the bill regarding artificial flooding and the definition of that, and how the regulation will be affected. I look forward perhaps to hearing the comments from the Member for Morris, who, I think, has some very specific concerns to raise there. So, with those few words, I look forward to the comments that we will hear in second reading and also in committee.

Mrs. Mavis Taillieu (Morris): I, too, would like to put a few words on the record just to build upon what the Member for Steinbach has said. As I do represent many people south of the floodway intake gates, and know them very well, and have sort of gone through this whole process with them; reliving their experiences from the previous flood of '97 and how some of them are still not fully compensated following that huge disaster.

If you go through the area, you will see that many of these homes are built on very high hills, that being their flood protection.

An Honourable Member: Or a fish bowl.

Mrs. Taillieu: Right. They have built up to a level specified post-'97 flood, but now they find that artificial and natural levels do change in the definitions. So they now recognize that they are certainly going to be flooded out again sometime in future.

In terms of compensation, this is where the bill really does fall down, because there is definitely a lack of trust by some of these people. Because some of them have not really been fully compensated for their economic and social losses since '97, and that is going back some seven years now. In fact, one group has a group action suit right now against the government. They were called in to settle. They wanted to settle this last fall, but then they were not brought in for hearings until the spring, and then they were individually taken into rooms and offered

compensation packages which ranged from zero to ten percent of the claim package. And they were told that they should take it right then on the spot, and if they did, they would not be charged for the government expenses. This is outrageous. At that time, they were also told they could not speak about this. This government put a gag order on these people and told them they could not speak about this.

It is no wonder that these people do not trust this government and this legislation. They do not trust this government's legislation because there will be no recourse should their compensation not be adequate.

I have been to several meetings the Floodway Authority has held, specifically in Howden which is just south of the floodway gates and in Morris, and at that time went through the presentation and did learn again, I guess, that artificial and nature levels of flooding do differ and with each flood. What they were saying is each flood will find its own natural level, so levels have changed. What was considered the defining level between natural and artificial in the 1997 flood has changed a few times and, again, likely will change in the future with each successive flood. These people know that in another flood event similar to or larger than that of 1997, they will be flooded. It is not that they might be flooded, they will be flooded because the levels of water will be held in the forebay area at a level that is higher than their dikes are built to by 1997 specifications.

The wording in the act speaks only of spring flooding, not of any summer flooding due to operation of the gates or natural flooding, but again, the very fine line between what is a natural flood level and an artificial level is open for interpretation now and in the future. The act talks about being eligible to claim for compensation and then it says successful claimants of compensation, which really suggests that not everybody will be fully compensated even though this act says that people will be fully compensated both socially and economically and for all their property damages.

It leaves a lot of doubt in my mind and in a lot of the people that I represent in their minds, that there actually will be adequate compensation. That being the case, they are very afraid that there is no recourse to litigate, to have an independent body look at who is right in this situation. When there is a dispute, there should be another level that people can seek advice from and that should be the legal system here

because, as we have seen in the past, people have sought legal advice in compensation matters due to flooding and that some of those cases are still not settled seven years later.

I think with that, Mr. Speaker, I will just about wrap up, just to say that there is a definite need to amend this legislation, I feel, to allow people that have been flooded and do not feel that the compensation has been adequate, that they can then have further recourse to sue the government for full compensation rather than just have the government say, "No, you take what we want to give you and that should be sufficient."

Thank you, Mr. Speaker. I think, with that, I can conclude my remarks.

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

COMMITTEE OF SUPPLY

Concurrence Motion

Mr. Chairperson (Conrad Santos): The Committee of Supply has before it for our consideration a motion concurring all Supply resolutions relating to the Estimates of Expenditure, for the fiscal year ending March 31, 2005.

On June 1, 2004, the Official Opposition House Leader tabled a list of ministers of the Crown who may be called for questioning in debate on the concurrence motion. The ministers listed are as follows: Minister of Health (Mr. Chomiak), Minister of Justice (Mr. Mackintosh), Minister of Agriculture (Ms. Wowchuk), Minister of Transportation and Government Services (Mr. Lemieux), Minister of Education, Citizenship, and Youth (Mr. Bjornson), Minister of Water Stewardship (Mr. Ashton), Minister of Family Services (Ms. Melnick), Minister of Advanced Education (Ms. McGifford), Minister of Conservation (Mr. Struthers).

The floor is now open for questions.

Mr. Ralph Eichler (Lakeside): The question I have for the Minister of Health is this. In the town of Teulon we are short of personal care beds, could the minister outline the formula which is used to determine bed allocation?

Hon. Dave Chomiak (Minister of Health): Mr. Chairperson, there is a variety of formulas that are used in order to determine particular needs and requirements in a given region, based on the population, based on the demographics, based on a variety of factors. Generally, the situation with respect to Manitoba in general is we have per capita more personal care home beds than any other jurisdiction in the country, and we have a fairly extensive series of personal care home beds with specific—there are specific areas and there are specific communities in which the need, on an ongoing basis, is not felt adequate by the particular community. Generally, we take our lead from the recommendations from the regional health authority who provide us with their list of priorities and needs vis-à-vis the region, which is then looked at with respect to the overall needs across the province and determinations are made on that particular assumption.

With respect to Teulon per se, I will undertake to look at the specific situation in Teulon and get back to the member.

Mr. Eichler: Thank you for that, Mr. Minister. The problem we have within not just services in Teulon, but a lot of the towns surrounding the city of Winnipeg, a lot of the elderly farm families are moving from rural Manitoba into the larger communities in places like Stonewall and Selkirk and Portage la Prairie and Teulon, and Inwood, actually, is another community where a lot of the elder families are moving, and the information that was passed on to me was the population was one of the demographics that was used in determining personal care spaces. But I think the concern that has been brought to my attention was that we are living longer because of our medical system and the drugs that are available to us.

Is there any idea or information as far as the age is concerned when it comes to calculating the nu

* (15:10)

Mr. Chomiak: Yes, in fact there is. It is actually quite complex in terms of the ratios and the formulas.

Just in general, let me indicate that, for example, the population of residents in personal care homes, if memory serves me correctly, the age of individuals

in personal care homes has risen dramatically with respect to the mean age into the categories of the eighties, which is the point made by the Member for Lakeside (Mr. Eichler).

Secondly, the type of patient or individual that is panelled is typically of a different, often more complex and often has cognitive and/or dementia with respect to their particular condition. So what we have is an aging population with some more complex needs, enhancement initiatives in the community. We are continuing to look more at supportive housing options in communities. Overall the intention and the goal is to try to maintain as many individuals with their families and in their communities as is at all practical.

Mr. Eichler: In going back to Teulon, what would be the process and what information would the minister need in order to make his decision, because the RHA from our area has recommended the addition of I believe 24 units for the past six years to be put through for the minister's approval?

What other steps could we take to assist the minister in making a decision to move that project forward?

Mr. Chomiak: With respect to prioritization and needs, there is a planning process that is undertaken every year whereby the respective regions and the sub-districts of those regions make known requests with respect to their prioritization in the particular region.

Those needs get prioritized and get forwarded to Health, which then makes a determination based on overall provincial priorities and needs of various communities. Often it is the case that indeed in a specific community that in fact in that particular community there is a very high priority to a particular need. Similarly, in other communities there is a high priority for specific need. Those priorities get weighed vis-à-vis circumstances and both the human and the financial resources that are available.

Suffice to say that there are substantive requests for personal care home beds throughout Manitoba. We are in the process of looking at some needs in different areas. There are also some areas, the member mentioned Stonewall, where we have provided significant resources in order to provide

acute care services to the community and stabilize acute care in a community that has a growing need and requirement.

So it is a balancing act. I will check with the region, and I will check with the department with respect to the specific requests of the 24-bed expansion with respect to Teulon.

Mr. Eichler: I would like to thank the minister for checking into this. I would like to go on record as having stated to the minister that we do have a large number of support letters I will be forwarding to the minister. We have endorsements not only from the RHA; we have endorsements from the Teulon memorial hospital foundation. We have our monies in place for our share of the contribution, plus the municipalities have also sent in letters of endorsement. We will do whatever necessary needs to be followed up on for the minister. We are there to serve him and look forward to moving this project forward. Thank you, Mr. Chairman.

Mr. David Faurshou (Portage la Prairie): I am glad to have the opportunity to question the minister this afternoon. He would, I believe, be uncomfortable if I do not ask the question I ask every year, and that is about rural nurses' training. I believe that the minister has been studying the programs that are in existence at the present day and I believe also, too, that he recognizes the success of rural training, whereby more than three quarters of the graduates of the Licensed Practical Nurses program and Nursing Assistants program remain right within the communities in which they receive their instruction.

So, following up on that, the rural communities are in dire need of registered nurses at the present time, and I want to ask the minister how he has progressed with the initiative to which he said that he would be studying.

Mr. Chomiak: The member and I have had some very useful discussions over the past several years with respect to the nurses training program. The member will be aware that the Central RHA has forwarded a proposal and recommendations with respect to nurses training. Discussions are ongoing and continuing. I just want to quickly make the point that, of course, we continue our ongoing enhancement and provision of providing LPN services training throughout rural and northern Manitoba, and in addition to the question of laddering and the question of the offering of a Registered Nurses

program and Diploma Nurses program throughout Manitoba.

Mr. Faurshou: I hope that the minister is getting closer to making an announcement. I, once again, offer the opportunity for the minister to tour the site where the Licensed Practical Nursing and Nursing Assistant programs are made available in Portage la Prairie, and that being the former Canadian Forces Base in Portage la Prairie, commonly now known as Southport.

In addition, I would like to ask the minister a question similar to that that I asked the Family Services Minister (Ms. Melnick), and that is looking to the future for the Manitoba Development Centre, which is located in Portage la Prairie. That facility, as the minister is probably aware, provides all services needed to those persons affected by brain injury at birth and, as one can appreciate, the number of entries or admissions to that facility has been minimal. I believe there were only two admissions last year, because persons now are looking to alternative service providers. So that facility, just by the very nature, will be seeing the population age and pass away. This facility has been in Portage la Prairie for more than a hundred years and is an integral part of our community.

I want to ask the minister as to whether or not he is familiar with the study or discussion that took place a number of years ago that would see that facility, which has brain injury expertise and experience, being made available to persons that are now in other care facilities suffering from brain injury that has occurred at later stages in one's life through accident, and whether or not the MDC facilities could potentially take those individuals from acute care facilities into the facilities of Portage la Prairie and offer, if not equal, better care.

*(15:20)

Mr. Chomiak: I am familiar with Manitoba Developmental Centre as well as the issues surrounding it, and it does fall primarily under the auspices of the Minister of Family Services, but I think that the point made by the member is not greatly appreciated by the general public, and that is that, regrettably, one of the fastest growing conditions is brain injury and brain-damaged individuals. In fact, it is a rapidly growing population, and we are looking at a variety of options with respect to dealing with this population.

I might add that the present trend with respect to this particular population is to move towards a more community-based, more community-oriented programming and assistance. But the member quite legitimately outlines the excellent work done at the centre and I think quite accurately outlines some of the issues with respect to a particular aging population in that facility, as well as identifying the fact that brain injury is a growing area of the population, disproportionate, in some cases, to other types of conditions.

Mr. Faurischou: I appreciate the minister's remarks, and, unfortunately, I do recognize the statistics to which the minister refers, simply because of the advances in the medical field, able to repair much of the injuries throughout one's body, but when it comes to brain injury, those advancements have yet to be made.

I hope the minister can truly appreciate the situation to which I speak. The MDC is an integral part of our community over the past 100-plus years as well as the experience and expertise of the staff that are currently employed at the Manitoba Developmental Centre. Without planning for the future, ultimately the centre will close because the aging population will pass away. So I would like to encourage the minister to sit down with the Family Services Minister and really evaluate the merits of planning for the future of this facility. Not only is it the personnel that are there, but there is an investment by the Manitoba taxpayers. The laundry, the auditorium, the swimming pool, there are just many, many investments there that could be utilized in other capacities. If I could have the minister's commitment that he will discuss this with the Family Services Minister, I would appreciate it.

Mr. Chomiak: Mr. Chairperson, I thank the member for the very useful comments, and they will form part of our continuing dialogue with respect to, not just the issue of the facility and institutional needs, but to the entire spectrum of services that we offer. But I do understand the member's point quite clearly.

Mr. Faurischou: Interdepartmental relationships are issues that I have raised here right now, but I also want to, though, mention to the minister about the relationships between public and private. I will give you a scenario that exists currently in Portage la Prairie and one that is going to be going ahead simply because there is not the available partnering

as a mandate of the department right at the present time.

Doctors within Portage la Prairie recognize the added demand by the public and are looking to construct a very innovative new clinic in Portage la Prairie which the doctors of Portage la Prairie will be staffing. This clinic will be constructed in downtown Portage la Prairie; in fact, plans are pressing ahead.

Also, too, I want to say that another project also going ahead was sponsored by the Lions Club in Portage la Prairie that recognizes a need for an assisted living facility. Just by my own nature I asked the questions of the two individual organizations, the doctors and the Lions Club.

Have you had any discussions as to whether or not this project would be better suited if, in fact, they were one, insofar as having the doctors' offices with the physiotherapists and all of the medical personnel located perhaps on the main floor?

Then you have a five-, eight-, ten-story residency for persons in an assisted living condition of health where, if I was one individual in that condition and needed assistance because of my health condition, where better place to live than right above my doctor.

I would, for one, be signing up to be considered for residency in this type of facility. But, when I proposed this to all entities, all organizations, both organizations said that it was a good idea, but in speaking with the RHA this type of support for this type of construction was not a mandate of Manitoba Health. Ultimately there would be required support from Manitoba Health for this type of assisted living facility being constructed.

So I leave with the minister this example that I believe has significant merit, and I believe is opportunity lost because of the current posture, whether it be the minister's own decision or the decision of government. But I believe the public-only position for offering health care services here in the province of Manitoba is definitely preventing one taking opportunities such as I speak.

Mr. Chomiak: Mr. Chairperson, I think the member is confusing issues in this regard. Since the founding of medicare until present day, doctors build clinics and doctors operate clinics that are private clinics.

The public generally constructs hospitals, personal care homes and other forms of assistance that is done at the expense of the public. There is nothing that prevents doctors from operating a clinic. There is nothing that prevents the private sector from offering housing. There are, in fact, private-sector conditions in various places where assisted living is provided, and Manitoba Health provides the home care for that particular assisted living. Now, that is just in general.

The specific issue of, for example, having an eight to five doctor's clinic operated adjacent to a particular residence for assisted living would not necessarily be optimal in terms of the provision of health services, for a variety of reasons. Most of the care provided would be of a primary care nature that could be offered by other professions, et cetera. So it is a little bit more complicated when one gets down to the specifics. I encourage the member to pursue and discuss any innovations or any options that can provide services that essentially improve the condition and the situation of anyone requiring health care.

*(15:30)

Mr. Faurshou: I thank the minister for his response, and I do appreciate the abilities for doctors to construct their own clinics. But I did not mention the eight to five. The doctors themselves have not yet decided on the hours, but they are looking at a minimum of 18 hours a day outside, and it is a clinic that will offer a wide variety of services. This type of innovative relationship between various organizations I think should be explored and facilitated if at all possible.

I want to move to my final area, and that is funding of RHAs. I speak specifically of the historic nature of funding and, in particular, the Central Regional Health Authority where I represent constituents. It has been funded on a historic basis, and this area traditionally has been one that had been extraordinarily frugal with dollars in expenditure for health care services. In any and all opportunities health was delivered at the most cost-effective fashion, which all health care facilities should strive to do. But, recognizing this, if one were to compare between health care facilities similar services being offered, you will find that there is a differential in, in fact, the cost of those services being provided.

So I am wanting to ask the minister if he and his department have effectively evaluated the various

services which his department funds and those services being offered in various locales throughout the province. And, through that study, is he today able to recognize that there are differentials between facilities for the services that they offer?

Mr. Chomiak: Every year the assessment in needs and requirements come up through the regions, through the various processes to the department. There are certain standards and certain levels that have to be provided for, certain core funding, et cetera. There is historic demographic of population-based, et cetera, information that is applied to each of those.

Let us face it, frankly, every single region, every single jurisdiction, every single institution feels that they do not have enough. If there is a greater percentage increase in one region vis-à-vis another region, the region that does not have the greater percentage increase generally indicates that they should have per capita funding, because per capita, etc. So we go through this every year. There are various comparisons and various scenarios that are applied in terms of funding, and we attempt to fund all regions based on a variety of factors, not the least of which is health, health status, etc.

The Central Region has been a very well-managed region. There is some significant growth in some areas of the region and I think that we have, to the extent possible, met the needs of that particular region.

Mr. Faurshou: I will leave the minister with a thought that I have had and expressed on other occasions, and that is that bigger is not always better. In the case of health care, the larger the hospital does not necessitate the better care. For various services, smaller institutions deliver those services in a very cost-effective, efficient fashion where persons are extraordinarily satisfied to have that type of service delivered in a smaller, more personal facility.

I want to emphasize to the minister to look at the value that smaller sites do provide and to recognize the cost that is involved in the transportation of individuals to larger centres. If one were able to designate a primary health care delivery system and then a secondary and ultimately a tertiary within the province of Manitoba that will provide Manitobans with that cost-effective type of health care service delivery.

I come back to, again, stating that I have mentioned that regional centres strategically located around the province of Manitoba could provide services that are being made available to Manitobans solely in Winnipeg. Ultimately, persons have to be transported by ambulance to acquire those services. Mind you, one of the services that is currently being satisfied in Winnipeg for Portage la Prairie residents is the use of a CAT scan which, hopefully, within a year's time, will change and patients will not have to make the commute into Winnipeg. They will be able to receive that service in the Portage and District General Hospital.

That is just a small step in what I believe is the right direction, but I want to emphasize to the minister that he very, very clearly evaluate the best way of health care service delivery for the benefit of all Manitobans, rather than listening to some facility managers or RHAs that are looking to empire-build, shall I say, within their jurisdictions, which, I think, is not in the best interest of the taxpaying public nor in the case of the patient either. Thank you.

Mr. Chomiak: Yes, I thank the member for his advice and as the member alluded to in the latter part of his response, I think our record with the enhancement of both CAT scan provision and dialysis repatriation and number of surgeries and our continuing work I think speaks to—our actions actually speak to our intentions.

Mr. Gerald Hawranik (Lac du Bonnet): Mr. Chairperson, being from the constituency of Lac du Bonnet, rather a large constituency within the province, we need three strong, viable regional hospitals. We have one in Beausejour, we have one in Pine Falls and the third one in Pinawa is in badly need of renovation. I know the Minister of Finance (Mr. Selinger), when he was delivering the budget, in fact, did allude to the fact that there would be some renovations done to the Pinawa Hospital pending reconstruction of that hospital at some time in the future to ensure that that hospital still remains viable and vibrant and strong.

Can the minister tell me and my constituents what kind of renovations will be done to the Pinawa Hospital, when they will be completed and approximately how much they will cost?

*(15:40)

Mr. Chomiak: Mr. Chairperson, I will undertake to provide that member with the information before the end of the week.

Mr. Hawranik: I would like to thank the minister for that and look forward to receiving that information.

Now, last year during the Estimates process, I asked the minister with respect to per capita funding in various regions across the province, and I mentioned to him that NEHA, North Eastman Health Association, gets one of the lowest per capita funding amounts from Manitoba Health and his response at that time was, "Well, we do not fund in accordance with the population, necessarily. It depends on a number of other factors." But one of my concerns is relating to a concern that was given to me by several of my constituents in Pinawa, and that is they have complaints with respect to the amenities at the Pinawa Hospital. They even go so far as to say the sheets are torn and ripped and have holes in them. The excuse that, sometimes, the staff give them is the fact that there is not funding available.

While perhaps we do not fund on a per capita basis from Manitoba Health to NEHA, can the minister tell me what efforts he is making and what plans he has to increase funding for our area, for NEHA?

Mr. Chomiak: Mr. Chairperson, both historically and otherwise, NEHA has received significant increases during the tenure of our administration. The first two or three years that I was going through Estimates concurrence, the member's colleagues from South Eastman were very, very insistent on per capita funding for the South Eastman region. As we gradually built up funding to the South Eastman region from historical lows, they are no longer requesting per capita funding but are quite happy with the form of funding that is a complex formula based on a variety of needs and requirements.

We attempt to address the needs in full for all of the regions. As I said to the member's colleague, there never is enough but we have attempted to provide the region with as much and with appropriate funding that we think will continue to permit it to provide the excellent care that it does, which has been recognized through awards, and the appropriate funding for it to continue.

Mr. Hawranik: I was happy to hear during the budget process that the Minister of Finance (Mr. Selinger), and of course, obviously, would have been in consultation with the Minister of Health, the announcement he made with regard to the Pinawa Hospital in terms of the renovations. I believe that NEHA has made an application to the minister with respect to either replacing or expanding that existing hospital in Pinawa to make sure that there is a viable and strong third hospital. Can the minister advise me where that application is along the process and whether it will be approved within the next number of years?

Mr. Chomiak: Mr. Chairperson, the member is aware of a variety of options and scenarios that have been suggested and some community meetings have been held with respect to various options relating to hospitals in the particular region. We are still assessing the situation. Suffice it to say that we anticipate there will be the continued provision of services. In fact, as I indicated to the member's colleagues, we envision doing more services outside of Winnipeg in attempts to reverse some of the trend that occurred in the previous decade.

Mr. Hawranik: I would like to ask the minister whether it will be required for the communities of Whitemouth, Lac du Bonnet and Pinawa to make a decision first as to where the hospital ought to be located. Would that help in terms of the process as to when the hospital will be approved or when a new hospital will be approved for that area?

Mr. Chomiak: Mr. Chairperson, the question of location, acknowledgement and support from all of the communities, I think, would be a factor, amongst many, in terms of determining the future of capital development.

Mr. Hawranik: Is the question of location of a particular hospital in that area at this point impeding the process as to whether or not that hospital will be approved as a capital project?

Mr. Chomiak: Mr. Chairperson, no.

Mr. Hawranik: Another constituent concern that I have had, in fact, it was even expressed today, Mr. Chairperson, is with respect to Provincial Road 520 as it goes from 313 directly to the Pinawa road and directly to the Pinawa Hospital. It is actually the most direct route to that hospital from land that is

north of Pinawa and east of the Winnipeg River. It is really in bad shape. I have asked the Minister of Transportation (Mr. Lemieux), with respect to 520, to allocate funds toward paving that road. It was rebuilt a number of years ago. It is a good gravel surface, but in the spring it breaks up, and even the ambulance drivers who transport people from that area have difficulty navigating it. At times, when it is in really rough shape, they take the much longer route through Lac du Bonnet and through No. 11 highway. Many of the residents in Pinawa have expressed concern over that and people who are in the Lee River, Bird River area also have expressed concern.

I have brought this up to the Minister of Transportation and his answer was that there are many needs, and we do not have enough money to cover that. But, having said that, he failed to mention that, in fact, there was \$13-million worth of capital funds not spent in last year's budget and that easily could have covered that. I am wondering if I could ask the Minister of Health, since it is a health issue in that particular area, whether he can speak to his colleague the Minister of Transportation and, certainly, perhaps bring to his attention that, in fact, it is an issue for the area with respect to transporting people who are in emergency situations to that hospital.

Mr. Chomiak: I will certainly advise the minister of highways and transportation that the Member for Lac du Bonnet (Mr. Hawranik) has raised this issue here in concurrence.

Mr. Glen Cummings (Ste. Rose): I would like to ask the minister a couple of questions about board representation and what logic, or I might suggest what lack of logic he used in terms of criteria and appointments to RHA boards. I would have assumed that one of the criteria was that there would be some regional representation, understanding the old adage that once one becomes part of a board, such as an RHA board, they are expected to manage on behalf of all parts of the region. But, nevertheless, when there is a discrepancy in terms of parts of the region, not having a representative or having someone appointed from their area, it seems to raise the question of whether or not the minister had, in fact, a different view of this.

Does he have a policy on trying to distribute the appointments to the RHA so that they are spread across the broad geographic base of the RHAs?

Mr. Chomiak: Yes, we do.

Mr. Cummings: I am pleased to hear that. As I said a moment ago, while board members are expected to, I am sure, represent the best interests of the entire region and not be parochial, there is a specific issue in the Assiniboine RHA, which is part of the area I represent, particularly the Neepawa-Carberry area, where they have no representation from that area. It seems to me that they have about 15 percent of the population and the physicians in that RHA, 15 percent of the physicians. That represents a pretty active hospital and large care home at Neepawa and, similarly, a smaller but equally active community medical services in Carberry.

I wonder if the minister believes that it is appropriate that that large an area would not have some sort of consideration and board appointments. I recognize that in the overall scheme of things the minister is responsible for a huge department, and for him to minutely scan each appointment might be expecting a superhuman effort. But somebody, I think, has misled the minister in terms of how regional representation is occurring on this particular board. There are examples, and I do not need to give them here, but there are examples of communities that have two representatives on the board and an area that I just described has none.

Would the minister be prepared to reconsider or to consider further appointments to this board?

*(15:50)

Mr. Chomiak: Two points are general, and then a specific. I will be the last to ever even vaguely suggest that I have anything near superhuman powers. Believe me, I would be the last person to suggest that.

Having said that, when it comes to the RHA map, and I think I said this is in Estimates, it is not particularly high tech. But we have the map with the pins, of which there are hundreds of different-coloured pins allocated in my office where we have over the years tried to, both by virtue of regional representation and various other factors, tried to allocate representation across the spectrum for all regions.

We diligently review that map and those pins during the course of reviewing the board

appointments that come about each year. Is it a science? No. Is it an art? No. It is somewhere in between. Is there a genuine intention on the part of government to be representative of all regions in a certain extent, on a rotating basis? Yes. Would I entertain specific representation from the member with respect to a regional representation? Yes.

Mr. Cummings: I actually appreciate the minister's response, because one of the difficulties that he has got, if he looks at the map of the Assiniboine RHA, is that the area that the Neepawa Hospital, for example, services extend quite a bit to the east and north of that area, and I think the minister, when he thinks about it, would recognize that. So putting pins on a map might distort whether or not that area was actually represented, because Minnedosa is not that far to the west but has an entirely different facility and an entirely different population that they serve, to the north and to the south and to the west of that town.

A quick glance on a map might even be the problem that has been created, because there is representation from the Minnedosa area but that does not come anywhere close to representing the population of the Neepawa and Carberry areas which have a fair bit of, I would say, commonality. They did put forward, I know, a half-a-dozen names from the area, and were quite disappointed that there was none of them who were acceptable to the ministry.

I wanted to assure the minister that he will be hearing more about this concern because the people in the community are becoming increasingly agitated about the fact that they have gone from three representatives to zero and if three was inappropriate, two might have been a better average, as zero strikes me as politics of punishment. I would not be at all surprised that the minister might be offended by that but I hope that that, however, helps him to remember my concern when petitions and letters begin to arrive on his desk. In the minister's defence, and I am going to tell the people in my community, he did say he would be interested in considering representation as to why that area should have an appointment and I am prepared to take him at his word.

Mr. Chomiak: I would not say I was offended by the member's comment of politics of punishment but I do not think the member could find during my

tenure as Health Minister an instance where individuals or groups could say that there has been a policy of punishment from Health. I do not think that that intention has ever been undertaken during the last four and a half years.

Mr. Cummings: Well, again, I am prepared to accept and even support the minister on his comment, but the history in that corner of the RHA is that the first appointment to the RHA board under this government was the NDP candidate from the previous election, and then the second appointment was the next NDP candidate from that area. I accept the minister's comment that he wants to be fair, but as long as we had an appointment we would have been happy. Now that person has moved away and is no longer able to represent the area.

For the minister's information, the RHA board, from their minutes, did make an observation that when the member moved to another part of the RHA, they assumed that they no longer were in a position to be a representative on the board because they no longer lived in the area which they represented originally when they were appointed. I use that as an argument to encourage the minister to consider requests from the Neepawa and Carberry area for representation and if there is room on the board at this point, I think it would be well received if he would consider that.

If I could, Mr. Chairman, I also would ask the minister, he responded positively to the intention to upgrade the chemotherapy treatment unit at Neepawa in the last round of Estimates and concurrence. There is also an announcement pending of redevelopment of a personal care home known as East View Lodge. The site has been chosen. I believe there are drawings on the table, but I wonder if the minister is familiar at all enough with that file as to indicate whether or not that project, the second one, the East View Lodge, or the residential seniors personal care home, pardon me, if he is familiar enough with that file to comment on whether or not that has been allocated for? The last list of capital projects that I saw did not include it. I am just wondering if the minister is prepared to comment.

Mr. Chomiak: I was tending towards commenting, but I am not going to rely on my memory this afternoon with respect to that particular matter, but I will get back to the member on the specifics of that.

Mr. Cummings: Does the minister have a list that he can share? The list that he shared with our critic regarding capital projects, is that the current list? Is the chemo project at Neepawa Hospital large enough to be noted on a capital list, or is that just seen as a maintenance and expansion project?

* (16:00)

Mr. Chomiak: There will be some announcements with respect to capital projects that will be announced in the next several months.

Mr. Cummings: Thank you. I will just encourage the minister to remember that when the Premier came to Neepawa, he seemed to want to come back to his rural roots quite regularly during the campaign, and kept popping up in Neepawa. Somehow I guess he was believing the *Free Press* prognostications that the Yellowhead route was going to go suddenly NDP orange, but he personally promised, and he made it very clear that it was his personal promise that as soon as he returned to office that that chemo unit would be built.

I wonder if the minister realizes that the Premier made that very, very strong personal—he made it in fact in front of a number of people, including those who have been stalwart supporters of his in the community. They are now asking me if anything is going to happen. So I would like the minister to take that under advisement if he is not certain whether or not the chemo unit is going to be expanded and built in the near future.

Mr. Chomiak: In fact, it is a very important project and very important to people of that area and region.

Mr. Larry Maguire (Arthur-Virden): I just have a few questions quickly for the minister in regard to a couple of issues in my constituency. One that I know the minister is familiar with is the Zarn family at Reston. Mr. Doug Zarn has had a serious bout with cancer and has been forced to go to the Mayo Clinic in Rochester because he was forced to go out of province because he could not get the treatment needed here for the surgeries that he needed to undergo. Of course, all the Manitoba physicians indicated to him was that he only had a few months to live, when, in fact, he is approaching well over a year now, and the circumstances in this issue, I know that the minister has received many letters from the family. One from the son of this person, Mr. Miles Zarn, dated December 12, '03, and one to Gayle

Martens from Doug Zarn himself, in December 10. Well, I will not go into all of the particular details, simply to say that this is, because of the time limits here, I just want to point out that Bev Ann Murray, the assistant deputy minister, has indicated in a letter received by them on March 16, 2004, written to Mr. Miles Zarn, that, of course, Mr. Zarn did not meet the out-of-province requirements for the government to pay any funds in this particular case.

I state that the out-of-province regulations indicate that two criteria must be met: referral by an appropriate Manitoba specialist; and, of course, adequate care is unavailable in Manitoba or elsewhere in Canada. He certainly met the latter one, because the laser surgery that he was requiring was not available at that time in Manitoba.

It is ironic that subsequently within a few months it did become available in the fall of '03, in December of this year. That is a great thing for Manitoba and a great thing for Canada. But in the meantime it was not early enough to help this particular individual, who just felt with the seriousness of their circumstances and his doctor's area that they just were not getting the treatment as quickly as they needed.

I put to the minister that the irony of this whole process is that when he was being set up for the treatment in Rochester, the doctors in Rochester indicated to him, introduced him to two people there that were basically in training and that they were from the city of Winnipeg in the province of Manitoba. It is just very hard for a Manitoba person to be told that they cannot get this kind of a service at home and nobody will help them pay for it. They have racked up tens of thousands of dollars in costs on this particular circumstance. I believe there was not adequate care available to this particular constituent in Manitoba or elsewhere. Maybe his only fault was he did not get a second opinion from another doctor to say that the referral should have been given.

I think that the people here particularly, and I do not know his doctor, but there certainly was not a sense of co-operation in the health care system here in Manitoba that allowed this individual to have the confidence. He has told me since that he has lost complete confidence in the system here in Manitoba. He will not even take the treatments here in

Manitoba, because they just are not being done in a timely fashion in regard to that, and he was going to have to wait even longer periods of time.

I wonder if the minister could just indicate to me if he is familiar with this case, No. 1. I know he deals with many cases. I just wondered if he could provide me with some indication of what I can tell these people.

Mr. Chomiak: I think it is probably not good practice to deal with specific cases in any public forum with respect to issues. One of the recommendations of the Sinclair inquiry was that it be made very clear to Manitobans what the criteria were for treatment in Manitoba and for out-of-province treatment. We took that very seriously even though members opposite criticized our handbook that we provided to all Manitobans that was recommended by the Sinclair inquiry. We did provide a handbook to every Manitoban outlining the coverage that is available and the criteria under which it is met, which was a recommendation of the Sinclair-Thomas inquiry.

I am not in a position to discuss specific cases on the public record, Mr. Chairperson.

Mr. Maguire: Could the minister tell me then whether that act says that they must or that they may require these recommendations from a doctor before the government will pay in Manitoba?

Mr. Chomiak: The provisions that are in place have not changed from when the member opposite's party was in government.

Mr. Maguire: Well, I have never been in government, so I wonder if the minister can tell me whether this should have been, this particular area—he can refresh my mind on that in regard to whether or not he believes that these actions indicate that the government must, that the person must have these referrals or may, and if that limits the government from being able to help people like this.

Mr. Chomiak: Mr. Chairperson, I believe the regulations indicate that it is a requirement to have the particular referral, and the act also provides for an appeal mechanism with respect to the provision or non-provision of those services.

Mr. Maguire: Mr. Chair, I do not want to be confrontational with the minister on this; I know that

he has had a long day. But I want to indicate to him that I know he has a file of these nine or ten files that I have here before me. I know that the family has sent them to him. I know that he has received letters from them. The family has received the letter back from Ms. Gayle Martens in regard to the circumstances.

I wrote the minister a letter on this issue back in April, if not at the end of March. All I received was an e-mail saying that the minister's office would deal with this. I have not heard another thing since. I wonder whether or not the minister would at least take another look at this particular case, even in private. I am not asking him to do it in public although many cases in Manitoba have become very public. I wish that, in fact, I beg the minister to take a look at this particular case, because I think if he and his department look at it very, very closely they will find out that there are many circumstances in this particular case where the person affected, Mr. Doug Zarn, did not or could not have received the kind of treatment in Manitoba in a timely fashion to save his life in regards to the system that we have in Manitoba today.

Maybe it is unfortunate, as I say, that he did not get a second opinion in that area. I know that they did go to other doctors, however. So I just urge the minister and wonder if he will indicate to me whether or not he will take another look at this to see if there are extenuating circumstances where the treatment was not available for this particular individual in Manitoba in a timely manner.

*(16:10)

Mr. Chomiak: Mr. Chairperson, there are very specific criteria with respect to matters of this kind and there is limited discretion legislatively on the part of the minister with regard to issues of this kind. Having said that, I will take another read of the file. But I cannot offer to the member that I can by fiat overturn the decisions that are mandated by legislation and regulation.

Mr. Maguire: Just on another issue, Mr. Chairman, I wonder if the minister can indicate to me whether it is common practice that two people in the same ambulance would be both paying exactly the same fee, full fees to be moved from Bounty Trails Hospital in the end of January in the Winkler-

Morden area to the Virden District Hospital. These two individuals were non-related. They were a man and a woman.

They were both there in Bounty Trails for different circumstances and they were both transported back to Virden for care and recovery subsequent to procedures that were done for them at the Bounty Trails. Yet each one of them paid well over a thousand dollars each. In fact, I think that the bills were not exact because I guess they must have tried to make them look a little different. There was \$4 or \$5 difference in the two bills but they were over \$1,100 each, I believe, Mr. Chairman. I wonder if the minister can tell me when they only made one trip why they were both billed full amounts.

Mr. Chomiak: Mr. Chairperson, the region who operates the service, the authority for the provision of services was transferred to the regions during the process of regionalization, and they are responsible for the administration and the provision of those services. So the region would be the appropriate body to respond to that particular issue.

Mr. Maguire: Well, these people have contacted the regional health authority there, and they did indicate that it is their regional health policy in that area. I just wondered who was in charge of the process. I know that everybody has to try and pay their bills the best that they can, and maybe they thought that both of these people had insurance, but, Mr. Chairperson, I would like to assure the minister that in one case, the one individual did not, and it actually came out of an estate that this person was dealing with, and, because subsequent to this move, the person passed away and is no longer with us to answer these questions. So I just wonder if the minister agrees with this policy.

Mr. Chomiak: I thank the member for providing me with that information.

Mr. Maguire: I guess I will, again, put it to the minister. I do not know if I expected an answer, but I guess I asked it so that I thought I could get one.

There are a number of issues in health care across the province of Manitoba and I think that with the minister in charge of the RHAs in the province of Manitoba under the health system we have, does he agree that that is an appropriate action to be taken,

and it does not matter whether it was the RHA that I happen to live in, or anywhere in the province of Manitoba. I outlined one concern that I have in regards to that process, and if it is just because they thought insurance was paying for it, I would be very upset with that as an individual taxpayer and a person living in the province of Manitoba to know that maybe there was an abuse being made of the system in regard to that area.

Surely it does not cost \$2,200 to run from Winkler to Virden, \$4,500 return trip, if they were both being billed the other way. That is 25 percent of the transportation budget that I am allotted in this legislature all year long, and that is supposed to get me 52 trips back and forth to my constituency, which happens to be the town of Virden. I just cannot believe that. I know an ambulance is more costly to operate than my car, and I know that there has to be more personnel to go with that ambulance in most cases, but not \$4,500 worth. So, I just ask the minister if he would look into that in regards to the costs of the RHA system in the province of Manitoba and does he agree with that process.

Mr. Chomiak: I am not trying to play politics with the member, but the member's previous question was whether or not I agreed with the process, and the previous question to that, the member had asked me, what the process was, and I outlined it. In fact, it is a regional responsibility. The fact is, in the Canadian medicare system, it is an anomaly that ambulance provision was never historically covered under medicare. Consequently, subsequent to the actual provision of medicare, an argument could be made that perhaps ambulance coverage and transportation, because of the nature of health care now, should be covered under the Canada Health Act, should be a core service. But, in fact, that is still not the case, and the coverage of ambulance and transportation is supplemented by the Province.

When regionalization took place and it was decided that central administration and authority of ambulance would be given to the regions, for better or for worse we have that system in place. But what we are trying to do is superimpose and work with the regions on top of it a more comprehensive system that has to be put in place, recognizing the status of medical care now, and so we are enhancing and trying to expand the capacity, but that is a long-winded way of responding to the member's concerns.

With regard to the specific issue, I asked the member to check with the region. The member said he checked with the region. If he wants me to subsequently check with the region, I will check with the region to do a follow-up on the specific issues and get back to the member on the specific issues.

Mr. Maguire: Well, thank you, Mr. Minister, and I appreciate your willingness to look into those areas, particularly the Zarn case. I know that the Minister of Justice (Mr. Mackintosh) is coming in to deal with concurrence and Justice. So I would thank the minister for his time in concurrence on behalf of our party or caucus. I was just looking at it from the point of view it did not matter whether it was health insurance or private insurance in regard to this. It is a concern, and if he would look into it, I would appreciate that and thank him very much for his time.

Mr. Chomiak: I thank the member for those comments. I will do follow-up. I do appreciate the member's expediting this process, and I want to acknowledge publicly that members have on previous occasions advised me when to be here and not to be here, which does help. I thank them for that.

Mr. Hawranik: Yes, Mr. Chairperson, over the last year or so we have seen many headlines in papers about the police, the reference with respect to taking on gangs in the city of Winnipeg. And in particular over the last few months, I have noticed that, in fact, because they are taking seriously the issue of gangs in the city and in the province, that they are going over budget.

I noticed one particular article on the City of Winnipeg which indicated that there was an overrun of their budget, the police budget, Winnipeg City Police budget by \$1.1 million.

I ask the minister have the Winnipeg City Police or the City of Winnipeg approached the provincial, our Justice Minister, for more money to help in this cost overrun.

Mr. Harry Schellenberg, Acting Chairperson, in the Chair

* (16:20)

Hon. Gord Mackintosh (Minister of Justice and Attorney General): There were some discussions

around the time of the drafting of the Highway Traffic Act amendments regarding photo enforcement, about where those new dollars would be used.

As a result of those discussions, and some concern on part of the Province in particular about whether the amounts on the fine should be diverted, there was the amendment worded in the way that required that photo-enforcement net fine revenues would flow to, as I recall, policing and public safety, I think. I will have to check on the exact wording of the phrase in the act. It was a result of that that the City recognized that new resources would be flowing for policing, as a result of the Province's intervention in the development of that statute.

The second initiative was the development of the police in schools program or what is called the school resource officer initiative. That is funded through Neighbourhoods Alive. It is a pilot initiative for three police officers in, as I recall, 15 schools, I think. The Province's contribution over the term of that pilot is something in the vicinity of a quarter-million dollars. There also are contributions in kind, as I recall, from the school division and there is contribution from the City of Winnipeg Police Service, but my understanding is that the Province's contribution is in no small way supporting the three officers.

There is more. Another initiative was developed in large part from the Ernst & Young review of the prosecution service, and that was to invest monies in partnership with Winnipeg Police Service to ensure that trial dates were arranged and concluded with the availability of officers in mind, making sure that there were case discussions to guard against officers coming to the court house and then not being used and otherwise being taken off the street. That was piloted and then expanded. We are just waiting for some indication as to the amount of monies that have been made available to Winnipeg Police Service to go to front-line work rather than overtime as a result of court obligations.

There is, as well, a \$2-million contribution to 40 officers that has been renewed. Then there are also other contributions, for example, to the Manitoba Integrated Organized Crime Task Force which is an initiative of the RCMP and Winnipeg Police Service and Brandon Police Service. That was an initiative that the Province had a role in coaxing along and working to ensure that that came to fruition. There is

a contribution there, as well, to operational costs so that the police were relieved of making that contribution. As well, we contribute in other ways. I mean, we have a prosecution liaison to that task force.

You know, there may be some other initiatives that I could think about and I could provide the member with any further details about, but those are some initiatives and supports that come to mind.

Mr. Hawranik: There was a report in April, I think it was an April edition of the *Free Press*, which indicated that the City of Winnipeg will benefit from the photo enforcement, the fines from photo enforcement, to the tune of \$2.5 million.

Does the minister have any information with respect to where that money will specifically go, that \$2.5 million? Has there been any discussion with the City?

Mr. Mackintosh: I recall discussions that had taken place with Intergovernmental Affairs and the former mayor about the further investments in Winnipeg Police. I would have to go back and see the details of that. But otherwise it would be my understanding, based on the legislative framework, that the money is being used for public safety and policing the city of Winnipeg.

Mr. Hawranik: Can the minister advise whether any of the discussions related to funding the crisis intervention unit?

Mr. Mackintosh: If the member is referring to the domestic violence intervention program, there were discussions with the City and police. Well, first of all, this was a pilot that the City developed on its own and then, during the last municipal campaign, the now former mayor made a commitment to make this pilot program a full-time city initiative.

We, nonetheless, had received a request that the Province consider taking this program, and as a result of looking at the initiative and its background, we advised the City that there were \$1.4 million in new net revenues from fine increases that came into force January 1, 2004, that would flow to the City of Winnipeg in the course of our fiscal year '04-05.

Of that \$1.4 million estimated fine revenue, \$900,000 was estimated to be net proceeds from

photo enforcement fine revenue. In other words, there was almost \$1 million of the \$1.4 million that would have to be dedicated to public safety and policing.

Mr. Chairperson in the Chair

Mr. Mackintosh: So we said to the City that, given this new revenue that we have enabled as a result of provincial decision making, that would be an appropriate expenditure to not only maintain, but if the City wished to enhance or broaden that domestic violence program.

* (16:30)

Mr. Hawranik: Has the City given the minister any indication where that \$900,000 in extra photo-enforcement revenue would flow?

Mr. Mackintosh: My understanding is that they indicated, at least so far, that they would not flow that to the domestic violence program.

Mr. Hawranik: Did they indicate at that time whether or not that money was already spent?

Mr. Mackintosh: No, because that money is flowing. That estimate was all based on revenue projections in our fiscal year '04-05, in other words, the year starting April 1. I would have to make enquiries as to where that money was being diverted after April 1. It may be that the money will come in incrementally and they may not have got a cheque as of yet, but I would have to look into that.

Mr. Hawranik: Did they indicate whether that money was committed already and they were committed to certain programs and therefore that money was not available?

Mr. Mackintosh: As I recall, I think the advice was that that money would go to policing, but I do not recall any further detail beyond that general reply, but given that that money was projected to flow only as a result of a decision made by the Province effective January 1 and announced in December 2003, it was our view and remains our view that those dollars would go to very good use to maintain and enhance this initiative, given the whole structure of the photo enforcement scheme.

Indeed, I know the member has a colleague in the House that strongly supported the money from

fine increases in photo enforcement going to this initiative. We think that that is a reasonable way to proceed, particularly given the statements from the City that they are not just looking for more grants, targeted grants, but more flexibility as a result of the Province enabling revenues to flow to the City. So we thought that that was consistent, particularly consistent, given that the former mayor was adamant that this program must be a full-time city initiative and be brought into the range of programming provided by the City of Winnipeg.

Mr. Hawranik: I think the minister would agree that \$900,000 in fine revenues certainly going towards policing in the city of Winnipeg would certainly be a worthy expenditure. Having said that, certainly I believe, in any event, that the Family Violence Intervention Program is a very worthy program, started by the City of Winnipeg, pilot project or not. They have completed studies which show that it is effective in terms of curbing violence in families. I think the fact remains, though, that family violence prevention and intervention programs are really a provincial responsibility, not a civic responsibility.

I would like to ask the minister whether in fact he would be willing to meet with those in that program and determine perhaps whether or not the Province would support it in some way.

Mr. Mackintosh: Just a few points, first, the lead minister on domestic violence prevention, as the member knows, is the Minister of Family Services and Housing (Ms. Melnick). That is where domestic violence prevention is housed. Post-charge interventions and services are the responsibility of Justice. Now, having said that, I can assure the member that I have nonetheless had ongoing discussions with the Minister of Family Services and Housing, because we all have some stake in this obviously.

In terms of the assertion that domestic violence prevention is not a civic responsibility, I would observe the following. First, this initiative was brought in because of the demand for service calls by Winnipeg Police Service, the demand for emergency response vehicles, including ambulances, for example. The City saw it as one way to, perhaps, at least in the medium or longer term, reduce calls for domestic violence and pressures on the civic budget and administration. So there is a cost-benefit analysis, I am confident, that went into the creation

of the pilot project, so the City does have a direct benefit, but, of course, reducing the incidence of family violence has a direct benefit to everyone, and therefore domestic violence prevention does not fall to any particular order of government.

The civic governments in this country have a responsibility for domestic violence prevention and that is a mandate that is shared by provinces, by federal government, by territories and, indeed, I would say by individuals, by organizations. No one, I think, can escape the responsibility for domestic violence prevention. There is no constitutional provision anywhere, to my knowledge, that prevents domestic violence prevention from being a municipal interest and, indeed, I think just common sense tells us that it has to be, indeed.

This program, because it is so fundamentally linked to police services and indeed is triggered by a call to 911, is largely a police initiative. It is a unique police initiative that pairs social workers, but it is driven by the role of the police service and that is essentially a municipal function in the city of Winnipeg.

So just inherently, domestic violence prevention as envisioned by this initiative does have very much a municipal component. There are initiatives all over this country that, maybe municipal, maybe provincial, maybe federal, and that is it. The other thing is, too, that a provincial government always has to be cautious of jumping into pilots that were municipally based without us having been a part of the development of that pilot. The Province governs for all Manitobans, so that is why the proposal to the City that they use this new enhanced fine revenues that were made available for the fiscal year was the perfect fit in terms of being able to fund this initiative and keep it going and perhaps expand it.

Mr. Hawranik: The minister is on record as saying that there need to be new approaches in the fight against gangs and criminal organizations in this city and in this province. When I introduced Bill 200, The Criminal Organizations Deterrence Act, as another initiative, another tool which police could use to stop gangs and criminal organizations from, in fact, establishing houses in our neighbourhoods, I was really quite dismayed to read the debate and hear the debate by some of the members opposite who, in fact, really did not understand the act in the first place, did not understand that bill in the first place.

I know that, whether it needed amendment from the minister's point of view, or whether it needed something else, I think, it was quite disappointing to me. I think that perhaps the minister ought to have given more weight to possibly using a bill of that kind in a fight against gangs, and I am wondering what the minister's comments are in respect to that bill.

* (16:40)

Mr. Mackintosh: First of all, I appreciate the member's efforts on that front and the work that went into that private member's bill. The approach in that private member's bill is an approach that is available as one of the options or the possibilities for dealing with the challenge of organized crime, here and elsewhere.

The member said in the House, and it was accurate, that that was one model that the government had looked at. But the government had rejected that model, and it was because of the experience, particularly in the east, and I think, especially in Ontario and Québec where the responses had been left with the local or municipal governments.

One of the telling pieces of advice that came to me was from the province of Québec, where expertise had strongly criticized the approach in that province, which was municipal. In the area of organized crime, the need is actually to move from local government response to at least provincial response. It should be, perhaps, even federal. But there are constitutional divisions of powers that prevent the federal government from moving into certain areas like property and civil rights, as is the subject of the legislation the member proposed then, our civil remedies legislation.

So that necessarily requires an examination of what is a more effective response. Is it local, municipal or is it provincial when it comes to organized crime? I say this is an international challenge. But we cannot have an international bill on it. So the best we can do as a Province, according to the experience from out east, was to bring in provincial law.

Now we started that experience with The Fortified Buildings Act in Manitoba. In Québec, municipalities brought in fortified buildings

legislation which was encountering many difficulties, but the most vocal criticism was that it simply enabled gangs to move across municipal boundaries to get away from the small scope of the legislative schemes that were confined to those municipal boundaries.

But as well, it was a problem with police forces that, sometimes, were small because of their local base, and small municipal governments with limited tax bases that did not have the tools or the capacity to even enforce municipal laws. You know, we think there is a very important role for the national component of the RCMP in countering organized crime. We see that has to be strengthened on that side.

So we think it is really problematic if we are, instead, devolving responsibility for countering organized crime to small, local municipal forces that are necessarily not as cohesive as either the RCMP on the provincial side or the federal side or, indeed, as larger municipal forces. So there are a number of concerns around that.

The thinking that has been developing, and it is state-of-the-art thinking that we now brought in with The Fortified Buildings Act and then the civil remedies act, is that provincial law is definitely preferable to local law. You know, even if legislation enabled municipalities to make by-laws, there is no guarantee whatsoever that they would move at all, let alone on a timely basis.

So that is why The Civil Remedies Against Organized Crime Act was the legislative response of the Province of Manitoba.

Mr. Hawranik: Yes, I agree with the minister that, when he talks about organized crime, it has to be taken on provincially, federally or even internationally because, obviously, gangs and criminal organizations know no provincial boundaries.

However, the private member's bill that I introduced really is another tool. It is not the end-all, be-all to the problem. It is simply another tool. He knows as well as I, the minister knows as well as I do, that the RCMP, municipal police forces, they all enforce and they have the power and authority to enforce by-laws.

It is not just by-law enforcement officers we are talking about. I do not think that there is a single

member of the RCMP or a single member of the City of Winnipeg Police who would refuse to enforce a by-law when it comes time to enforcing it against the Hells Angels or any other criminal organization in this province.

So simply by saying it is just by-laws, I do not think, is an excuse. I think police forces across this country would enforce them if they knew that it was another tool, another effective tool, perhaps, in the fight against organized crime.

I just say, I do not think it is an excuse to say it is just by-laws, because it certainly is not. The police forces across this country certainly have the authority to enforce it. I liken it similar to the safer neighbourhoods initiative. In many ways, that is what that initiative uses, and I have heard the minister tout the benefits of that initiative and, certainly, this would not be any different.

Would the minister agree perhaps to look at the private member's bill again and with more of an open mind and determine whether or not he might be willing to, in fact, introduce changes to legislation? If not in the wording that I provided because, obviously, as a private member's bill, the kind of legislation, the way it is drafted is quite frequently different than the minister would draft because, obviously, he has money to spend.

Would the minister look again at that particular piece of legislation and discuss with his department the possibility of introducing legislation that might be similar, to use by-law enforcement against organized crime?

Mr. Mackintosh: I do recall one other aspect of the advice I received on this particular bill, that being that there was a view that much, if not all, of the powers may already be available to municipalities to enact by-laws as contemplated. But again, enacting the provincial law will not guarantee any change on the municipality's side and indeed, if they already have the power, then it may be a moot point. But the member and I will just have to agree to disagree on that.

I have to accept the advice that I have had so far is that we have to move to the provincial approach and, indeed, The Safer Communities Act is a provincial approach. I understand we have, I think, 59 drug dens and crack houses and so on shut down

now. But that is an example of where provincial and not municipal law can make a difference. I mean, that is about fighting gangs, too, because we know the connection between drugs and prostitution and gangs.

Mr. Hawranik: A few months ago I noticed an article in the *Free Press* with regards to the case of an alleged new crime organization that moved into Winnipeg called the L.H.S. Can the minister advise me what the status is of the L.H.S. gang in Winnipeg at this point?

Mr. Mackintosh: That is a matter of police intelligence. I can, as well, though, look to see if those affiliations are alleged in matters that have come into the Justice Department's bailiwick through prosecutions and get back to the member on that.

* (16:50)

Mr. Hawranik: Can the minister confirm, I have noticed from a particular article with respect to our provincial jails, that the average inmate population at adult provincial jails in 1999 was 1126, whereas last year it was about 1220, which is not a lot of growth in terms of the five- or six-year period? But, despite that, the Province added more than 200 full-time jail guards to its staff on top of regular salary and benefit increases. Can the minister confirm whether that is the case?

Mr. Mackintosh: I do not have the exact numbers, as the member appreciates. I will just double-check that, but I will say this, that on coming into office in our first year there were significant numbers of correctional officers added to the Justice Department budget. As I recall, I think the number the member raises is somewhere in that range.

Mr. Hawranik: Can the minister confirm, with respect to that article, that the provincial jail budget has actually gone up from \$43 million to \$53 million in 1999? Would that be a correct statement?

Mr. Mackintosh: The budget certainly has increased for Corrections. Now, I do recall that there was an accounting issue in the sense that, it is a very simple matter actually, at one time the Adult Corrections budget for institutions was a separate line from Adult Corrections budget for probation and community corrections. That number was combined over the last few years and it led to a skewing of the percentage

increase. So, in other words, it was apples and oranges. I recall that and I have some detail on that one because, as I recall, there was some discussion with a journalist about those numbers and the reliability of comparing it year-over-year.

I will just add, though, that the member may well know that it was the insights learned from the Headingley riot that led to the increased investments in correctional officers in Manitoba in the time period that he is talking about.

Mr. Hawranik: The minister had mentioned that he has some detail with regard to those numbers and how they are skewed, and the differences. Could he undertake to provide me with details?

Mr. Mackintosh: Yes, I would be glad to do that. I think we have got some numbers that have been crunched and I will find them somewhere in the files.

Mr. Hawranik: I recall when the minister introduced red light cameras and photo radar legislation, and it was voted on in the House. In fact, we, at least I was under the impression, in any event, I am not sure if the minister made any comment with regard to it, but I was under the impression this will be quite a windfall to municipalities, in particular the city of Winnipeg. At the time, the member from Portage la Prairie proposed the amendment with regard to ensuring that the fine revenue would, in fact, go to crime prevention activities and enforcement and to the municipality as opposed to going into general revenues.

I point, though, to an article and, maybe, I was just mistaken, I do not know, and, I think, what took me by surprise was the fact that in an article in the *Free Press* it indicated that traffic cameras will raise \$16 million but the City actually ends up with less than \$2.5 million in net fine revenue. I am wondering whether the minister has had any thoughts with regard to that article as to why \$16 million in fine revenue, in gross revenue, would actually only translate into \$2.5 million into crime prevention programs and police initiatives.

Mr. Mackintosh: As I recall, and I could be corrected on this one, the City of Winnipeg had projected revenues of \$8 million in the first full year of photo enforcement and there was some surprise on the part of officials in my department and Transportation and Government Services about that

projection. They thought it was too high. Those numbers are changing all the time, because there are new cameras coming on. What is bearing out now, I would have to go back and see the numbers. I do not have them with me today in terms of what amounts flow to the City of Winnipeg.

Mr. Hawranik: I guess my impression after reading the article is that, you know, when \$16 million of new total revenue comes into the City and they only end up with \$2.5 million, that seems to me like it is all administration. That really surprised me. I am wondering, since that \$2.5 million goes to very important purposes, crime prevention programs and, of course, police enforcement, would the minister look into why that is the case, if that is the case, that \$12.5 million or \$13.5 million in fact are expenses, as opposed to \$2.5 million in net revenue.

Mr. Mackintosh: I do not want to accept any of the figures, but of course what the City has negotiated with the suppliers of photo enforcement and how much to administer that is a city responsibility. The Province is not a party to the contract for the supply of photo enforcement.

You know, we are going by some memory here. I think what we should do is we will get the numbers for the member, as we have been advised by the City of Winnipeg. I mean, I cannot advise how much information has been provided to us by the City of Winnipeg regarding the cost of the contract. But I do recall that when I was advised of the cost of the contract, it was certainly significant. But the City was still expected to have revenues in excess of the investment in the photo enforcement technology and the contract.

My understanding is that there are new cameras coming on. So all those numbers are changing, and there may be some economies of scale, or there be some greater revenues beyond the cost of the contract as they move ahead. But, as I say, the Province is not a party to that contract. I will get that information for the member. I think it is an interesting area to look at, because clearly we would like to see as much flow to policing as possible, as the legislation contemplates.

Mr. Hawranik: Thank you for that. I would like to ask the minister with regard to a question I asked in Question Period yesterday. The lady who was the sister of an incompetent person, in fact, it was

reported on CBC. In fact, I note the minister's response that he said it was not his constituent. It may not have been, but on CBC that is what it said. I was rather taken aback when he commented. In fact, sometimes I cannot hear the answer in Question Period. So I could not hear the answer to that particular question. I do not know what it is, but I cannot hear answers when other people are talking, in any event. But maybe it is just me, I do not know.

But I did read this morning that the minister said that it was not his constituent, that in fact he was at her door. I will accept that fact. But, in any event, it kind of bothered me when the minister says that I have not presented the facts. The facts I had, of course, were based on a CBC report. So I am only stating what the CBC tells me, and for him to say that I am not presenting the true facts, well, in any event, having said that, though, the minister, I take it, remembers going to that lady's door. As I understand it now, he was there with the current Family Services Minister at her door. Did she bring up that particular issue to him?

* (17:00)

Mr. Mackintosh: I recall during the last election campaign I was in another constituency that became represented by the current Minister of Family Services and Housing (Ms. Melnick). When I introduced myself, the woman at the door said that she had a recent issue that was of concern. She alleged that there had been a recent trial in Manitoba courts where her sister was a victim and that she had been excluded from the courtroom, to her disappointment, if not anger. She was very angry, as I recall, about that situation. She wanted to know why she was excluded from the courtroom. As I recall, my advice to her was, I advised her that I would look into the allegations and ask Prosecutions what was behind that. Something to that effect would have been my response to her.

Following the campaign, I asked the department to provide information. My role, of course, is always to, in situations like that, seek information. In other words, I can ask questions and get information. I do not as a practice, although constitutionally I could, I suppose, give directions. It is just a matter of asking questions. That is generally the practice, as the member knows. I recall that a few weeks later, I cannot remember the time frame, there was some explanation, and that was passed on to the new MLA

for Riel to pass on to this constituent. Just over the last couple of days it was just confirmed that that information, according to the now-Minister of Family Services and Housing, was passed on by way of e-mail, I understand, in the summer of 2003.

Mr. Hawranik: Is there any information that was received from the Public Trustee at that time that caused you concern or was alarming or caused you to believe that maybe there was some injustice being done here?

Mr. Mackintosh: I do not recall issues about the Public Trustee being raised at all by that person at the door, by the woman at the door. She raised the issue of the trial and her exclusion from the courtroom. That formed then the basis of the questions to the department. My recollection is that the information about what took place at that trial and why she was excluded, first of all, my understanding was that the exclusion was requested by defence counsel and agreed to by the judge, but that information came from Prosecutions. In other words, this was an issue where it was only the Prosecutions service that was involved. As to my recollection, there were no issues regarding the Public Trustee that were made known.

Mr. Hawranik: Subsequent to that encounter at the door, were you ever contacted by this particular person by letter or e-mail with respect to allegations against the Public Trustee? Do you recall?

Mr. Mackintosh: Well, it was on Monday morning after we had received these allegations from this woman that requests went out to my community office, my front office and the deputy's office, as to whether there were e-mails or letters and none were found.

Mr. Hawranik: I have a little bit of concern and I am not sure if the minister has been briefed in terms of all the facts that were disclosed, or alleged facts that were disclosed, in the CBC report, but one of the factors that really concerns me is the fact that Judge Hanssen, in fact, ordered access to the sister, to her incompetent sister. Shortly after that, the Public Trustee flew the incompetent sister to Toronto for treatment in Toronto when, in fact, there possibly could have been treatment facilities here in Manitoba, namely, 1010 Sinclair.

Does the minister have any cause for concern with respect to the actions of the Public Trustee if, as

indicated, Mr. Justice Hanssen gave access to the sister and then subsequently or shortly thereafter the Public Trustee flies her out of the jurisdiction away from the influence of her competent sister?

Mr. Mackintosh: First of all, I think the context of Public Trustee actions is within the purview and under the accountability of the Court of Queen's Bench. These matters come to the attention of MLAs from time to time, where family members are concerned about orders under The Mental Health Act, orders under the Court of Queen's Bench, in terms of the role of the Public Trustee.

Of course, the Public Trustee is an appointment of last resort, is only appointed in situations where there is no family member available, or where there is a family member available that is not appropriate to act as a committee because their actions would not serve the best interests of the person, or in a conflict with regard to the person's affairs. So, if there are concerns about capacity to provide the level of care, if there are concerns about negligence or concerns about abuse, there will be appropriate appointments of a last resort. Of course, those appointments are made under The Mental Health Act by the Director of Psychiatric Services, and, in rare circumstances, Court of Queen's Bench provides orders. But, in addition to accountability, Court of Queen's Bench, there is the role of the Ombudsman. So the issues around the Public Trustee's office, as the member should know as an MLA, are the subject of outside independent reviews by their very nature.

Now, in the circumstances, I cannot get into confidential matters, but I understand the public record does provide information about what took place here. There is more information that I think is very relevant. I mean, first of all, I understand that there was a court order dated January 15 from Justice Hanssen and it restrained the person that the member is advocating on behalf of from intimidating the plaintiff's caregivers and attending at the plaintiff's place of residence or harassing, molesting, or annoying the plaintiffs, or her caregivers directly or indirectly.

* (17:10)

The order goes on to talk about the permission of certain visits and how that is to be dealt with. Now, those are matters of public record, and I would urge the member to look at that. That order was given in

the face of three affidavits from the person the member is advocating for. So I have some concern about the interests that are being advocated, because what should be known is that the client of the Public Trustee went to Toronto to be with her immediate family. She has a daughter there. I did not hear that in any of the allegations by the member. But my understanding is that I am advised that, as well, there was an age- and disability-appropriate facility located near the daughter out east. So that is that.

My understanding is that there were allegations that the sister was prohibited from contacting the client, and I am advised that the Public Trustee placed no restrictions whatsoever on any communication between the two. The only explanation that there may be available is that perhaps the client does not wish to speak with her sister, or perhaps there are issues with the institution in Ontario. But I do not have knowledge about that. I am speculating on that. But the Public Trustee advises that there are no restrictions on that communication now which was alleged.

This has gone before three justices in the courts, and if the person that the member is advocating for is concerned about the Public Trustee's actions under the supervision of the court or subsequent to The Mental Health Act order, the Ombudsman is there to deal with this. I know that MLAs have, from time to time, made that recommendation to constituents when they have concerns about the Public Trustee's actions.

Mr. Hawranik: Just one final question with respect to that matter. I know the minister has brought up the fact that there was a restraining order against the sister not to contact the incompetent sister because it was alleged that she was pestering and harassing the caregivers. But I think the minister would agree, at least I would hope that the minister would agree, that certainly the sister, having seen her incompetent sister being shuffled among three care homes in a short period of time and the fact that while under the care of the Public Trustee she was admitted to St. Boniface Hospital and sexually assaulted there, would certainly give anyone cause, I believe, to be concerned for the well-being of their sister and certainly would give them cause to, as the minister says, pester and harass caregivers. Would the minister agree with that?

Mr. Mackintosh: Well, just based on the public information and what I am advised, it became

extremely difficult, if not impossible, for the Public Trustee to find a group home willing to accept the client. As a result, the Public Trustee applied to the court for an order restraining the client's sister. The person that the member is advocating on behalf of, and the Public Trustee sought an order to stop harassment and any molesting or annoying of the client or caregivers. So, according to the public documents, the movement of this client is related to the allegations about the sister's conduct.

Mr. Faurschou: I appreciate the opportunity to ask questions of the minister that are of concern to residents, constituents of Portage la Prairie.

I know we had the opportunity briefly in Estimates to query Corrections activities that are in Portage la Prairie, Agassiz and the women's correctional facility. I would like to be very specific to one particular concern raised by the teachers at Agassiz Youth Centre. The education programming within that facility is an integral part of the rehabilitation of young offenders, young male offenders. What has been noted of late is the significant decrease and amount of time a young offender has been sentenced to Agassiz Youth. Where one, from a teacher's perspective, would have six months to a year or more to work with a young offender, the teachers are now noting two, three months or less. To try and effect an educational program under such short time frame is nearly impossible to make very much progress.

I want to ask the minister, does he have any opportunity to voice these types of concerns because the minister knows my orientation as believing education is fundamental for every individual's ability to succeed in the world today. To me, this is of paramount concern if we are going to be able to provide our young persons who have come in conflict with the law the ability to adjust their behaviour and to be armed with the abilities to be productive members of our society.

Mr. Mackintosh: Well, this is an area that I am particularly interested in and want to spend more time on this over the next year or two as the minister. I think one thing that we have to recognize is that, as the law developed and the precedent in terms of length of sentence developed, a determining factor has not been the educational period of time needed to achieve some change in behaviour. In other words,

people are not incarcerated because of the length of an educational program in a youth institution.

We can debate that because I think it is an interesting area. We have to take the law because it is bigger than a province. It is a national law; it is the Criminal Code and, indeed, the Youth Criminal Justice Act now.

Given that, it is not necessarily a result that the program has to end when the person is released from custody. What the corrections people, not just here but other places, are trying to do is make sure that there is more of a seamless web—I think that is the language that I have heard used—between the incarcerated period and the community corrections side of it, in other words, the probation side, so that youth can continue their programming, whether it is educational or whether it is awareness, whether it is addictions treatment or whether it is victim awareness and so on, once they are out of the facility.

Now, necessarily they may not have the same teacher, they might not even be in the same community, but the challenge is to try and put together a program that bridges both the institution and community side of corrections. That has been a challenge. In the area of girls, for example, a program that has been piloted in Manitoba called Circles of Change, which is girl-specific, recognized that the period of time in custody is so short that Corrections was not really able to get into the heads of these young female offenders. So now they are looking to see how they can bridge that with probation and indeed in Winnipeg, for the first time in Canada I am advised, just recently, in the last few months at the most, there is a female young offender unit in Youth Corrections in the Winnipeg office so that we can start to develop female-specific programming but as well address the issue raised by the member. So I am intrigued by this and how we can move this.

I am also, on the adult side, very interested to see how we can use the time-out that these offenders have in our institutions to provide them with upgrading, recognizing that literacy challenges are disproportionately among the offender population. We have to use that time wisely. The member can look forward to some developments in that regard. The department is looking at this on several fronts. So I agree. I think we cannot afford to just warehouse these offenders, because the objective has

to be, despite what all the talk shows might say and what people might instinctively want to do to offenders, including myself from time to time, we have to think about public safety, because that is why I am in this position. That is why we are here. We have got to make the community safer and make those strategic investments, or reprioritizing of investments to change behaviour for the better, to give people the tools to become participating, productive members of the community.

* (17:20)

Mr. Faurichou: I appreciate the minister's understanding of where I am going on this. Is the minister responsible for the program operating in the United States called the Youth Job Corps where they have a facility in place for young people that have come into difficulty? They then have this as an alternative to incarceration. It is really a school that affords not only the formal education, but provides for occupational training as well. I attended one and spent a day in Bismarck, North Dakota. I was royally impressed with what they were able to achieve.

Mr. Mackintosh: I wish I had the catalogue of the programs that are in the institutions now, as I think the general public and even observers are not that familiar with the extent of programs that are provided now to give practical skills. Indeed, at Headingley, there is a program that was invested in by Industry Canada to provide computer repair skills to inmates. There are a number of other programs, not just at Milner, which is more widely known, but at the other institutions in regard to a whole variety of technical education initiatives.

I will certainly look at the Youth Job Corps. I did not know that was related to corrections itself as an alternative. I will certainly look at that, but, too, what I am very interested in is seeing how we can better develop community service orders, making sure that there is a payback to the community. I can tell the member that there will be some further information made public in very short order around this need to better pay back to the community, and to use existing and developing skills of inmates to make right the wrong, if you will, in the general sense. So I agree with the member. I will look at this Youth Job Corps and see if we are doing something like that, or if that is another option here.

Mr. Faurichou: Yes, it is just another option. The reason I am aware of it is that the principal of Long

Plain First Nation's school, as well as the director of special programming for Long Plain, actually escorted me to Bismarck and showed me this particular program, which they feel has a fit in problematic young people, whereas that they are voluntarily entered into this, oh, some would say not so voluntarily, because it is in relationship to incarceration, but, anyway, a high degree of success. It is a residential program where they stay there and there are athletics, kitchen—it is a complete—I think, perhaps, if we are looking at a re-jigging of Agassiz Youth Centre, for instance, I think it would be an ideal consideration for this type of program.

I would like to move on as we only have a few short minutes left. Is the minister considerate, as I had mentioned that our current police force in or about Portage la Prairie has the highest number of files per officer, second only to one other jurisdiction in Canada? If the minister would look at that as a potential gauge to identify hot spots in the province—I speak specifically of Portage la Prairie and the need to help get the resources to address the situation which I find in Portage la Prairie as one of grave concern by my constituents.

I know Winnipeg has some additional resources. I have spoken to the minister about this before, but what I am talking about is something very tangible that can be a gauge.

Mr. Mackintosh: I certainly am aware of the advocacy by the member for policing in his community. Of course, the member knows that we as a Province, in only two circumstances, have contributed directly to municipal police forces in addition to the monies that flow through Intergovernmental Affairs and the arrangements that are in place, the formula for provincial assistance in municipal policing, which, of course, we have to remind ourselves is there. It is part of the formula.

The two exceptions are in Brandon where the Province directly funds two officers, at least contributes to two officers, and in Winnipeg where there are a variety of initiatives. Part of that, of course, is the contribution of 40 officers, but more that I talked about earlier this afternoon. Those are, obviously, the two large population centres, and when you get to the other population centres like the city of Portage la Prairie, they would not be, compared to Brandon, for example, I think, a strong

case in terms of the direct provincial contribution based on population.

Now I have heard arguments about certain centres in Manitoba having disproportionately higher calls for service, and my understanding is that AMM is looking at this. I know that they will have to, because I have heard this from them, be careful about how they want to deal with changing the formula. There are formulas in place across the country for the RCMP, and there have been some changes, I understand, to the west of us. I know that, when they open that Pandora's box, there are all kinds of challenges, and it necessarily involves a lot of consultation. I know AMM would have to be involved and stickhandle that. So that is a challenge, but I look forward to hearing any interventions that they might want to bring to my attention. I know they are working on this, but they have not scheduled, I do not think, well, I should not say that, they may be scheduling a meeting or may have done that already.

Mr. Faurschou: I just want to say that the current tax base in Portage is being stretched to the limit to provide for public safety within the urban centre of Portage la Prairie. It is of grave concern, and, hopefully, the minister can look at acknowledging hotspots based upon the number of files that are charged to each officer. Crime moves in and out of different centres. If you have seen a centre that is perhaps a little more vulnerable, then crime will be attracted.

I want to finish the afternoon, Mr. Minister, with a question I asked the Family Services and Housing Minister (Ms. Melnick), and that is in regard to the former Waterhen First Nations persons that are residents of Portage la Prairie. The minister acknowledged significant difficulty within her Housing portfolio in regard to arrears rental, and she made the commitment to speak personally with yourself in regard to this situation. We must address it. It is coming up eight years since these persons were dislodged from their original residency. Even though no charges are pending or on the individuals, they still have conditions placed upon themselves by the courts that they cannot return to the Waterhen or visit relatives because of the conditions that the courts have placed on them.

So I really, really request the minister's personal attention to this, because we do have to resolve it. I

know it crosses ministerial boundaries from Aboriginal and Northern Affairs to Justice to Family Services and Housing, but it really needs to be addressed. Far too much time has lapsed.

Mr. Mackintosh: There has been shared communications across departmental lines on that issue. I have been paying attention to that one, and I know that there is currently a very strong request to the federal government and authorities to pay attention to this issue and to be part of the solution.

Mr. Faurschou: In the last minute I just want to inform the minister how pleased I am to have had the opportunity to nominate Crown attorney, Joyce Dalmy, to her place on the board of the Community Foundation of Portage la Prairie to serve as a board of director. She has accepted the nomination and has really truly become part of the community and takes not only her career challenges but also community

efforts first and foremost. I am very pleased to see her doing this.

Mr. Mackintosh: Just coincidentally I want to put on the record that just yesterday, in my office, I had a discussion with some victims of a tragedy where the offender was prosecuted by Ms. Dalmy. Her inventiveness and her way of dealing with this was extraordinary, and she is indeed an asset to the city of Portage la Prairie and to the justice system.

Mr. Chairperson: The hour being 5:30 p.m. committee rise.

IN SESSION

Mr. Speaker: The hour being 5:30 p.m., this House is adjourned and stands adjourned until 1:30 p.m. tomorrow (Wednesday).

LEGISLATIVE ASSEMBLY OF MANITOBA

Tuesday, June 1, 2004

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