

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

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**MANITOBA LEGISLATIVE ASSEMBLY**  
**Thirty-Eighth Legislature**

<b>Member</b>	<b>Constituency</b>	<b>Political Affiliation</b>
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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.
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FAURSCHOU, David	Portage la Prairie	P.C.
GERRARD, Jon, Hon.	River Heights	Lib.
GOERTZEN, Kelvin	Steinbach	P.C.
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HICKES, George, Hon.	Point Douglas	N.D.P.
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JHA, Bidhu	Radisson	N.D.P.
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## LEGISLATIVE ASSEMBLY OF MANITOBA

Tuesday, June 7, 2005

**The House met at 9 a.m.**

**PRAYERS**

**House Business**

**Hon. Gord Mackintosh (Government House Leader):** Mr. Speaker, would you ask the House if there is an agreement to transfer Bill 48, Teachers' Pensions, from the Standing Committee on Legislative Affairs to the Standing Committee on Human Resources for the committee meetings previously called for 9:30 this morning and later, if necessary?

**Mr. Speaker:** Is there agreement to transfer Bill 48 this morning from the Standing Committee on Legislative Affairs to the Standing Committee on Human Resources for the committee meetings previously called for 9:30 this morning and also this evening, if necessary? *[Agreed]*

**Mr. Mackintosh:** Mr. Speaker, would you please call Supply?

**Mr. Speaker:** The House will now resolve into Committee of Supply. Mr. Deputy Speaker, please take the Chair.

**COMMITTEE OF SUPPLY**

**Concurrence Motion**

**Mr. Chairperson (Conrad Santos):** The Committee of Supply has before it for our consideration a motion concurring in all Supply resolutions relating to the Estimates of Expenditure for the fiscal year ending March 31, 2006.

The floor is now open for questions.

**Hon. Jon Gerrard (River Heights):** My first question to the Minister of Education deals with a follow-up to one that I asked him earlier on in Estimates. This relates to the drop-out or push-out rates.

Knowing what is happening with the number of children who are dropping out is pretty darned important. When I had asked this question in

Estimates, the minister was not at that point able to give me up-to-date statistics on the situation in Manitoba. I wonder if the minister now has up-to-date statistics for the last several years.

**Hon. Peter Bjornson (Minister of Education, Citizenship and Youth):** Yes. Thanks for the question. We will be releasing a report that will indicate the push-out rates or the school-leaving rates. From what I recall from memory, actually 2004, the graduation rate was, I believe, 80.7 percent. That is one of the best graduation rates that we have seen in a while. I will have all the specifics of the last five years, I believe, outlined in that report, and that report is being released very soon.

**Mr. Gerrard:** Can the minister provide details on when that report will be available? Will it be available before the House recesses?

**Mr. Bjornson:** Usually, this report is available in, I believe, April. This year, what was unusual about the report being released was the desire to put the PISA results in that report. As such, that delayed the publication of the report, as well as an issue around the translation of the report. So that is what the reason was for the delay. Now, I do believe that the reports are now ready to go. I can get one for the member as soon as possible.

**Mr. Gerrard:** I would certainly appreciate that. That would be helpful. It is, you know, important information for us to know. That report, I gather, has the last several years in comparisons.

**Mr. Bjornson:** I believe it has the statistics for the last five years.

**Mr. Gerrard:** It would be very useful to have the report as soon as possible. Even if those statistics, as a starting point, could be available even sooner, that would be helpful.

\* (09:10)

**Mr. Bjornson:** It appears, Mr. Chair, that the member can have the report right now.

**Mr. Chairperson:** The report is now available and is being moved from the minister to the Member for River Heights.

**Mr. Gerrard:** I thank the minister for his prompt action. This is something new for the Education Minister, so that is good news.

While I have a quick glance over this, I will ask the minister a question on a slightly different subject, and that deals with the report which came out very recently on the matters in the Seven Oaks School Division. Clearly, one of the things that were indicated in that report was that the minister had signed a document which was inappropriate and should not have been signed by the minister, should not have been drafted by the school board or the Public Schools Finance Board.

I would presume that the minister would be offering an apology in terms of having signed that when he should not have signed that. Is that correct?

**Mr. Bjornson:** Well, let me say this. I have said, and I will repeat what I said in the House and in Estimates and the hallway in the scrum, that I am the first to admit that, with some very specific allegations, the advice that I did receive was quite ambiguous and, in hindsight, I should have asked more specific questions.

Having said that, the member from Russell had asked me about this particular situation in the Estimates process and how this came to pass, and at that point I advised the member from Russell that once I had received this letter from a concerned citizen that raised these allegations, I forwarded that letter to the appropriate department and the appropriate personnel, as is protocol, and when I received the advice as to the fact that—pardon me, when I received the advice from the project leader through the Public Schools Finance Board executive director and the letter that is also vetted through the Public Schools Finance Board chair, there was nothing in that response that would indicate to me that this is anything other than the ordinary disposition of property.

The reference to a local development issue that the letter referred, the individual who brought the concerns forward, was consistent with my experience on municipal council and the fact that local municipal councils and school divisions do enter into

agreements around development for a number of different reasons, whether it is drainage issues, whether it was constructing a berm, as we did in Evergreen School Division's agreement with the town of Gimli at the time to mitigate the impact of the new school beside a residential area, sidewalk issues, these are all things that are quite consistent with local development issues. Having said that, that was the impression that I had from receiving that advice, that this was nothing other than an ordinary disposition of property.

**Mr. Gerrard:** Let me go back to the high school completion. The numbers here are: '98, 76.1 percent; '99, 73.2 percent; 2000, 75.3 percent; 2001, 75 percent; 2002, 74.3 percent; 2003, 79 percent; and 2004, 80.7 percent.

It is true that there has been a modest increase here, and that is certainly encouraging. The 80.7 percent, in terms of comparisons with other provinces, if my memory serves, would suggest to me that we are still in need of significant improvement in Manitoba. What are the minister's plans in terms of decreasing the push-out or drop-out rate?

**Mr. Bjornson:** Thank you for the question. I, too, am encouraged to see the graduation rate has increased. There are a number of different ways which provinces do measure graduation rates, and as such a comparison from jurisdiction to jurisdiction does not always give a fair indication of graduation rates. Having said that, our efforts to improve graduation rates are multifaceted. We recently launched the Aboriginal Academic Achievement action plan, as there has certainly been a concern over the graduation rates among the Aboriginal peoples. We are conducting research into successful projects around Aboriginal education and looking for some of the missing pieces. We are trying to engage Aboriginal parents in their children's education, as parental engagement in the educational process contributes to students' success.

We recently launched a new ESL, English as a Second Language, initiative, as new learners, new Canadians do encounter certainly a number of difficulties in bridging language gaps and comprehension. That certainly can impede success. So we are engaged in that particular process.

We have literacy and numeracy initiatives as well that are a result of our assessment and systemic

picture, trying to engage students earlier and encourage students' success earlier in their school careers, as well as a technical-vocational initiative, where we know that all learners do not learn the same way so it is incumbent on us to provide as many different opportunities as possible for students to succeed. Certainly that has been my personal philosophy around the education system, is that we need to provide as many opportunities for our students to succeed and succeed on their terms, thereby making schools more exciting environments for students to learn.

There are a number of initiatives that are underway right now, and I know that we will see some very positive results from those initiatives. I should also mention, with low SES considerations, that we have launched a community school initiative to partner with a number of different community partners who are all there for the best interests of children and advancing their engagement in the community and the community that is the school.

**Mr. Gerrard:** I thank the minister. I am going to direct questions now to the Minister of Family Services because you have a committee. When my colleague, the MLA for Inkster, is back, maybe just before noon, we could have an opportunity for him to ask some more questions.

**Mr. Bjornson:** I thank you for the questions.

**Mr. Gerrard:** My first question to the Minister of Family Services concerns the plans for the Manitoba Developmental Centre. I have here a document, a long-term development feasibility study for the Portage la Prairie institute. The first comment I have is that pages 128 to 200 are missing. Could the minister tell us what is in the missing pages?

**Hon. Christine Melnick (Minister of Family Services and Housing):** I do not have the document that the Member from River Heights is referring to, so I do not think that I could comment on information that is or is not contained in it.

**Mr. Gerrard:** The minister has indicated that she is looking at an accelerated number of people leaving the Manitoba Developmental Centre over the next number of years. Does the minister have a number in terms of the number of people expected to be leaving annually over the next several years?

\* (09:20)

**Ms. Melnick:** Mr. Speaker, if we look at what has been happening over the last number of years, there have been I think approximately between seven to ten individuals transferring into the community through the Manitoba Developmental Centre home, Community Living branch. There have also been individuals who actually have been passing away. I believe there have been about seven or eight a year.

When you look at the redevelopment of the MDC, we have to take into account that we will be transitioning more individuals into the community as they are ready to be transitioned and certainly as the supports are developed and are available for the individuals within the community. As I know the member from River Heights knows, each of these transitions must be handled on a very individual basis. An individual may require certain supports from the community that the next individual who might be transitioned will not be requiring.

So I cannot give any hard and fast numbers, but I can say that we will be working with the community around an accelerated transition into the community. We also have to make sure that individuals are really ready to move in and make sure that we are not rushing or setting any numerical guidelines that would force an individual out into the community before they would actually be ready.

**Mr. Gerrard:** I have heard, you know, in terms of the current numbers, I think the minister said sort of seven to ten going out into the community at the moment. The minister could be looking at something like twenty people a year going out into the community, which would certainly represent a larger number than present which is what one would presume accelerated would mean. Is twenty individuals a year within reason, I would ask the minister.

**Ms. Melnick:** Again, we are going to have to be looking at the supports, making sure that supports are ready and waiting for an individual to transition, also the readiness of the individual. So I am really quite hesitant to put a number on it. In any given year, we may see more than the member has suggested. We may see less depending on the general readiness of all involved.

**Mr. Gerrard:** The question that I would ask deals with one of the sections in this which mentions that

the Manitoba Developmental Centre is important as a place for individuals with a history of forensic behaviours, including violence, sex offending behaviours, elopement and/or arson which have placed them in conflict with the law. I believe it says in here that the expectation is that there will be increasing numbers of individuals which fit this category moving into the Manitoba Developmental Centre. Can the minister tell us if that is correct, and what sorts of numbers of people on an annual basis might be moving into the Manitoba Developmental Centre?

**Ms. Melnick:** Certainly, I will back up a little bit from the question and talk about this government's commitment to community living. Our budget has increased by, I believe it is 130 percent since 1999. Where there is the ability to have someone living in the community and have the supports in place, that is by far our first choice of residence for an individual.

In the late nineties, I believe it was '97 but I could certainly check that, legislation was brought in by the former administration which made it, actually, quite difficult to come into the Manitoba Developmental Centre in which there had to be a court order bringing a person in and where all the other available options would have to be exhausted before an individual would come in. So I believe that that is the essence behind the passage that the member read from the document, in which it would be people for whom there is literally no other placement available that would be coming into MDC but also that there would be—from time to time we have people in the community who become unstable in the community and can actually be brought into MDC in a way to help them stabilize. It could be through medications that need to be stabilized, there could be other treatments, other areas of care. So this is why the number would fluctuate a little bit year to year, but certainly our commitment is to have as many people as is possible and as appropriate for the individual to be living in the community.

**Mr. Gerrard:** Your document describes what is called a habilitation program. Can the minister tell us about what the habilitation program is?

**Ms. Melnick:** The habilitation program is around treatments for individuals. Sometimes there is a skill development component. Sometimes there is sort of a day programming component. It, again, is focussed on the individual and their ability. They are a lot of well-seasoned professionals in MDC who work very

much in a team-spirited effort to make sure that the individual is getting the services and care that they would best benefit from, and the habilitation service or program is one of those.

**Mr. Gerrard:** Mr. Speaker, on page 7 it indicates that, "community discharges within the habilitation program residents have proven difficult or too costly to achieve." Can the minister explain what is meant by this?

**Ms. Melnick:** I will go back to the beginning of our first term, where we looked at folks who were at the Pelican Lake facility. Those individuals had once been in the MDC complex and had been moved into Pelican Lake by the previous administration with the promise, I believe, that they would be eventually transitioned into the community. These were individuals of a lower need base who were easier to transition into the community and so in the first term they were in fact transitioned into the community and the Pelican Lake facility was closed.

The people who are currently in MDC are those who have higher needs. They could be dual diagnosis. In fact, I believe many are of a dual diagnosis nature and require the services of many professionals, often on a 24/7 basis. So I believe that it is a sort of a general comment on the higher needs of the individuals currently in MDC that the passage that the member read aloud is referring to.

**Mr. Gerrard:** I thank the minister and I still have concerns about the numbers that are expected or projected. It is not clear from the parts of the document that I have got what precisely the numbers projected are. I think the minister has given some estimates which, I think, were in the range of about 350 individuals expected in the Manitoba Developmental Centre in 10 years from now. Can the minister comment on whether that is still the number that she expects, or whether those projections have changed?

\* (09:30)

**Ms. Melnick:** Well, currently we are looking at those numbers. We are, as the member mentioned earlier, accelerating the pace of transition, as I had mentioned, where appropriate for the individuals. We will look on an individual basis and determine, in working with the community, who would be possible candidates, likely candidates, to have a

successful transition and go from there. So our numbers of 350 are holding for the meantime, but we are certainly open to transitioning more people if the individuals are in fact ready.

**Mr. Gerrard:** This document, or at least the parts that I have, do not specifically address the issues of numbers which would obviously be important that may be in the parts that are missing, I do not know. Would the minister consider making the rest of the report available?

**Ms. Melnick:** Again, I do not have the document in front of me. I do not know why there would be pages missing. I cannot make a judgment right now. What I can do is take the member's request under advisement and find out as soon as possible for him what may or may not be appropriate to be provided.

**Mr. Gerrard:** I thank the minister in that respect. Clearly, in building or upgrading or making changes to Manitoba Developmental Centre, the planning in terms of the numbers of people needs to be done carefully. We need a facility which is appropriate to the number of people expected when this building is completed, or the changes are completed, approximately 10 years from now.

I would urge the minister to do some good planning before things are finalized, but I would ask the minister when she would expect to have some final numbers and when this project will be proceeding, or not as the case may be.

**Ms. Melnick:** Well, again, this is a seven- to ten-year project. Certainly the member from River Heights is correct in saying that very careful planning must be done, and certainly we are doing that planning. We are consulting with the community. We are looking at each individual in MDC as an individual and looking at the ability to have successful transition on an individual basis. So certainly we are looking at all the areas that the minister has suggested this morning.

**Mr. Gerrard:** Before I leave this, I will point out one quote, which is on page 7, which says, "The overall percentage of residents with challenging behaviours is also increasing." Clearly, this is, we hope, not a reflection of what is happening in society, that clearly we would like to be preventing problems with major behaviours. One would hope that this is not a reflection of what is happening in

the larger provincial scene and that the minister and her department in the variety of activities, they are engaged in activities which are going to prevent problems as well, as it were, treat problems in centres like the Manitoba Developmental Centre.

I would like to move on and ask several questions about the Aiyawin Corporation. The minister has provided a document recently. One of the things I did not see any attention paid to in that document was the fact that two individuals had lost their jobs and that there was a lot of concern that they might have lost their jobs because they had spoken up about issues within the Aiyawin Corporation and have been frank and open.

What I would ask the minister, I think her government at one point promised, or her party promised some whistle-blower legislation which might provide some protection for individuals like this. Certainly, we would like a situation where people are encouraged to come forward with information which would improve operations and improve the standards at places like Aiyawin.

Can the minister tell us what she is doing with regard to these two individuals who unfortunately lost their job after speaking up and providing public information about what was happening at Aiyawin, and what her government's approach is to such individuals so that they have some level of protection from being the subject of punitive action because they have spoken up?

**Ms. Melnick:** I do not know that this government has promised whistle-blower legislation. I am really not sure that that has been promised. The whistle-blower legislation that I am aware of across Canada deals with the government sector. It does not deal with the private sector or the non-profit sector. So I guess, with those comments in mind, I would just leave the question of whistle-blower legislation in the province of Manitoba.

We did chat with the women who were concerned about their job loss. We did chat with Aiyawin and did not find anything conclusive in that. The certainties that we were able to provide were that the women could go either the legal route and get legal counsel; otherwise, they could go to, I believe it is the Employment Standards of Manitoba and seek the path there. We have not had any recent, to my knowledge, contact with either of the women,

but it is an area of concern that we have around the Aiyawin Corporation.

**Mr. Gerrard:** So what action is the minister taking to prevent these sorts of unfortunate problems and to send a signal to people that if you speak up and provide helpful information in terms of improving the way government and non-profits who are receiving government funding and for-profit corporations who are receiving government funding, if you are providing information which is helpful to improvement, that you will not be punitively targeted? What is the government doing in this respect?

**Ms. Melnick:** Again, I have answered that question, Mr. Speaker, as to the position of the government in whistle-blower legislation, that I was not aware of this government having promised whistle-blower legislation. Again, I have talked about legislation as it exists across the country which is mainly, when it is legislated, it is legislation dealing with a government and not with non-governmental bodies, be they in the not-for-profit or profit sector.

**Mr. Gerrard:** I think that it is most unfortunate because the actions of the minister in not providing protection for such individuals is clearly sending a signal which appears to be most unfortunate, that if you speak up and talk about something, you may lose your job. That is not the kind of signal that we would like in this province. It certainly is something that needs to be, I would suggest, addressed in a better way.

Let me ask some questions now in the broader context. Can the minister provide information on the number of children in care in Manitoba?

**Ms. Melnick:** I do not have the exact number today. I know there is roughly over, I believe it is about 5500 but I do not have that exact number for today.

\* (09:40)

**Mr. Gerrard:** I would ask the minister what has been the pattern and what have been the numbers over the last five and ten years.

**Ms. Melnick:** I believe that the pattern has been rather constant. Again, I do not have the figures in front of me. I believe there has been a slight increase over the last five years, but I do not have the numbers in front of me. Rather than guess, I could get them if the member were wishing.

**Mr. Gerrard:** Yes, I would much appreciate if the minister could provide that information. It would be very helpful, and I think it would be important in terms of knowing how we are doing in Manitoba. Certainly, when careful comparisons were done, I think, by the Social Planning Council at some point in the mid to late nineties, what that comparison showed was that when you compared Manitoba with other provinces, we had one of the highest levels of children in care of any jurisdiction in Canada. That, I think, is a symptom that there is a problem somewhere. Either we have got, for whatever reason, too many children who are being put in unfortunate circumstances, have behavioural or other problems or family breakdowns or other problems in the family.

The way that we operate the system is such that we tend to put children in care much faster than certain other provinces, but whatever it is, it is something we should be paying attention to, and being able to look at how we are doing compared to other provinces is certainly an important aspect. I would ask the minister if she would make those numbers available, because I think that they would be most useful.

**Ms. Melnick:** I certainly have undertaken to do that, and I think that this, again, speaks to the initiative by this government around the Aboriginal Justice Inquiry Child Welfare Initiative where, in fact, we are looking for a better way to work with children, to work with families, to provide culturally appropriate care, to make sure that we are working with the people of the northern First Nations, the southern First Nations and the Métis communities in an effort to make sure that when children are being brought into care they are not taken out of their communities or their support networks, as has traditionally been the way of child welfare in the past, and make sure that, if possible, they can remain within families, remain within communities and remain within linguistic groups.

It is our sincere hope that this will bring about a lot of the changes that I know that we are all hoping for, in the best interests of the children of Manitoba. It certainly was a very strong statement, that the Child Welfare Initiative was one that was supported by all parties in the House. I know that we have disagreements on different levels, on different issues, but I think it spoke very well of us as a Legislature to agree that this was, in fact, a very positive initiative for us to work towards as Manitobans.



**Mr. Gerrard:** As the minister knows, there was a most unfortunate death reported on the front page of the *Free Press* this morning. A child who was in care, who was killed, I wonder if the minister can indicate to us any more details of the particular problem in this instance, which appears to be that the child in care was, it would appear, not being adequately supervised in some fashion, and was roaming the streets at, I think it was, one in the morning.

Can the minister indicate to us her approach to dealing with circumstances which would suggest that there may be problems with children being adequately supervised when they are in care, at least under some circumstances?

**Ms. Melnick:** Certainly, under The Child and Family Services Act, I am not able to discuss any details around any specific case, but what I can share with the member from River Heights is that these situations are taken very, very seriously by the department, and we are looking at what would have happened in this instance and other instances if concerns were raised in this way and looking at policies and procedures and ways of making things better in the future so that we would not be having to deal with these very, very tragic and sad situations.

**Mr. Gerrard:** Is the minister saying that there will be an investigation here and a report with recommendations which could be made public?

**Ms. Melnick:** When there is an incident of this nature, there are several processes that begin. There would be the agency whom the individual was under care would do a report. The police would certainly be involved in a situation like this. The Chief Medical Examiner would be involved, and we would have to see how the situation developed with the various players who are looking into the situation to determine how changes would be made, and so we would have to look at the various areas that would be developing as we learn more about the situation, but I would not be able to make any final statements this morning as to what the police might be doing, as to what the CME might be doing, as to what the agency would be doing or the department.

**Mr. Gerrard:** Certainly, this is an area of quite significant concern, particularly given the death earlier this year of Preston Martin, and in that case, we know that it was related to him being not only a

child who had been in care but a child who was in a facility operated by B & L Homes, where clearly the level of supervision was not what one would normally expect. I would ask the minister whether there has been any review completed or evaluation of the care being provided through B & L Homes.

**Ms. Melnick:** Well, again, there is an ongoing review. I do not have the status of each and every one of the areas at the moment, but I know that certainly within the department, we immediately sent out to all agencies a directive to make sure that any time a child is returning from outside of the organization or the agency which they are caring for that there would be a review of what the child may have in their possession and certainly a thorough discussion with the child about what is and is not allowed to be brought back from any sort of outing or family visit or any time that they are not under the direct care of the organization.

**Mr. Gerrard:** What I would ask in the case of B & L Homes, has the minister done sufficient investigation to satisfy herself that their operations are appropriate, and are there continuing to be children put in care through B & L Homes because the minister herself is satisfied that their operations are functioning well in protecting children.

\*(09:50)

**Ms. Melnick:** Certainly, the department has ongoing discussion with any of the agencies that we fund around the care, sometimes of an individual child or sometimes in the cases we were just discussing around a larger policy directive that would be towards any child. I am not suggesting that this activity is common. We make sure that policies and procedures are in place and if there are any questions, any need for further discussion, that discussion is held.

So, in regard to the question, I know that there was discussion with B & L around the particular incident and there was action taken around the areas of concern.

**Mr. Gerrard:** Can the minister update us in terms of the status of any investigations in regard to the Preston Martin death? What is the status of the medical examiner's investigation, what is the status of the department's investigation and when would there be some sort of report?

**Ms. Melnick:** As I had previously mentioned, I cannot tell you the exact status of the various investigations. The CME works independently so the CME would not be reporting to us, as it were. He would take the time necessary to complete any investigation, as would any of the other bodies. I did talk about actions that were immediately taken by the department around this incident and, certainly, that there are ongoing discussions with any concerns that may be raised between the department and an agency.

**Mr. Gerrard:** Yes, does the minister compare the different operations in terms of their outcomes or results, outcomes of results, from, for example, the Knowles Centre and B&L Homes and so on and the different facilities?

**Ms. Melnick:** Well, certainly, we focus on the care of the individual children and that is where our focus would be. When the member talks about comparing, I am not really sure what he is getting at because we deal on an individual basis and if there is a certain program offered in a certain agency or through a certain organization that would, in the evaluation of the professional people dealing with children individually, if there is a program that is thought appropriate for that child, we will be working with the agency offering that program. But I am not really sure what sort of comparison can be made when you are focussing on the children and focussing on what may be best for them, other than to say that, certainly, knowing what programs are available, where and what would be the best bet.

**Mr. Gerrard:** I am informed that one of the major problems at the moment has been that, in a sense, when a child reaches 18, there is not a transitional or a follow-up effort and that what this means is that there really is not an adequate assessment of outcomes of how these children do, who come through the system. Certainly, it would be helpful to have a comparative assessment of different homes or agencies here that provide services, because, surely, what we should be involved in or knowledgeable about is what the overall outcomes are in these children, how they are doing, whether they are able to become productive citizens, whether they end up having conflicts with the law or whatever may happen, that these sorts of basic information could be very important in allowing us a way in terms of improving services because we would have a better understanding of what the outcomes are and which

kind of approaches are working in a better way. So I would hope that the minister is moving toward providing some understanding of such outcomes.

Is the minister, for example, looking at ways in which children, when they become 18, can have some sort of transitioning which would allow for better integration into society? This is kind of a critical period for them as they move out of care and into, you know, the larger world as it were.

**Ms. Melnick:** Well, Mr. Speaker, certainly there can be, in individual cases where there is, again by professionals who deal very much on the front lines, care provided past the age of 18 or support provided. But I think that the member also has to realize that there is a whole support network throughout the province who deal with children on the front lines. Certainly there is often contact after the age of 18, so I do not know that it is that children, well, once they become the age of majority, necessarily fall out of the support loop. Certainly there are services that can be provided.

We also have to understand that there has to be the ability for an individual reaching the age of majority to make some choices. It is my hope that with the services and the supports that have been provided, and I am sure the member would agree, there would be wise choices made and that we would be able to have helped this person move forward.

**Mr. Gerrard:** I thank the minister. I think that my advice to the minister would be that she start looking at this issue of outcomes because clearly it is very important in terms of us being able to know what works and what does not work in terms of these children. As long as we are blind to outcomes and that we can talk as the minister has been talking blithely about all we are doing, but until we know, what eventually happens to these children and what works in making a difference, then we are not really able to move the programs forward. We are not able to provide as good an assessment as we should be of the success or failure of different operations.

One of the issues which has come up in terms of the Preston Martin death was the need for facilities for caring for children in the North. I know the minister has argued that there are lots of places in the North, but the people who I have talked to have suggested that, you know, what is there often does not adequately respond to the needs of children like

Preston Martin. I would ask the minister what she is doing about this.

**Ms. Melnick:** Certainly, I would go back to the devolution of child welfare. Working within the system as it is devolving and as it will then develop, I think that there is a lot of very positive feeling from people throughout the province towards the devolution and a commitment to see this system work. Part of that could be, as the member has noted, more facility in the North, be it through culturally appropriate foster parents and foster parenting.

\* (10:00)

I know that we revived funding for the Foster Family Network in, I believe, it was '99-2000. It unfortunately had been cut through the nineties. This is a group of people who we work very closely with in the Department of Family Services and Housing. They have really taken on the challenge of not only finding more qualified foster parents but continually providing developmental classes, information sessions, support network within their network. So we may see, in fact, as the new system rolls out, providing culturally appropriate care from the get-go may help to curb some of the concerns that we have seen from children as they have gone through the system but also help to find a way for children who are currently in the system to feel more comfortable being in the system through the cultural care that is available to them.

So certainly we will be continuing to work with all of the support networks and the people who are involved in the care of children in care throughout the province. As we move forward, I am quite pleased to know that the devolution should be completed by late summer, I believe, and then we can begin to really build this new system. Again, I would like to say I have been very pleasantly surprised with the very positive responses, starting from this House with the all-party support, but also continuing in the community to start a new system that we believe will be better for our children, wherever they reside in the province.

**Mr. Gerrard:** Now one of the other issues that came up with regard to Preston Martin was the fact, as I recall the details, that he had been, although he was from the North, because he was for a time in Winnipeg, for a time he was under the Winnipeg Child and Family Services, that he was referred,

well, he went back north and there was a breakdown, or the Cree, the northern, Child and Family Services Agency was not alerted that he was there. There was no, you know, hand-off, as it were, as there should have been, because he was, of course, originally from Moose Lake. Indeed, there may be a question, I am told, of him being inappropriately discharged from care at one point.

In any event, he ended up getting into trouble and the first thing that the people in the North knew was that he was in front of the court and there had never been a chance to provide a preventive approach, which would have, perhaps, enabled him to adjust and not get into trouble with the law. As a result of his appearance in court, he was sent back down to Winnipeg, apparently because there were not facilities up north, but the other question in this is what I would ask the minister. With multiple agencies that there is always this potential for children to fall through the cracks, as if would appear that Preston Martin may have done. What has the minister done in terms of investigating this incident, from this perspective and what measures have been taken, so that in the future children will not fall through the cracks of different agencies?

**Ms. Melnick:** Again, I cannot speak to the specifics of any individual incident or any individual child in care.

Certainly, there is communication on an ongoing basis around the care of children, which does come down to an individual level. Again, there are a lot of supports in the community, and that it is very, very tragic when an incident occurs, that takes a child's life. What we can learn from it, we do, in the sense of, as I had talked about, the department responding on a more global basis around when an individual is out on a day trip, on a home visit, any time that they are not under the direct care, it is, really, reviewing with the child what is and what is not appropriate to be bringing back. It is that sort of global policy that we use to be upgrading our policies and certainly hope that incidents like this do not occur in the future. There is no guarantee that they will not. But certainly working with the community and the support, doing what we can to hopefully reduce the odds of another incident such as any particular tragic incident occurring again.

**Mr. Gerrard:** I would like to thank the minister, and I am going to move to some questions for the

Minister of Health. My first question to the Minister of Health deals with the concerns over the number of people in Manitoba who have sleep disorders and the testing for such individuals and the fact that in some cases the testing has been subject to rather long waiting lists.

Can the minister provide an update on where we are at the moment with sleep disorder testing and treatment in the province?

**Hon. Tim Sale (Minister of Health):** Mr. Deputy Speaker, maybe I could just also ask the member if he would move a little closer to his mike for his next question. I got this one okay, but it was just a little difficult to hear.

As the member knows, there are three levels of sleep testing. It is kind of counter-intuitive but one is the highest level and three is the lowest. Tests of the third, and second, to some extent, category, are provided by the private sector groups like RANA-Med, for example, who will do testing in a citizen's home. It is essentially a less complex test. It does not require a sleep lab, and essentially is measuring, as far as I understand it, the incidence of sleep apnea without much other monitoring. The debate is around the question of whether it is sufficient as a test to determine whether the person needs some form of device, whether it is a more expensive model, which runs in the thousands of dollars, or the less expensive, which runs in the hundreds of dollars.

In the case of level 2 testing and level 1. Level 1 is really only done in Winnipeg. Brandon has a sort of level 2 capacity for testing and does do that form of testing. The Winnipeg Regional Health Authority has informed us that they are increasing the number of tests that can be done by approximately 800 a year.

There is, indeed, a longer waiting list than one would wish. On the other hand, there is also some suggestion that the devices, particularly the more expensive device, which is a higher level of breathing support than the less expensive one, frequently are tried and not regularly used because they interfere with people's sleep, as well as support it. They are not comfortable. They are not easy to use in a situation where people toss and turn at night, for example. The masks are cumbersome, the requirement for connection to the Bi-PAP machine. They are just not easy to use, and so compliance is a real

issue. And so one wonders whether there are not some things that we could do from a treatment point of view that might assist people to not require these things in the first place. Many, many, as the member probably knows, of the people who require these devices are obese. They have other problems which cause them to have sleep apnea or at least promote a higher incidence of sleep apnea.

\* (10:10)

The physician is on the other side of the Chamber, Mr. Speaker, and the amateur lay person is on this side, so I am really, essentially, telling the member things that he knows much more about, and that is a good thing because he is the doctor, not me. But we accept the fact that the waiting lists are very long. The attempt to shorten the lists on the part of WRHA I think is good. I am not convinced that we are dealing with this issue in terms of its root causes. We are dealing with it more in terms of its symptoms.

I also accept the member's assertions over the past year or two, probably longer, that serious sleep apnea is a very serious health issue and can be a risk for cardiovascular stroke-related problems. So serious sleep apnea, my understanding from our officials is that serious sleep apnea is treated on a more urgent basis and that people are prioritized on the basis of that urgency.

Many people have mild sleep apnea, which is annoying to their partners and sometimes frightening to them. I think all of us have, whether we are slim or obese, we all have had that experience of snorting ourselves awake. That is probably the mildest form of sleep apnea where we have suddenly found ourselves saying, "What crazy noise did I just make?" and all of a sudden we are awake and our partner sometimes wonders what happened as well.

So we are increasing the number of tests. I do accept that it is a serious issue at its serious end, but there are compliance problems with the use of the devices. A lot of them do not get used apparently, according to information that I have been given. So I think we need to be aware of opportunities to lessen the incidence as opposed to simply treating the symptom.

**Mr. Gerrard:** I thank the minister and acknowledge that there is some ability to detect those who are

most serious and that there is a level of acceleration in terms of testing. On the other hand, one of the things about sleep apnea is that you cannot always tell right up front who has got the most serious until you have actually tested. So in that group of people who appear to be mild, there will be, when they are tested, some people who are indeed more severe. Until you have actually done the testing, you do not know that. So there is some importance in terms of being able to make sure that testing is available reasonably quickly. It is good to hear that there is some increase in the number of tests being done.

I would ask the minister whether he has got some data on the compliance rates that he would share and if not, whether he is going to compile them and could obtain that and share it.

**Mr. Sale:** The straight answer is no, I do not. I am reporting anecdotal reports from RHA senior officials who are physicians. So, no, I do not have that information, and I am not aware of the literature about compliance in regard to breathing aids. So the answer is no.

**Mr. Gerrard:** This is an important observation, and it would seem to me that it would be pretty important to have those compliance rates. I hope the minister will make some inquiries and might share those numbers so that there can be a broader understanding of the issue.

Certainly I would ask the minister in terms of what has been done with regard to people who are overweight who have sleep apnea in terms of alternative approaches to treatment to reduce, for example, obesity and what approaches are being used and what their effectiveness is, and whether this is valid as an option and what its success rate is in this context.

**Mr. Sale:** Mr. Deputy Chair, the member is asking questions which I think are questions that should appropriately be referred by me to people with the medical knowledge to answer them. I will make inquiries about the availability of data in regard to compliance, but obviously, if there are studies available, then I think they are available to the member through the medical literature. If there are not current studies, then, clearly, the requirement to get such data would take significant amounts of time to be reliable.

I have been provided with some information that the member might be interested in, in terms of volumes of tests. First of all, the number that I gave the member about additional studies is the correct number. WRHA is expanding sleep disorders program for an additional 800 sleep studies per year. That is a 68% increase, and the monies are available to do that in the current budget.

Brandon, as I said, does do a number of studies. The most recent data I have for them is '03-04. It is about 280 studies, and that is somewhere in between level 2 and level 3. It is about a level 2, I suppose, and the wait in Brandon is only about four months, and there are only about 100 people on the list in Brandon, so Brandon, clearly, has a better situation than Winnipeg.

In 1999, there were about 1754 sleep studies done in the sleep labs at St. Boniface. There were no data on waiting lists before that, at least none available to us. So 1754 in September '99, in April of '05, 3080 for that—I am sorry let me back up. This is the waiting list, not the numbers of studies. 1754 in September and no list available before that, September of '99, and currently, 3080. So the waiting list has not quite doubled, but it has certainly, clearly, grown substantially. So have the number of studies, but it has not kept up with the number of people on the waiting list.

The number of studies that will be performed this year in Winnipeg is 1975. That is the 68% increase number that I gave the member. Urgent cases, deemed by physicians to be urgent, are seen within 2 weeks. Obviously, the waiting list for others is much longer.

**Mr. Gerrard:** Yes, I thank the minister. I would like to move on to a question about autism. I know that some of the assistance for people with autism may come through his department, some through, perhaps, Education. What I am hearing is concerns about people being treated differently in terms of level support and the assistance in the years before school, and then different approaches in terms of transitioning when children get to school.

I wonder if the minister could provide an overview of the government's approach to autism.

\* (10:20)

**Mr. Sale:** I had the privilege of being Minister of Family Services and Housing when we inherited the pilot project on ABA therapy from the previous government, so if the member will allow me, I will, maybe, add some information from the time that I was in that position as well.

The member, again, as a pediatrician, knows that autism is not a disease, but it is a spectrum of difficulties with processing information and with the level of sensory information that persons with autism feel in their environment essentially. Very commonly, people are overstimulated by their environment and so how they deal with that differs from case to case. The difficulty of helping people with autism to focus on appropriate stimuli and not to find themselves so overstimulated that they engage in destructive behaviours or essentially behaviours that are their attempt to shut out the overstimulation that the world is providing to them because of however their brains are functioning that cause them to feel this.

So people have been puzzled for a long time about how to help children who begin to exhibit symptoms of what may be autism because it is also very difficult to diagnose. How do we help them maximize their potential? The Applied Behaviour Analysis technology, ABA, was developed in the states probably about 20 years ago now. While it is effective and sometimes spectacularly effective, it also has some underlying demands which are very, very challenging.

For ABA to work, you need a tutor who is not a member of the family and who is skilled in Applied Behaviour Analysis, essentially a training in psychology, and who has infinite patience, frankly, because I have watched some of these folks work, and I have some friends with autistic children. It cannot be a member of the family who provides the therapy because it is so demanding and, in effect, the tutor exercises significant discipline, and so it makes it hard for the child to have a loving parent relationship if the parent is also continuously exerting this pressure to learn and perform in a very specific and sequenced kind of way.

So that, by itself, means that ABA therapy is expensive, but it also means that the family has to be prepared to tolerate the compliance regime essentially that ABA demands. The sort of double-edged sword for families with a child with autism

spectrum disorder is can that family sustain the pressure, the emotional pressure and the time pressure of having a one-on-one tutor and then, when the tutor is not there, supporting and requiring that the child continue to comply with the regimes of behaviour and interaction that are being taught. If the family can do that, then the results often can be absolutely spectacular, and children can begin to function apparently normally. Often children with autism are extremely intelligent so they do very well in school if their behaviours and their needs can be appropriately met.

So when the member asks, "Are families treated differently?", the answer is yes, but not because there is discrimination made about whether they should get treatment A or treatment B. It is because it is a question of can the family sustain the level of challenge that having an ABA program implies.

The fact is, currently there are no children on the waiting list for ABA therapy. There are children who are not getting ABA therapy, not because there was not a resource available for them, but because their decision and the clinical provider's decision jointly was that this family was not a candidate for ABA.

In terms of school-aged children, we are providing through the Department of Health about \$15,000 per child to support the therapy that has been decided on. This is mostly going to ABA children who have moved into the school system. Now the data, as the member probably knows, is that ABA is more effective the earlier it started, and there is not agreement about its effectiveness at school age if it has not been begun before school. There is no literature that says that it is spectacularly effective with adults.

I am sorry that is a long answer. But I am very proud of our province's work with MFEAT, the Manitoba Families for Effective Autism Treatment, who lobbied very hard to get this program in but with whom we have collaborated to the point where I do not think there is another province in Canada that can say that there is no waiting list for ABA therapy for preschool children, and that we are in a full and effective collegial relationship with this association. I also pay great tribute to those parents because they not only are dealing with children with huge difficulties, they have become advocates for everybody's children and spend enormous amounts of energy making that happen.

**Mr. Gerrard:** I thank the minister. I would like to move on to another area and that is, as the minister knows, that there are a lot of communities, Ashern being an example, where there are not rural physicians at the moment. I would ask the minister if he has got a succinct summary of his government's approach to ensuring that there are rural physicians.

**Mr. Sale:** I apologize in advance to the member. I do not think you can be succinct about something as complex as rural physician recruitment and retention.

First of all, the member has heard me many times in Question Period say that this is one of these good bad-news stories. We have more doctors, 52 in rural Manitoba, than we had in '99. Medical college is going up to 100. It used to be 100 back in the eighties, but it got cut to 70 and it is back up to 100 starting next year. This year, it will be at 93 intake.

Our IMG program, a one-year program, has been spectacularly successful with IMGs who needed some significant support in spite of having passed the appropriate exams. So we are expanding it by 50 percent from 10 to 15 per year.

I am really pleased with the fact that this year, of the 85 first-year students that enrolled in September of '04, 21 are from rural Manitoba. In '99, only 10 were from rural Manitoba so we have been effective at recruiting more students from rural Manitoba. The member probably knows that I think we have a legitimate concern about the criteria for the acceptance of students because everybody who applies to medicine is an outstanding student. There is nobody who is putting their name in that is not academically and personally an outstanding person so you are selecting from a pool of outstanding people.

I think that there is a legitimate question about whether we have not built a bias into our selection process when we prioritize students who have all-around excellence and have a great deal of social skills. When you think about that, who is going to be best equipped in those interviews? I think the answer is students who have already got parents who are professional, students who have had chances to travel and students who have had opportunities to be volunteers in a variety of situations, and whether we like it or not, that confers an advantage on higher-income families who attend either private or our most advantaged high schools. You can look at the

pattern of who is in medical school and you can see it.

Without there being any overt bias or intent, it reflects very much the folks who are already in high professions, who have high incomes, who travel, whose kids are articulate, thoughtful, bright and wonderful. But there, I think, may be because of that, a tendency not to select students from less advantaged backgrounds who have not had the opportunities, but have just as good brains, just as good hearts and will make just as good physicians. I am pleased that we got 21 as opposed to 10.

\* (10:30)

The rural recruitment issue is primarily not a question of recruitment, it is a question of retention. If you look at the number of docs that have been recruited for rural areas in the last five years, it is phenomenal. We have recruited a heck of a lot of doctors. The problem is we are not retaining the ones we have recruited. They come here, they get their two or three years or six months, whatever, they make some money and they go somewhere else.

So I think the strategy we have to look at is not as much recruiting as it is retention. What do we have to do to make it a really good place to practise medicine and to be part of a community? So that is why I have said more than once that we in the department can help with recruitment, and we do. We work very hard at recruitment, but there are roles that communities and RHAs have to play around retention, and that is in terms of friendliness, social inclusion, opportunities for the family, opportunities for the spouse to have employment.

Just the last thing I will add, because I know the member wants to go on to other questions, is that one of the most critical issues in recruitment and retention is the quality of the rural practice settings. So, by putting telemedicine, high-speed data links, CAT scans, appropriate diagnostic technology, ultrasound, MRIs, whatever, good ORs, good information technology, we can make the practice setting in a small rural community have access to the technology and supports of a large, urban community. So recruiting and retention is also supported by having really good equipment and good facilities, which is one reason we have spent \$800 million already and are well on our way to spending \$1 billion for capital, to improve particularly rural practice settings

so that people who practise there feel like they are practising in a high-quality medical environment. We have still got work to do in that regard.

**Mr. Gerrard:** We just make a couple of comments here. I think that the 21 percent is still a low proportion, as the minister knows, in terms of the number of students who come from rural areas in the province. It is good that the minister is at least looking at that and that it has increased a little bit from where it was, which I think was around 16 percent.

The second point that I would make, and I would suggest the minister look in detail at the program that has been in place for some 30 years in Minnesota. In Minnesota, they have developed a program which was remarkably effective in addressing the shortfall of rural physicians starting back in the 1970s, and it has continued to do a really good job for them. There are some elements there which could be looked at because it is a program which has got demonstrated effectiveness. It is different from what we have here in that the medical students go out for nine months to a rural area and have an opportunity to experience the wonderful quality of life in a kind of somewhat supervised setting. It has, as I said, made a huge difference in Minnesota, which is not far from here, and the minister could even go down and visit and see how that program works.

The other comment I would make, and then I am going to pass it over to my colleague from Inkster to ask some questions, the announcement yesterday of the discovery or the development of a vaccine for Ebola and Marburg virus is really an extraordinary accomplishment, and this was made by two individuals, who I believe only came to Manitoba about 18 months or so ago, recruited because of the facilities here. I think this is a wonderful accomplishment which should be saluted.

But I think that the keeping of individuals like this here, and the minister has already been talking about retention when it comes to rural physicians, may need a careful look both provincially and federally. I know that is primarily a federal laboratory, but there are obviously some areas of provincial support for graduate students and so on, which can be very important. I would encourage the minister to have a look at this issue and to have some discussions with, for example, Dr. Frank Plummer in this regard because I think that, as I would see it, it

may not be a question of putting direct funding into this program necessarily but looking broader at the overall issue here and the nature of provincial support for research.

The fact that, when we have got many issues, and you have talked about the sleep disorder issue and the need for more research and data, that the Manitoba Health Research Council, for example, as a proportion of the total health care budget, has declined by about half since 1992, and that is going to be important if we are going to move the province forward and make sure we have got the research base to not only keep people like Steven Jones, but also to make sure we have got the capability of moving the way we treat and advance sleep disorder testing and treatment and do it in a higher quality and also a more effective and lower cost way.

With those comments, I will pass on to the Member for Inkster (Mr. Lamoureux).

**Mr. Sale:** I will just briefly respond. I certainly agree with the member saluting the achievements of Frank Plummer's team. Those are the kind of discoveries that come along once in a lifetime, and they do need to be saluted.

There are some things that we can do through the University of Manitoba. I think it is important that we work with the dean of medicine as well as the university to make sure that we give all of the academic opportunities possible to new researchers, to be adjuncts, to have status in the university as well as in the federal lab and to, essentially, nurture what good researchers always want, which is the recognition for and the ability to do the kind of quality research they have. So I think there are things you can do without dollars, necessarily, or with relatively few dollars, to celebrate the achievements and to give the kind of adjunct status to members of the federal lab, many of whom have that status now.

I would just also add, the member is right that the budget of the Health Research Council has not grown substantially. But what has grown enormously is the Manitoba fund for innovation, which is the matching vehicle for the federal Canada Foundation for Innovation. We have been able, in the last couple of years, to match every grant that we have received support for at the federal level. We have not had to turn any down.



So we have greatly expanded our support for medical research over the past three or four years, and the Health Council is, by no means, the most largely funded vehicle, precisely because they are a very strategic vehicle for young researchers and overall advice, but MIF has been our chief vehicle and it has grown, as the member knows, enormously.

**Mr. Kevin Lamoureux (Inkster):** Mr. Chair, I did have a few questions that I wanted to ask the Minister of Health.

I have listened to the minister's response to the question that my leader had asked in regard to the doctors, or the shortage, in essence, of doctors, and convey what I thought was somewhat of an interesting story. It was probably about six months ago I was shopping for some furniture on St. James and I had met a salesman/owner of a small business and got into a discussion, only to find out that he is a pediatrician and, by home, he has delivered many of hundreds of babies. Really, you know, I think if the possibility for him to get his credentials recognized today were there, I am not too sure whether or not he would actually take it. I think he is doing reasonably well, what he is doing currently.

Of course, the reason why it really interested me was because, at the time, I was hearing a lot about what was happening in Brandon with the shortage of baby doctors, if I can use such a term there. You know, obstetrics and providing obstetric services is very important in our communities. The question I would have to the minister is does he believe that we have gone far enough in recognizing the talents that we have within the province today, but those talents are not recognized.

\* (10:40)

**Mr. Sale:** Well, I thank the member for the question. When people have skills and they are not using them to their fullest, I think no society could say it has gone far enough. The other side of it is that until about two years ago we recognized differentially people trained in the Commonwealth educational environment differently and fast-tracked them, and we were the subject of a human rights case which said you cannot do that anymore, and so my predecessor, in collaboration with the college and the university, developed the immigrant medical graduates program to try and level the playing field so that doctors whose training comes from any of the

160 or so countries in the world that have medical colleges would have an equitable opportunity to have their qualifications assessed in an impartial way and be able to enter practice.

The vehicle that has been chosen is the comprehensive assessment of professional abilities, the CAPE exam. Saskatchewan is apparently about to begin using it. Some other provinces are, some are not; we are. It has not been an easy process because it is very hard to develop an exam that is not in some ways culturally biased because people in many countries in the world are trained in a completely different culture of medicine, a completely different training model.

For example, we have had IMGs pass the CAPE and be approved for practice and find that they have never sutured. They have never set a bone. They never cast a fracture. Well, they may be extremely good general medicine diagnosticians, but they are not much use in Treherne because they need to be able to suture and set a bone and put a cast on. So we are still in the learning process about how do you assess the real skills that someone has, and how do you make up for the skill deficits that are expected in a Canadian rural practice setting or urban practice setting, but particularly rural practice setting. We have had great success with the IMG program at the University of Manitoba where there is a year-long program because there is time then to make sure that all of the kinds of basics have been covered and we know that this general practitioner or specialist is capable of functioning in an unsupervised setting. So that is why we increased that program by 50 percent over the next couple of years. We have got a commitment to grow that program.

We are still working out with the college how we can apply the CAPE exam more successively. We had real problems this year with failures in the CAPE exam where doctors have been recruited, they appeared to have sound credentials, but when it came to the assessment, they just did not cut it, and at the end of the day, what really matters is patient safety. So I do not think any of us would want to support an IMG program that was not focussed squarely on patient safety, and so anecdotally, we have doctors who have been very competent, successful practitioners in their own settings. That does not necessarily translate into the same success and effectiveness in a Canadian or North American practice setting.

It is a hard balance between saying your friend or your acquaintance that you talked to in the furniture store who has delivered lots of babies, well, the world is full of midwives, who have delivered lots of babies, but they are not pediatricians, and they are not obstetricians and gynecologists. They are midwives, and in some countries that is the level of training a doctor receives. They are very good at what they do, but they do not meet Canadian practice standards. So without knowing much more about the conversation that the member had, Mr. Deputy Speaker, through you, it is impossible to tell whether that is a good example of someone we have missed or whether it is someone who came here, had their qualifications assessed, and said, "You know, it is going to take me a long time to meet Canadian standards. I am going to seek another career and do as well as I can in my new country and be okay with that choice."

I am continually frustrated by what appears to be our inability to use people who appear to have good qualifications, but I have to always remember that I am not a physician, and I am not an educator in this regard. So we are working hard with the new dean of medicine, Dean Sandham, with the College, with Bill Pope, the registrar, and with our own internal resources, Dr. Chris Burnett, and others to try and figure out how to make sure we do not miss people who have got good qualifications and who want to practice medicine. There is lots more work to do. We are doing better, but there is lots more work to do in this regard.

**Mr. Lamoureux:** Mr. Chair, I appreciate the answer. I do just want to emphasize that if we can, I will try and keep my questions short, if the minister could do likewise, only because I have a number of questions and I have to move on to the next minister.

The reason I raise that issue is just it reinforces the importance of the issue to the department, and I would not want the issue of patient safety, even though it is of the first most concern for all of us in this Chamber, to be used as a roadblock, or some form of a systemic barrier potentially.

One of the issues that I get on an ongoing basis, Mr. Deputy Speaker, and I am sure that you could even get a sense of it yourself, is individuals that have credentials from abroad, and I want to refer for example to the Provincial Nominee Program, where if you have nurses that are, in fact, practising in

another country and they would like to be able to come to our province under the Provincial Nominee Program, they are asked to have their credentials recognized prior to actually putting in their application for the Provincial Nominee Program.

The question I have for the minister is this: If you had a constituent that approached you and said that I have a brother or a sister who is a nurse back, and I will use the Philippines as an example, but they have been a nurse, and they have been a nurse for the last 10 years in a hospital situation and so forth, how would you best advise that individual to get their brother or sister to be able to come to Canada, in particular through the PNP program?

**Mr. Sale:** Well, Mr. Speaker, in the interest of the member asking for a short answer, I would go to my colleague Nancy Allan and her staff and say, give me some advice because I am not an expert in that regard. I believe the college of nurses, Manitoba has the ability to assess credentials and does so on a regular basis, but I am not an expert in the nominee program and how you get those credentials recognized.

**Mr. Lamoureux:** Mr. Chair, I do not want to say I am an expert either, but I have done a great deal of work in this area. I have talked to the minister. I have talked to the federal minister, I have had all sorts of discussions on this issue. The biggest problem is that they cannot get the paperwork in order to demonstrate that they have the skills because the paperwork that is required is something within the province of Manitoba, through an examination process. So I just say that to the minister because, again, I do believe the Minister of Health has some responsibility, given the nursing requirements in the province, to address that issue. So, I say it only to flag it for the minister and to suggest to the minister that he needs to have dialogue with the Department of Labour and Immigration on this particular issue.

\* (10:50)

The other comment that I wanted to just get on the record is the pharmaceutical industry is absolutely critical in our province, the on-line, being able to order over the Internet. I think that we want to do what we can to ensure that that is an industry that will continue to survive and prosper in the province. My question is has the Minister of Health had correspondence with the federal minister in

regard to this very important issue, and do we have any sort of a protocol of prescribing drugs over the Internet currently that has been developed by the Department of Health.

**Mr. Sale:** The short answer is currently no. The longer answer is that we are in the midst of very detailed development of a wide range of web-enabled services for electronic health record, for laboratory imaging system, information system, for risk packs, the radiology system, the hospital information service project at St. Boniface. The DPIN system is being upgraded, so I expect within the next couple of years, we will not just be talking about drugs, we will be talking about the ability for any clinic that has high-speed, which is most clinics now that have electronic health records for their patients, most of them have high-speed Internet. We will be able to make a wide range of things available to them.

The focus right now is getting the spine in place, the infrastructure in place, so that you can use it with a variety of programs like ePrescription, reading of radiology CT or MRI or ultrasound scans at the physicians' office level.

This is complex, but because we have adopted an E-Health Manitoba approach, we have adopted a provincial-wide standard for architecture and system standards. We will not be buying multiple systems to do the same thing. This is giving us leverage of our buying power, our purchasing power, as well as making sure that the standards between RHAs, between the private labs and the public sector, for example, will be consistent so we can protect the information through our information protection centre using high standards of encryption and get the productivity benefits that, I think, will come with a widespread application of IT.

**Mr. Lamoureux:** The Department of Health is a huge department, and if there is an area which I am pleased with, it is the Health Links. I think the government has moved in the right direction with the Health Links.

The area I am probably most disappointed in would be the community service module in terms of the Victoria Hospital obstetrics being closed down. I am not convinced the government has done the right thing here. It sets a bad precedent in terms of community hospitals.

Having said that, I am just going to go on to the Minister of Industry, if I can, and ask the minister. I have had a list that was actually published in the *Free Press* where it lists off the Crocus Investment Fund portfolio, and there is a significant number of companies, as one would expect, that are listed, and one of the concerns that has been raised to me was the issue of to what degree has the government invested other tax dollars that go beyond the Crocus Fund, because obviously the Crocus Fund is not provincial dollars per se, but there are other programs within the government, in particular in his department, that could have and might have provided grants or loans to other companies that the Crocus Fund might have supported.

Does the minister maintain any sort of a list of those companies that would have been supported by the government?

**Hon. Jim Rondeau (Minister of Industry, Economic Development and Mines):** Mr. Chair, what happens on any of the investments that the Industry Department makes through the MIOP, which is the Manitoba program for loans to develop and expand the economy, there is separate due diligence. So we actually have a department and staff that does set due diligence to ensure that there are new jobs created, jobs saved, expansion of the economy, and the loans are made with appropriate due diligence by department staff. They do not work together with other groups that might be providing loans.

What they do is they look at the business case, they look at the jobs created, they look at the expansion or retention of jobs, they look at the effect of those programs and they look at the business case. They look at the cost-benefit analysis to the province, but more importantly, they look at the business case of each individual loan, and so the department does its own due diligence. Whether or not another fund, whether it is a bank or Crocus or ENSIS or anyone else invests, it does not come into play. They do look at how much equity there is, they look at the amount of loans versus equity, they look at the cash programs. That is the sort of thing they do in the due diligence. The department does its own due diligence. It does not rely on Crocus or any other group to do due diligence. It is only prudent that we do our own.

**Mr. Lamoureux:** Does the department maintain a list of companies which would have received loans or grants through his department?

**Mr. Rondeau:** Yes, we do, Mr. Chair. We maintain a list and I understand it goes all the way back to the nineties until now. Basically, I can provide the member with that information on what loans are outstanding. I think I did that to the official critic and I would be willing to endeavour to get that to him. Hopefully, today seems a little busy, if you could wait until tomorrow, I will try to endeavour to do it tomorrow but definitely by the end of the week I will get you the list of MIOP loans.

**Mr. Lamoureux:** It would be nice to be able to have the list of outstanding loans. In addition to that, I am wondering if the minister can indicate whether or not it is public information in regard to the loans and grants that are issued out to companies and so forth in the province.

**Mr. Rondeau:** Mr. Chair, I have always held it as private information. I do not know what the official—whether it is private or public information. I have always held it as private information, because it is the amount of money companies owe the government and it shows the amount that they have paid and all the rest, so I have always held it as private, confidential third party information. However, because it is government money, I have provided to the Tory critic, and I would be willing to provide you the list. At the same time, I will ask my department officials whether it is public or private information and provide that to you. So I would trust that the member does not make it public if it is not appropriate to do so.

**Mr. Lamoureux:** Yes, and I appreciate that and I can assure him that I would not.

I want to refer back to the list of Crocus Investment Fund portfolio. It was an interesting article, I believe it was in the *Free Press*, and it listed off companies that Crocus had invested over \$100,000 in, and I am wondering to what degree the department would be able to do some sort of a cross-check. If I submit the list, is the department able, or would it be prepared, to look at the list and say, well, here are the ones that have received some form of loans or grants?

**Mr. Rondeau:** Well, as I mentioned in my first answer, what we do is we do our own separate due diligence, just as Crocus did and just as ENSIS does, just as the banks do. So each investor in any company does their own due diligence. I would

assume that if you look at the list that was provided in the *Free Press* and look at our list of loans that I will get to you by the end of the week, then it is not that extensive a list.

One of the things I would like to point out is that we purposely keep our own due diligence and our own business people. They make their own due diligence on the companies and Crocus or ENSIS or any other one does. We try not to cross-reference it because then that would be sharing information. What we want to do is we want to do our own due diligence. We want the department to do its own due diligence, separate and apart. That way, what you are doing is you are having a number of eyes on the same business plan, the same business and the same financial issues.

\* (11:00)

**Mr. Lamoureux:** Mr. Deputy Speaker, I did ask the minister a while back about the future fate of the Crocus fund. I would like to just spend a few minutes on that by asking the minister right up front: Is the government prepared to indicate to the shareholders that Crocus will, in fact, be around a year from now or two years from now, or does he believe that there is a possibility of Crocus being assumed by another managing group?

**Mr. Rondeau:** Again, that is a hypothetical situation so I do not know what will happen in the future. What we have done is we have introduced new legislation called the labour-sponsored venture capital fund. What it is doing is it is providing the parameters of good governance, providing new regulations, an increased role of shareholders, increased disclosure. It is providing board representation from Class A or those investor shareholders on the different four boards that we have outlined.

There are a lot of things, and we have also moved the monitoring and the whole compliance issue into the Finance Department. We are going to be doing that, and we are going to keep the promotions into the Department of Industry. So what we are trying to do is take all prudent action to ensure that labour-sponsored venture capital funds have a good regulatory framework and ensure that there is good participation by shareholders.

The board is who is responsible for the ongoing management and decisions of the fund. We have

remained very, very sure-footed as far as we do not manage the fund. We do not direct them, we do not tell them what to do, we do not tell them to operate or not to operate. We do not control the management of the fund. If the board of the fund decides to do different actions within the act, that is their prerogative, but we do not tell the fund to wind up. We do not tell them to operate, we do not tell them to invest. That is totally the fund management operations. All we do is we set the law, we set the parameters and we try to ensure that they follow the law.

**Mr. Lamoureux:** I used the example of the ENSIS Fund. Does it not operate under provincial law and regulations set by the minister also?

**Mr. Rondeau:** What we have done, Mr. Chair, is we have moved most of the regulatory, most of the governance models into The Labour-Sponsored Venture Capital Corporations Act, (Various Acts Amended), which is both if it is ENSIS, Crocus or any other labour-sponsored fund. They would fall under the general regulatory parameters of that act.

What we have done is changes in the act, moved the few unique parts of the Crocus act we have kept them in the Crocus act, all the regulatory, all the governance, all the reporting things that moved to the labour-sponsored venture capital, and it is exactly the same for Crocus and ENSIS. So what it has done is it has made the regulations, the rules, the law the same for the two funds, and then just removed the unique things into the Crocus act, or left them there, sorry.

**Mr. Lamoureux:** Can the minister indicate, if we were to get rid of the Crocus act, what would, in very real terms, then be the impact on Crocus?

**Mr. Chairperson:** The honourable Member for Inkster, please repeat the question.

**Mr. Lamoureux:** If we had gotten rid of the Crocus act, what would then be the real, tangible impact it would have on the Crocus fund?

**Mr. Rondeau:** What happens is that we have made all the regulations, the rules, the laws, the reporting, all that in the venture capital act, and so that remains equal for both acts, the Crocus, ENSIS, any other funds that should ever spring up if there are other new funds. They would be regulated under The

Labour-Sponsored Venture Capital Corporations Act.

What happens is there is a preamble as to the focus of Crocus, and that is in the beginning part of the act in a few different provisions, like the sponsor of the fund, which things like that are in the Crocus act still. Again, they had a unique act. It was established by the former government in 1992, and basically, it said that the Manitoba Federation of Labour was in control of the act, the different provisions and how it was supposed be invested, et cetera. That was all in the Crocus act.

What we have done is unique provisions are left in the Crocus act. All the regulatory items and rules and reporting have been moved to the Labour-Sponsored Venture Capital Corporations Act.

**Mr. Lamoureux:** Mr. Speaker, if the minister could see fit to having his department just write something for me at some time, let us say the next week or two, where it could illustrate very clearly why the Crocus act would be necessary in order to protect the interest of the Crocus Fund as opposed to if it was to be completely gotten rid of, I would appreciate that.

Having said that, I want to move on to another area still dealing with the Crocus Fund. I had a fair amount of respect for Ms. MaryAnn Mihychuk, Mr. Speaker. I thought it took a great deal of courage on her part to go to the media or the media went to her. I do not know exactly what transpired there, but she did raise some concerns. Also, the provincial auditor, as we all know, raised a great deal of concerns. If you put those comments to the side for right now, I am wondering if the minister could indicate to us, from his perspective, when was the first red flag, from the government's perspective, the first red flag, when did it first appear.

**Mr. Rondeau:** Mr. Speaker, the first point, I also respect the work that Ms. Mihychuk did while minister in the government. She has moved the mining portfolio far forward. We actually were No. 1 in Canada as far as mining regulations and No. 3 in the world partially because of her efforts and the efforts of the government. That is really neat because it was reported regularly that we have really moved forward and that was partially or mainly due because of MaryAnn Mihychuk's hard work on behalf of the mining industry in the province.

When she said that no bill was drafted and the idea had not gone to Cabinet or caucus in the *Free Press* on June 4, I think that is consistent with our message. I think the Auditor's report clearly says that the issues of liquidity and pacing were around for a long time. The issues about the cap, whether it was \$50 million gross or net as far as the investment asset allowing, that was an issue that was brought up even to the previous government for many, many years. So those issues had been around.

What the Auditor says is that the draft labour bill was about liquidity and pacing, and he says that clearly on page 145. He also says it would have weakened the controls over the fund. He said that on CJOB. So we did not proceed with that bill. So Crocus and ENSIS had asked us about concerns about pacing, liquidity and the reserve requirements. They had done that over the years. The department did not raise them as red flags at the time. Hindsight, of course, is 20/20. So those issues have been around since the previous government.

So the question about pacing has been discussed a lot. What that is is how fast the money is put into an investment. They wanted flexibility on that. They knew that, because of the eight-year hold, there would be a whole bunch of shareholders who could theoretically redeem their shares after eight years. That was an issue brought up by Crocus and ENSIS on the whole liquidity and the whole reserve requirements, a lot of discussion because we were one of the few jurisdictions that had reserve requirements in our legislation and that was discussed by both ENSIS and Crocus.

\* (11:10)

The Auditor's report says that there were red flags, but at the time we believe it was a weakness by trying in 1997 to have the Industry Department do just the monitoring and the promotion and work with these people. So I think the report says that we did rely too much on trust and we were not intrusive. These are people who had to work with the firms, with the funds, and so, in hindsight, the former government, when they moved the promotion and monitoring both into the same department, that might not have been the most prudent thing to do. What we are trying to do is move forward and ensure that the monitoring is in a separate department than the promotions and the working with the industry.

**Mr. Lamoureux:** Mr. Speaker, I would like to focus some time on the issue of hindsight. The Premier (Mr. Doer) has indicated that he has to accept responsibility, and which he will, in regard to that there were some mistakes.

My question to the minister is, quite often, when a person is afforded the opportunity to reflect on something that maybe did not go as well as it could have or should have, you might be able to go back to a point in time in which you say, "Well, look, back at this time, it was flagged and we probably could have or should have acted back then." An example of that, from an opposition point of view, might be to suggest to the government there was, through the Department of Finance, a suggestion, I think it was through e-mail, indicating that there needs to be an independent investigation. At what point, with using hindsight, should the government have taken action in terms of having some sort of an investigation as to why things were not going as well as they should have been with Crocus?

**Mr. Rondeau:** If you look back in hindsight, probably it starts off in 1992, when the fund was formulated.

But the trouble is that hindsight is 20/20. There were a number of issues raised by the Auditor General, the fact that MFL had majority control. That was something signed off by Mr. Stefanson, Mr. Filmon's government. What happened was that was where they had majority control. The federal act said they had to have 50 percent.

Looking at a lot of the actions, where we are trying to clean up now, in our present legislation, the fact that there is actual board committees that are legislated on investment, on governance, et cetera, that it was an issue. On the putting, in 1997, of placing the monitoring and the promotion within the Department of Industry, by the former government, in hindsight, it would have been better to have two separate departments look at it.

There are a lot of things that could have been done in hindsight. We did some positive things. In 2001, we ensured that the Auditor General had the right to go into these funds. In hindsight, in 2001, that was a wonderful move, because the Auditor General had the right to go and audit the funds. That was very, very good, in hindsight. So the Auditor

General had the right to go into the fund at any time and get material after the expansion of that act.

In hindsight, a lot of people could have seen red flags, but one of the important points that the member has to remember is that you can always do more. We have said that we want to do more. We have said that we want to make sure that there is better disclosure, better disclosure of income, of perks, of travel. We have said that we wanted to expand the board representation by shareholders. Shareholders are now on each of the board committees. Shareholders are now on the board.

In hindsight, what could have happened was, and we have said this all along, we had a board rep that did not report to government. His fiduciary responsibility was to the shareholders. It does not make sense to most people that you have a board appointment that did not report to government but that is the way it was established. Bernard Wilson, who is an expert in the field, has said that it would not have been appropriate for him to report to government. He had a fiduciary responsibility to shareholders. That was said in the Auditor General's report that yes, that was the case where, in our case, he did not report to us. He actually went through a program at assuming the board when they had a—I am sorry, the word escapes me. They had an introduction meeting where they went through what their responsibilities were and their responsibilities were to the shareholders. They say that in the report. So a lot of things could have happened. What we are trying to do in the bill is to ensure that there is greater disclosure, ensure there are greater regulations, ensure there is greater participation and make sure that we act appropriately.

It is interesting to note that the Auditor General, in his 1998 report, said that he thought that these were commercial funds, similar to mutual funds, and so he said they should be treated like mutual funds. So the MSC has an oversight. The fund's auditor has an oversight. Lots of people had oversight and not many people saw the red flags.

**Mr. Gerrard:** One of the things that is of major concern here is that the government appointed a member to the board and did not have the member reporting back to government. One can argue that maybe government does not need to know what the precise value of the shares is but, in my experience, one of the really valuable things that a government

representative on a board should be reporting back to government is how the board is working, the nature of the governance of the board, if it is doing its job. This strikes me as an absolutely fundamental and basic, Political Science 101, Governance 101, issue in which you appoint somebody to a board, and they report back to you that governance on the board is okay, or is a problem, or there is something needs to be done in terms of the governance issue because that is what is particularly critical.

What is fascinating and very disturbing about the Auditor General's report is that a huge amount of it focusses on the governance and, as we heard last night from Bernie Bellan, these were things which were really common-sense things. If there had been a report back to government that this governance was not working as now is so apparent, there could have been some action taken very early on.

It is pretty disturbing that this government basically abandoned its responsibility in not having the board member that they appointed report back to them on whether the governance at the board of Crocus level was working properly, and it clearly from the Auditor's report was not. This government was clearly not doing its due diligence. I offer that to the minister because it stands out in such a striking fashion, and I would ask him why he continues to insist that it was inappropriate for the board member to report back on the governance at the board level to the government. This is just incredible.

**Mr. Rondeau:** Mr. Chair, I hope that the member takes Investment 101 and then learns that, as Bernard Wilson, chair of the board of Corporate Governance has said that the fiduciary responsibility of all board members is to the shareholders, and that is the same in any corporation. They do not report to whoever appoints them. They do not report to the Manitoba Federation of Labour. They do not report to government. Bernard Wilson, chairman of the board of the Corporate Governance association, has been clear, and he said this is absolutely right. We were doing it the professional way. The way it was established. The way it was set up in the beginning. He said we were actually doing the absolutely appropriate thing. He said it would have been inappropriate if the board member had reported back to government.

I would suggest that you read the *Free Press* of that date. I will send you a copy of the article that

had a discussion about Bernard Wilson. He is an expert on board governance, and he said that that would have been inappropriate for them to report to us.

\* (11:20)

The other thing he said was that they have a fiduciary responsibility for all shareholders. When you are a member of a board, your fiduciary or your financial responsibility is for the shareholders not to the organization that appoints you. It would have been totally inappropriate for any board member to report back to us as to what was going on in the fund.

We have maintained, and I am pleased to say this, we had apolitical, long-term civil servants sit on the board. They have had experience in industry and in investments, et cetera, and I think that is appropriate. Now, in hindsight, when it was set up in 1992 like that, it does seem strange that that was the system that was set up, and in our new legislation, which I am pleased to put before the House, what we have done is we have removed the board position that is appointed by government. We have removed that, and we have made sure that that position can be filled by the shareholders' rep, elected by the shareholders, and that is appropriate.

So I assume that, in very quick order, there will be not a government-appointed board member but a board member representing the Class A shareholders. The investors of the fund will do that. So we have moved that forward. So again, in hindsight, as it was set up in 1992 by the former government, in hindsight, that might not have been the most prudent thing to do. We are taking steps to correct it.

**Mr. Gerrard:** A brief comment, and then I will turn it back to my colleague. But there is not an argument in terms of fiduciary responsibility. There is a big argument in terms of responsibility to report about governance and whether the governance at the board level is working, and that is an area where clearly we agree to disagree, but that is an area where I think this government let the people of Manitoba and the Crocus shareholders down. Manitobans clearly have \$37 million or so investment in this through the tax credits and there was a responsibility.

I pass it back to the Member for Inkster.

**Mr. Rondeau:** I think the former government and our government have continued with the program in

light of growing the economic pie. I think that they had the right spirit when they tried to use tax credits to ensure that there was venture capital to grow the economy, to create jobs. There have been various numbers that we have talked about, between 12 000 and 14 000 jobs created by the ENSIS and Crocus funds; 12 000 to 14 000 jobs are a lot of jobs to either create or retain in our province.

As the member knows, there is a huge problem getting venture capital for new start-up companies. You have to have equity for banks to lend you money. Venture capital is risk capital. It is for new ventures. It is for expanding ventures and new ideas. Actually, I applaud the former government for starting it, the idea, the concept. Yes, there were errors made, and in hindsight, there could have been improvements. We improved the situation in 2001 with the first time that reporting was required. We will continue to do that in this legislation.

We need to continue to have venture capital and increase the economic pie in our province, and that is what these funds are trying to do. I urge all members in the Chamber to actually work together to make sure that legislation is passed so that there is more confidence in the venture capital funds in the economy of Manitoba so we can continue to grow the economic pie as it has in the last few years.

**Mr. Lamoureux:** Mr. Deputy Speaker, I do have questions for the Minister of Justice, but prior to posing the question, I did want to just make kind of a last word comment on the Crocus and indicate that the Premier (Mr. Doer) has clearly stated that he has to take some responsibility, and I think that is a contradiction in terms of what it is that the current Minister of Industry has stated. The bottom line is that the government could have and should have acted long ago, and a great deal of frustration that we are experiencing today would not be there in good part.

Mr. Deputy Speaker, the issue of Justice. I wanted to ask the minister right up front in terms of what his opinions are today about ankle bracelets.

**Hon. Gord Mackintosh (Minister of Justice and Attorney General):** That is interesting the member raises this question because it was just very recently that I saw a summary of a study done in the United Kingdom on the use of electronic monitoring of offenders that was highly critical using some



scientific measures of the effectiveness of that technology applied in the corrections area.

So I will get a copy of that and I will share that with the member. In terms of what the understanding of Manitoba Corrections predating that study, I guess I can summarize as follows, the signals about the effectiveness of electronics, like GPS, for example, are mixed at best. That is, of course, not a good conclusion when we are talking about people's safety.

The member may know that the former government had repeatedly rejected calls for this kind of monitoring. I have been very keen on using technology in whatever form to enhance public safety so I am very keen at the outset. I asked the department then to look into the science and the experience for the application of GPS and other related technologies and the conclusion was as I had just said.

I think in the not too distant future, we will look back to now and say that the technology was indeed in its infancy back in 2005. But what is critical is that we look to see whether there is any objective evidence that it affects reoffending and improves public safety. The experience recently has been that I have seen two cases where judges have actually used the availability of the technology to release what I would suggest are high-risk offenders into the community.

There was a very unfortunate decision in Saskatchewan, for example. It was last January where a judge would not jail a repeat pedophile because electronic monitoring could be available and he was placed on monitoring for a period of several months. It was appealed and fortunately, the court then sentenced that offender to a year in jail, but there was an example.

Then more recently, I heard from Ontario, it was an issue that I heard originally from the Ontario Attorney General, actually, where there was someone who was accused of manslaughter or a murder, and was released because the judge said, well, there could be electronic monitoring. There was a furor, particularly in southern Ontario, around that release and the rationale used. I think that matter has been appealed and I do not know the outcome, but what happened was that this provided an opportunity for the court to, I think, release someone, and it undermined public confidence.

The fact is, though, that offenders on monitoring can kill so it is not a substitute for incarceration. As well, though, it can provide a false sense of security. I think that is what the evidence shows so far in light of the state of the technology.

Now what is the objective experience in other places? There are a couple of states that have gone this way. Ontario and B.C. went this way. They are now, I understand, retreating. I think Ontario actually has scrapped GPS, or they are at least moving off it because of concerns around it. They had concerns about blind spots, signal loss behind buildings, for example, parkades, when a person was in transit or was in basements. There were dead batteries happening in different, and I am not suggesting Ontario, but I think that the problem of dead batteries has been part of the story of this technology so far. That relates to cold weather, and, of course, one can remove the bracelet.

\* (11:30)

There can be false alarms. An offender can cut off the bracelet and leave it in his bedroom leaving the vulnerable victim and law enforcement to think that he is tucked safely in bed when he could be at the window. So that is a concern. Whether that problem can ever be overcome, I think, is the most serious challenge.

I remember I was in Minnesota one year, this was a couple years ago, when I read a story about someone who had removed their ankle bracelet and gone and re-offended in a serious way. When the police were asked about the removal of the bracelet, they said, "Oh, yeah, we really frown on that." Well, that is no answer.

So what I am saying is that the technology, from what the department tells me, has not been perfected for correctional use. I am disappointed, by the way, in that advice. Now, at the political level, should I just reject that advice and bring it in? I have to look at what is happening and what my officials are telling me.

There may be some limited use for it as the technology improves, and I think the issue of blind spots is a serious one. It is just a technological, not an ideological or political concern. I think that is why we have not seen its rapid use all across Canada. If there is a more recent study from the U.K., I want

to know is that related to the technology, or is it related to its failure to change behaviour.

I know the John Howard Society and others have said, look, you can do all the ankle bracelets you want, but unless you deal with the offending behaviour, unless you have the interventions, you are still going to have that problem. But does it reduce the risk to the public? That is the No.1 question. The answer from the department so far has been that it is highly problematic.

I think that there is one other thing, too. When the technology becomes stronger, the decision about who gets electronic monitoring, I think, should not be left with the courts. I think that Corrections should make that decision as an add-on after sentencing. In other words, it is not used as an incentive for the courts to release dangerous people.

So it has been quite a lesson. It is not what I had hoped to hear. I feel sometimes things sound pretty good, and technology always does hold out that promise of great advancement. I think the promise is yet to come on this.

**Mr. Lamoureux:** I would like to disassociate the ankle bracelet from what the minister says, well, if we have ankle bracelets, then as a direct result we are going to have judges saying well, instead of having that person in jail they are going to be wearing an ankle bracelet. I see that as an apple and an orange.

I liked it when the minister made reference to this as more so post-departure of jail, if I can put it that way, for an individual. I believe that it does have a role today.

We make reference to GPS. Even if it is not necessary, it does not have to be. I think beam GPS is absolutely critical, that there is a viable role even for the GPS. There is also certain radiuses in which a signal can be sent. If someone is under a curfew, as an example, that as long as that signal is maintained, they are within a certain area.

I really do think I do not quite understand how the department can just rule it out completely. There has got to be situations where the Department of Corrections, probation officers, whatever department within his department, I would think that there has got to be a practical use for this type of technology. I

think that it has hit a level in which it could have been acted upon, that there are benefits.

I appreciate the example that the minister gives in terms of the Saskatchewan case where a judge said, well, I would just as soon have him on an ankle bracelet, and then the Saskatchewan Government appeals it. Instead, he was in jail for a year. Well, you know, if the minister had his choice of having an acrid ankle bracelet on a pedophile for a three-year period of time, or the individual in jail where quite often they are not being rehabilitated and then back out on the street, which one is better?

I just think that we are not dealing with the issue of ankle bracelets in a fashion which would ultimately be in the public's best interest. I would like to see the minister be a little bit more aggressive. Imagine, if he will, if he was still in opposition, the positioning and how aggressive he would be at turning ankle bracelets into reality in this province. I would ask the minister to do just that.

I also wanted to deal with other issues on justice. But, Mr. Speaker, I do realize that we are running very low on time. I know the Leader of the Manitoba Liberal Party has a couple of questions also on justice, but then we were wanting to go onto Sport and Northern Affairs. So if we can maybe make sure he sends out that note to get them in here as soon as possible, it would be very much appreciated.

I will just, over the next little while, follow the issues of grow op concerns in terms of how that industry has grown. I am concerned in regard to break and enters. I do think that the ankle bracelet could even be used for issues like break and enters and car thefts which is just a huge, huge issue.

We finally see the government is dealing with it by going beyond the police service in terms of recognizing probation officers do also have a role to play in that. I suspect, because of that final admission, that we will in fact see the number of vehicles being stolen reduced. At least, I would hope that we will see it being reduced. The idea comes from Saskatchewan. I think that, as I have said in the past, no one owns a good idea. I think that this, in essence, could help Manitoba's situation.

I do want to pass the floor on to the Leader of the Liberal Party. Thank you.

**Mr. Chairperson:** Do you want to reply?

**Mr. Gerrard:** My initial question deals with the situation in the North. We have asked before, in terms of the shuffle of people from Thompson to Winnipeg and Thompson to The Pas and Brandon, and this deals with both adult offenders who are alleged offenders and young offenders who are alleged offenders, and not just as the minister suggested in answer to one of our questions from this side of the House, for young offenders. So clearly there needs to be, in some fashion, a better way than this transport of people back and forth all over the province so that individuals who come into conflict with the law can be housed in a better fashion in Thompson. I would wonder what the minister is doing about the situation.

**Mr. Mackintosh:** Well, first off, I would be interested in hearing from, and perhaps I will explore this with representatives from MKO in the North, what their views are in building further jails for northern residents in the North. The member knows we just recently signed the MOU and the protocol to get down to the serious issues that have to be dealt with in giving more power to Aboriginal communities in supervising and changing the behaviour of and ensuring reconciliation and accountability of Aboriginal offenders and using community corrections to the best of our collective ability.

Given the fact that in the North there already is, of course, the capacity for adult offenders. I mean, The Pas has a jail and that is the northern correctional centre. It also has some youth beds there. As well, in Thompson there is some capacity. So if the member is suggesting that there should be more on the adult side in the North in addition to The Pas, that is one thing; another one is, of course, the request that there be a youth facility, which I understand the member has been promoting.

\* (11:40)

Maybe the member may not have known this, but when he did raise the issue, I asked the department how many northern youth there were in custody in the province. The answer from the department was, on that day, it was in February, that there were only 12 northern youth in the system. Now it may be that we all will have a wish list as to the terms of how many facilities and types of facilities we can have in the province. Every time

there is that kind of concern, we have to look at the priorities, and there are always competing priorities. The priority right now is to get the women's correctional centre redone in terms of a modern facility that is more appropriate and meets the needs of offenders in the community to a greater extent than the current Portage facility.

There are a lot of other challenges as well, but that is the issue. On the youth side there is a very low volume, and of the 12 northern youth in custody, some will be female and some will be male so there will be different facility requirements there. There are facilities in Thompson for some youth, and, of course, for adults in The Pas and some capacity in Thompson.

**Mr. Gerrard:** Yes. It would seem to me that even going to The Pas you have got a four-hour one way, eight-hour—you have got considerable inconvenience in the way that the justice system works in Thompson, and quite a number of people I understand who go to The Pas end up going on to Brandon for a variety of reasons and then coming back. So what the Minister of Justice could look at is, in light of the changing nature of justice in the North, what is needed, what could be done, which traditionally we have had an old style, traditional style jail, but there may be a new, modern approach to this and that that more modern approach might not even segregate men and women in quite the way that we do it at the moment, and there may be some options in terms of a facility which could serve not only where people would be staying but for some of the other purposes that the minister has talked about involving restorative justice and approaches which have been mentioned and described in the Aboriginal Justice Inquiry.

So, all I would do is to suggest that the minister think about this and look at this, not just from a traditional old-style approach, but from as we move the modern justice system forward, what would work and provide the kind of forward-thinking approach that might benefit the North and provide a way to provide justice which would not need this costly and time-consuming way of moving people all over the province in order to have the justice system working. If the minister wants to respond, and then I will go on to the minister of sport.

**Mr. Mackintosh:** Just very briefly and to the point, there are two important initiatives that I think

respond to the member's concern. The first is the Northern Justice Strategy that MKO, the federal government and the province have agreed to and are developing, and I would like to see developed further to empower local communities to deal to a greater extent with those who offend from their communities and more local justice and more local supervision and interventions.

Number two, there is a greater use of technology in the North like never seen before. Even there though there is more to be done in terms of ensuring that teleconferencing and videophones are made available and used to a greater extent. We are working with our stakeholders in the North to facilitate that. The member is right. The transportation between Thompson and The Pas is problematic. Anything we can do to cut down on that by using technology or having local interventions, the better justice will be delivered.

**Mr. Gerrard:** I thank the minister. I will proceed to ask questions of the Minister of Sport. My understanding is that the Minister of Northern Affairs (Mr. Lathlin) will be in shortly as well. Is that correct? *[interjection]* Good.

My question to the Minister of Sport. I have heard of some concerns within the amateur boxing in particular of situations where young people may have been put in boxing fights which were probably somewhat beyond their ability or where they should have been and that there might have been the potential for problems and injury because normal procedures were not respected.

I would ask the minister, first of all, have issues like this been raised with the minister in any way over the course of his tenure.

**Hon. Eric Robinson (Minister responsible for Sport):** Mr. Chairperson, what the Member for River Heights, the Leader of the Liberal Party, is bringing to my attention today I have not heard before, but if he has got details, certainly our department is concerned about that, and certainly for the safety factors that he eloquently pointed out, I will designate our staff to investigate that matter. I believe that he may be talking about fighters being in matches that are perhaps over their class or a different weight class, perhaps. I have not heard about this issue and I certainly will take the opportunity of raising it.

**Mr. Gerrard:** I will provide full details to the minister and I thank him for undertaking to investigate and look at this carefully.

The concerns that were raised with me, as I recall them, dealt with requirements for boxers to have a certain number of preparatory fights and experience and so on in competition before going on to the national level and that this procedure may not have been followed as well as it should have been done. The result could have been that Manitoba athletes could have been injured because they were put in situations that were not optimal.

I appreciate the minister confirm to me that he has not heard of this and that I will then bring that to him. So the minister, as I understand, has never heard of any of this sort of problem.

**Mr. Robinson:** Yes, if I could just reiterate, Mr. Chairperson, that is right. It does concern me as well that the fighters and their safety are put at risk. I certainly will look forward to receiving that information from the Leader of the Liberal Party, and I will be asking our staff to investigate it immediately.

**Mr. Gerrard:** There have been, clearly, in this Healthy Kids Task Force that we are dealing with at the moment, a lot of concerns from young people about not sufficient availability of recreational and sport opportunities. I would ask the minister, what is his vision in terms of improving this situation, and I might ask him to specifically address areas of the North where there is a clearer need.

**Mr. Robinson:** Well, Mr. Chairperson, that is something that is of great concern. I know that when the task force undertook the work to travel to different communities in the province of Manitoba, they had the opportunity of visiting two reserves in Manitoba, one being Sioux Valley in the southwest part of our province, and the other being in Gods River in the north central part of our province.

In many communities, a lot of our people do not have the opportunities that are available in urban areas of Manitoba. Therefore one of the things that I have advocated is perhaps survival skills, outdoor skills, to enable a lot of our young people the opportunity to spend time outside with elders, to learn about outdoor survival.

\* (11:50)

Since I made that statement about a year ago, Mr. Chairperson, many of the communities have taken that up and are currently in various stages of trying to implement that idea. Not that I had the original idea, but, certainly, at the OCN under the leadership of people like Edwin Jebb and people that are involved at the Joe A. Ross School, they felt that we are not going to have the opportunity of making athletes and sports stars out of many of our children, so the next best thing would be to enable them the opportunity of utilizing the great outdoors and learning trapping skills.

So in The Pas, OCN, they undertook that initiative, and this is something similar that is occurring in other areas of our province. I know that at the Poonapowwanippee Cree Nation, otherwise known as Oxford House, they have also embarked upon a similar initiative where they are going to be calling upon the elders of the community, the seasoned trappers, to give those necessary skills, to teach those necessary skills, to the young ones in the community, the young people who are involved in, perhaps, activities that are not necessarily perceived as being positive activities in the community.

I certainly agree with the communities that have ascertained that these things be examined, would be positive, and we are supporting that to the best way we know how. I know that the Department of Conservation along with our department and possibly other departments will be identified that could help and work with these communities that have identified this to be a priority and work with them in enhancing outdoor activities. Certainly, I know that the Leader of the Liberal Party is well aware of the inactivity and the subsequent consequences that could result with many of our youth in, especially, the remote communities of our province.

So we are seeking to do these initiatives that I just identified, and our department along with others are working with community leaders in advancing some of the ideas that they have in mind, Mr. Chairperson.

**Mr. Gerrard:** I thank the Minister for Sport and for his helpful comments. I now move on to a question for the Minister of Northern Affairs (Mr. Lathlin), and I thank the minister for, I think, in Estimates he referred me to this study done of Kississing, Cold

Lake, Sherridon Lake that suggested that the health effects on humans may not be significant, as he referred to.

I have had the opportunity to have a look at this study, and what strikes me in looking at this is that the concern in terms of human health is dealt with only from measuring soils, rabbits, fish, berries and so on, and their content of six metals: arsenic, cadmium, copper, lead, selenium and zinc.

First of all, the data that we were given provides concentrations in berries in the area which is affected, but it does not give what the concentration would be in another area to know whether it is high. For example, the concentration in fish will be an average of 2.5 milligrams per kilogram of fish, but the concentration in berries is 36.6 milligrams per kilogram of berries. So the berry concentration of zinc would appear to be quite high, but because I do not know what it is normally in an area where there are not these high concentrations of zinc it is hard to understand what the impact or what the relative increase of that is. Is that a very high level or not?

Second, while the human health impacts deal with averages, we know for sure that there are individuals who may eat a lot more fish or a lot more berries or a lot more of one food or another. We have to be a little bit careful if those indeed are very high levels of zinc, for example, in berries, then somebody who is eating lots and lots of berries could be in a situation where they may be having more toxic effects than somebody who is just eating an average diet.

Clearly these are the sorts of issues which I think need to be explored a little bit more. It would seem to me that a couple of things might be important. One is not only to compare, for instance, the berry numbers with an area where there are not high concentrations of zinc, but because there may be other components, other metals that are not measured here, which in tiny concentrations could be important.

Feeding these berries which may be high in zinc to animals or birds, for example, to see what happens and whether there is a cumulative increase. Rabbits, interestingly enough, have levels of 15 milligrams per kilogram of zinc, which is much higher than fish. Is that at a level, and why is that happening with rabbits? So I think that there is a role here for doing some feeding experiments which could be useful to

see if there are any toxic effects on birds or animals. This would be a normal kind of process.

The other thing is that it seems to me it would be quite important to do a community health assessment at Sherridon and Cold Lake to see if there are any individuals who have particular health problems. Even if there are small numbers who have unusual health problems, or if there is more of a particular problem, then it would point to something that could be looked at to see if it is related at all in any way to the environment or what these people are eating.

I think that although we have a report which suggests that there may not be effects on human health, and hopefully there are not, that it would be worthwhile following up. I would ask the minister, will he, in fact, do some follow-up on this report and do some medicinal checking and ensure that what has been found so far is followed up.

**Hon. Oscar Lathlin (Minister of Aboriginal and Northern Affairs):** Mr. Chair, while I am pleased to be able to answer questions from the Leader of the Liberal Party once more, I do not very often get asked questions in the House as everyone knows around here. I do not know why that is. Perhaps everything is okay at the Aboriginal front and there is no need to ask questions, but I personally do not think that that is the situation. Nevertheless, I am

glad the Liberal Leader is asking questions regarding issues affecting Aboriginal people in the North.

With respect to the, let me call it, Sherridon situation because that is how I know it as the best way, previously, way back I guess, there was no legislation in existence at the time, environmental protection, conservation methods. Some of the conservation methods were there, but to a large degree, there were really no rules, regulations, legislations to look at the damage being done by industry whether it was logging, mining or otherwise.

Nevertheless, there we were. The situation in Lynn Lake, Sherridon and other places had been there, left there as is by the mining companies who were there. Some of them do not exist anymore. Some of them still exist probably under different names or have been bought out by other companies. So nobody ever really did anything, even though complaints were regularly put forth by people living in those areas and towns. It was not until when we came into government that I—oh, so I will have more time—

**Mr. Chairperson:** The time being twelve noon, I am interrupting the proceedings with the understanding that the Speaker will be in the Chair at 1:30 p.m. for Routine Proceedings.

**LEGISLATIVE ASSEMBLY OF MANITOBA**

**Tuesday, June 7, 2005**

**CONTENTS**

**Committee of Supply**

Concurrence Motion 3319