



First Session - Thirty-Sixth Legislature  
of the  
**Legislative Assembly of Manitoba**  
**DEBATES**  
**and**  
**PROCEEDINGS**  
**(Hansard)**

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**MANITOBA LEGISLATIVE ASSEMBLY**  
**Thirty-Sixth Legislature**

**Members, Constituencies and Political Affiliation**

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<u>Name</u>	<u>Constituency</u>	<u>Party</u>
ASHTON, Steve	Thompson	N.D.P.
BARRETT, Becky	Wellington	N.D.P.
CERILLI, Marianne	Radisson	N.D.P.
CHOMIAK, Dave	Kildonan	N.D.P.
CUMMINGS, Glen, Hon.	Ste. Rose	P.C.
DACQUAY, Louise, Hon.	Seine River	P.C.
DERKACH, Leonard, Hon.	Roblin-Russell	P.C.
DEWAR, Gregory	Selkirk	N.D.P.
DOER, Gary	Concordia	N.D.P.
DOWNEY, James, Hon.	Arthur-Virden	P.C.
DRIEDGER, Albert, Hon.	Steinbach	P.C.
DYCK, Peter	Pembina	P.C.
ENNS, Harry, Hon.	Lakeside	P.C.
ERNST, Jim, Hon.	Charleswood	P.C.
EVANS, Clif	Interlake	N.D.P.
EVANS, Leonard S.	Brandon East	N.D.P.
FILMON, Gary, Hon.	Tuxedo	P.C.
FINDLAY, Glen, Hon.	Springfield	P.C.
FRIESEN, Jean	Wolseley	N.D.P.
GAUDRY, Neil	St. Boniface	Lib.
GILLESHAMMER, Harold, Hon.	Minnedosa	P.C.
HELWER, Edward	Gimli	P.C.
HICKES, George	Point Douglas	N.D.P.
JENNISSEN, Gerard	Flin Flon	N.D.P.
KOWALSKI, Gary	The Maples	Lib.
LAMOUREUX, Kevin	Inkster	Lib.
LATHLIN, Oscar	The Pas	N.D.P.
LAURENDEAU, Marcel	St. Norbert	P.C.
MACKINTOSH, Gord	St. Johns	N.D.P.
MALOWAY, Jim	Elmwood	N.D.P.
MARTINDALE, Doug	Burrows	N.D.P.
McALPINE, Gerry	Sturgeon Creek	P.C.
McCRAE, James, Hon.	Brandon West	P.C.
McGIFFORD, Diane	Osborne	N.D.P.
McINTOSH, Linda, Hon.	Assiniboia	P.C.
MIHYCHUK, MaryAnn	St. James	N.D.P.
MITCHELSON, Bonnie, Hon.	River East	P.C.
NEWMAN, David	Riel	P.C.
PALLISTER, Brian, Hon.	Portage la Prairie	P.C.
PENNER, Jack	Emerson	P.C.
PITURA, Frank	Morris	P.C.
PRAZNIK, Darren, Hon.	Lac du Bonnet	P.C.
RADCLIFFE, Mike	River Heights	P.C.
REID, Daryl	Transcona	N.D.P.
REIMER, Jack, Hon.	Niakwa	P.C.
RENDER, Shirley	St. Vital	P.C.
ROBINSON, Eric	Rupertsland	N.D.P.
ROCAN, Denis	Gladstone	P.C.
SALE, Tim	Crescentwood	N.D.P.
SANTOS, Conrad	Broadway	N.D.P.
STEFANSON, Eric, Hon.	Kirkfield Park	P.C.
STRUTHERS, Stan	Dauphin	N.D.P.
SVEINSON, Ben	La Verendrye	P.C.
TOEWS, Vic, Hon.	Rossmere	P.C.
TWEED, Mervin	Turtle Mountain	P.C.
VODREY, Rosemary, Hon.	Fort Garry	P.C.
WOWCHUK, Rosann	Swan River	N.D.P.

## LEGISLATIVE ASSEMBLY OF MANITOBA

**Tuesday, June 20, 1995**

**The House met at 1:30 p.m.**

### **PRAYERS**

### **ROUTINE PROCEEDINGS**

#### **PRESENTING REPORTS BY STANDING AND SPECIAL COMMITTEES**

##### **Committee of Supply**

**Mr. Marcel Laurendeau (Chairperson of Committees):** Madam Speaker, the Committee of Supply has adopted certain resolutions, directs me to report the same and asks leave to sit again.

I move, seconded by the honourable member for Morris (Mr. Pitura), that the report of the committee be received.

**Motion agreed to.**

### **MINISTERIAL STATEMENTS**

#### **TR Labs**

**Hon. James Downey (Minister of Industry, Trade and Tourism):** Madam Speaker, I have a ministerial statement to make.

It was my pleasure today to participate in an event at TR Labs in Winnipeg as they announced the establishment of leading-edge telecommunications research technology with the highest speed research test bed in Canada. This technology represents an exciting new advance for TR Labs and for Manitoba's telecommunications industry, which, as we know, is one of the fastest growing industries in this province, with virtually unlimited growth and job creation potential.

This latest technology keeps Manitoba in the forefront of technology and positions Manitoba as a continued leader in telecommunications and multimedia services in Canada and the world. With this new link to the information highway, TR Labs will

be in a prime position to conduct research and develop applications which will enable service providers to better understand the needs of customers and capabilities of the information highway.

This latest advance in research capabilities, which is being conducted in association with the Manitoba Telephone System, AT&T Network Systems Canada and the University of Manitoba gives our province world-class research capabilities which will open new doors to new opportunities for growth and job creation.

\* (1335)

Manitoba is the call centre capital of Canada. Our government has been committed to seeing this industry grow and prosper because we know it is a sector which is capable of creating opportunities for Manitobans and attracting new wealth-generating companies to our province. The sort of project undertaken by TR Labs and its partners will enhance Manitoba's leadership in telecommunications technology and research in North America.

We are pleased to congratulate TR Labs and its partners in this exciting new initiative. Thank you, Madam Speaker.

**Mr. Tim Sale (Crescentwood):** Madam Speaker, we would be pleased to join with the members opposite in congratulating this company in the development of new research and development facilities in Manitoba. We are concerned that such support undergird the capacity of our publicly owned telephone system and make it an even more important resource for Manitobans in the future.

We would also underscore the need, Madam Speaker, for universities and colleges to receive appropriate long-term core support for original research and development which, unfortunately, has not been forthcoming either from the federal government or from this government to undergird the pure research capacity of the province. Nevertheless, we welcome the potential for new jobs and wish the employees and staff of TR Labs well.

## TABLING OF REPORTS

**Hon. Eric Stefanson (Minister charged with the administration of The Crown Corporations Public Review and Accountability Act):** Madam Speaker, I would like to table the 1994 Annual Report for the Crown Corporations Council.

**Hon. Jack Reimer (Minister of Housing):** Madam Speaker, I would like to table the Annual Report 1993-94 for Housing, Manitoba Housing and Renewal Corporation, Manitoba Housing Authority.

## Introduction of Guests

**Madam Speaker:** Prior to Oral Questions, I would like to draw the attention of all honourable members to the Speaker's Gallery where we have with us today Mr. Tomislav Bosnjak, Consul-General of the Republic of Croatia.

On behalf of all honourable members, I welcome you.

Also seated in the public gallery we have thirty-five Grades 7 and 8 students from Border Valley School under the direction of Mr. Jack Enns. This school is located in the constituency of the honourable member for Pembina (Mr. Dyck).

We have thirty Grade 5 students from Beaumont School under the direction of Mrs. Tannis Nadurak. This school is located in the constituency of the honourable Minister of Consumer and Corporate Affairs (Mr. Ernst).

On behalf of all honourable members, I welcome you this afternoon.

## ORAL QUESTION PERIOD

### Winnipeg Arena Business Plan

**Mr. Gary Doer (Leader of the Opposition):** My question is to the First Minister. Madam Speaker, in a letter to City Council yesterday, the chief commissioner indicates to council members that the Premier has

committed to Mr. Asper that the \$17-million shortfall would be made up by the so-called public sector. The Premier, of course, has committed \$37 million to the new facility. The city has committed \$37 million and other infrastructure cost to the new arena, and the federal government has only committed \$20 million.

Can the Premier indicate today, in light of the fact that \$37 million is well over his election promise that he made throughout the campaign—could he table today the business plan to make up the \$17-million shortfall that the Premier has committed to Mr. Asper?

**Hon. Gary Filmon (Premier):** We continue to work with the federal government to persuade them that they ought to be equal partners in this development, and we continue to have various areas in which we believe they can provide additional resources to meet their equal commitment.

Secondarily, we have indicated to our partners that we are also prepared to sell naming rights and the clock in the arena for a substantial contribution to the development of the arena.

\* (1340)

**Mr. Doer:** Again, we do not have a business plan from the government to deal with the \$17-million shortfall, Madam Speaker.

### Winnipeg Jets Commitment to Stay

**Mr. Gary Doer (Leader of the Opposition):** I have a further question to the Premier.

On June 23 of 1993, the Premier indicated: If there is going to be any public investment in a new facility, it would be conditional on us having an absolute, ironclad commitment by the owners of the team that the team must stay here for at least a 20-year period.

In light of the fact that we can read no ironclad wording in any agreements that we have seen so far, can the Premier today table the ironclad agreement that he has with the new owners of the hockey team, that this team will stay in Winnipeg for 20 years, so that we

do not go through these continuous deadlines that we have in the last number of months.

**Hon. Gary Filmon (Premier):** Madam Speaker, the member knows full well that none of the agreements have been reduced to legal wording at this point. The member knows as well that we have imposed the same conditions on the new ownership group as we would have on the previous ownership group with respect to that, and that is that the franchise would be put up as collateral on the lease on the arena so that there would be an assurance of either having control of the team or having the team there for a period of time under other ownership.

#### Winnipeg Arena Tender Process

**Mr. Gary Doer (Leader of the Opposition):** Madam Speaker, the government has set a number of so-called deadlines and used those deadlines to justify certain decisions they have made: a deadline of June 30; a deadline of December, the MEC plan would have to be concluded; a deadline in February; a deadline of May 1; a deadline that then changed to May 6; a further deadline articulated by the Minister of Finance (Mr. Stefanson) that because the new facility would have to be started at the beginning of July, they could not tender.

Madam Speaker, we have a letter today from Mr. Frost who indicates that the new deadline for the start of the construction has moved to August 16, which contradicts what the Minister of Finance has told us previously about why they did not tender.

Would the Premier please today allow for the public tendering process to take place in light of the fact that the taxpayers of Manitoba, the City of Winnipeg and the federal government are responsible for \$111 million, 100 percent of the cost? Can we have a process that is 100 percent public sector and have a public-sector tendering process as we should have?

**Hon. Gary Filmon (Premier):** Madam Speaker, the Leader of the Opposition should be careful in terms of the misinformation and disinformation that he continues to put on the record.

Almost all of those so-called deadlines that he referred to were ones that were imposed by the transactions among the various private-sector partners in the agreement. They were all contained within offers of purchase options and everything else. They were not deadlines that were imposed by this administration, and he should not be so dishonest as to put that on the record.

With respect to—

\* (1345)

#### Point of Order

**Mr. Steve Ashton (Opposition House Leader):** Madam Speaker, on a point of order, the Premier has yet again used unparliamentary language. He referenced dishonest, and we would ask that he withdraw that remark. That is most definitely unparliamentary and uncalled for.

**Madam Speaker:** On the point of order by the honourable member for Thompson (Mr. Ashton), I indeed did not hear the context in which the word was used, so I will review Hansard and report back to the House with a ruling if necessary.

\* \* \*

**Mr. Filmon:** Concluding my response, Madam Speaker—

**Madam Speaker:** To quickly finish his response, the honourable First Minister.

**Mr. Filmon:** Madam Speaker, the member opposite should be aware that the process by which the general contractor was selected was a competitive bid process in which four different organizations were invited to bid and that they continue to award almost all areas of subcontract by a competitive bid process which can be verified by speaking with any of the contractors who are receiving those contracts.

#### Pediatric Cardiac Care Program Inquest

**Mr. Gord Mackintosh (St. Johns):** Madam Speaker, my question is to the Minister of Justice.

Yesterday I asked whether the government recognized a conflict of interest, given that the inquest into the Health Sciences Centre infant deaths and the role of this government was being conducted by lawyers of this very same government and of her department. The minister said the concern was incredible. In fact, worse things were said. My question to the minister is, would the minister now acknowledge that a conflict does indeed exist, given the expectation that the families of the infants are filing a civil suit against this very same government which this minister's department will be called on to defend, therefore unquestionably giving the government a stake in the inquest findings.

**Hon. Rosemary Vodrey (Minister of Justice and Attorney General):** Madam Speaker, my comments yesterday stand today.

Manitoba's highest court recently considered an allegation of conflict of interest by Crown attorneys. The Court of Appeal said, and I quote: The Attorney General is in a unique position, one quite unlike that of a member of the private bar. It is no answer beyond political window-dressing to retain outside counsel. However her agents may be, whether her permanent staff or outside special appointments, they must function under the Attorney General's direction.

Those are the comments of the Court of Appeal, Madam Speaker. They do not see a conflict.

**Mr. Mackintosh:** Given the inapplicability of this case to the inquest, would the minister explain why some of her employees will have conduct of the inquest and decide what is or is not relevant information, when some of her employees and her own department, particularly the Chief Medical Examiner's office, will be the subject of the inquest.

**Mrs. Vodrey:** Madam Speaker, as I said yesterday, first of all, the Crown attorneys who have been assigned to assist the judge in fact-finding are, in fact, professional individuals, and I am sure the member would not want to cast any question upon the behaviour of our Crown attorneys. The judge in this case, Associate Chief Judge Sinclair, is responsible for dealing with the parameters. My main concern,

Madam Speaker, is to see that all of the relevant facts are uncovered, and I am completely satisfied that the senior Crown attorneys can assist the judge in doing this.

**Mr. Mackintosh:** I ask the minister, is it this government's policy to disregard not just the recommendations of the Honourable Archie Dewar following the Ticketgate matter, but the conclusions of Judge Sinclair himself in the Osborne and Harper inquiry where the AJI recommends, regarding government lawyers at inquests, quote: The government cannot defend its actions and present a version while at the same time purporting to assess independently and present all the available evidence.

Madam Speaker, does this government concur with the recommendation that whenever a government agency or department's actions are to be scrutinized at an inquest, counsel conducting the inquest should be independent of government?

**Mrs. Vodrey:** Madam Speaker, the quote which I gave, the ruling to which I refer comes from Manitoba's highest court, Manitoba's Court of Appeal. Manitoba's Court of Appeal suggests that what the member is asking for is window-dressing. We are not interested in window-dressing. We, in fact, are interested—[interjection]

**Madam Speaker:** Order, please. The honourable Minister of Justice, to quickly complete her response.

\* (1350)

**Mrs. Vodrey:** Madam Speaker, I would say to Manitobans, again, that the purpose of our Crown attorneys, very senior Crowns who have been assigned to this case, is to assist the judge in fact-finding. The judge has set the parameters, very wide parameters for the inquest, and we will certainly be looking to participate in every way.

#### Forest Fires Firefighting Resources

**Mr. Stan Struthers (Dauphin):** Madam Speaker, my question is for the Minister of Natural Resources.

I would first like to congratulate all those involved in the safe evacuation of the communities of South Indian Lake and Gods Lake Narrows. I would also like to acknowledge the efforts of all the firefighting crews, resources staff and volunteers who are working tirelessly in difficult weather conditions to keep the fire situation under control.

On several occasions this minister has assured the House that there were adequate resources in place to deal with the forest fire situation. Judging from the weather conditions and from the situation in other provinces, one could see that the potential was there for multiple fire starts, as was the case over the weekend. Natural Resources officials are now having to pull back firefighting crews—

**Madam Speaker:** Order, please. I am certain the honourable member for Dauphin has a question.

**Mr. Struthers:** Can the minister tell the House what his plans are to get more equipment in place in northern Manitoba so that the safety of front-line fire crews can be assured?

**Hon. Albert Driedger (Minister of Natural Resources):** Madam Speaker, I, once again, want to congratulate and compliment our firefighting crews out there who are doing a yeoman's job as I mentioned yesterday.

Madam Speaker, we have equipment, we have professional people out there who are doing the best they can.

One thing we cannot control is the environment itself, the temperatures the way they have been for the last 10 days, the lightning strikes that we had. We had another 20 fires start yesterday. We are managing to control as much of it as we can. I think we are fortunate that we have only had to evacuate two communities to date. With a little bit of break in the weather, we will be able to have those people go back and not have to evacuate any more.

**Mr. Struthers:** Madam Speaker, can the minister then explain to the House what measures are being taken to prepare for the rest of the fire season, given that it is

only June and it is so far the worst year for forest fires on record.

**Mr. Driedger:** Madam Speaker, it is not in my hands as to what will happen weatherwise between now and the fall. Normally, towards the end of August, our fire season tapers off. I have no indication of what will happen. If we get cool weather, if we get rains, the situation improves dramatically, but next to 1989, this is probably one of the worst years that we are facing right now.

We are hopeful that the weather conditions will change and the situation will improve.

**Mr. Struthers:** Instead of offloading onto Mother Nature, could the minister tell the House why there is such a lack of equipment that trained fire crews, including graduates from the Brandon Fire College, are going unutilized in one of the worst forest fire years in our province's history?

**Mr. Driedger:** Madam Speaker, I think the member does an injustice to the very qualified people we have out in the field there by making those kinds of statements.

We have professional people out there who are doing a yeoman's job out there, and for him to make that kind of insinuation, I think he should apologize to the people who are out there in this kind of weather fighting the fire.

Madam Speaker, we have 700 people who are actively fighting fires out there. We have in the area of 70-some odd pieces of equipment that are being used. I think the member should ascertain some of his facts before he makes those kinds of statements here.

#### Railway Industry Federal Regulations

**Mr. Gerard Jennissen (Flin Flon):** Madam Speaker, my questions are for the Minister of Highways and Transportation.

The federal government is selling off CN and now is making it easier for both railways to abandon rail lines

with the new legislation introduced today. This bill goes far beyond allowing short lines that will make many shippers captive to a single railroad.

My question is, what position has this government taken or will this government take on this issue, which, in effect, ends almost all regulatory power over railways in this country?

**Hon. Glen Findlay (Minister of Highways and Transportation):** Madam Speaker, as I have mentioned to the member previously, our mission is to be sure that we have two competitive railways able to offer services to shippers across Canada.

Certainly the federal government has taken some strong initiatives in the way they are allowing the railroads to unfold that opportunity in the future, and, Madam Speaker, we have proposed that common running rights be part of the process to allow short lines to be able to competitively offer services to shippers. Unfortunately, that is not part of the bill that the federal government has brought in at this point, as we understand it.

But we do support very strongly the ability of short-line railroads to be in the business of helping shippers offer services on rail. This Legislature passed it, and the Manitoba railway act came into effect here on July 1, 1994.

\* (1355)

#### Rail Line Abandonment Cost to Farmers

**Mr. Gerard Jennissen (Flin Flon):** Madam Speaker, my supplementary question is, does the minister have a rough estimate of the anticipated added cost which will be put on Manitoba farmers and municipalities in the wake of the anticipated rail line abandonment?

**Hon. Glen Findlay (Minister of Highways and Transportation):** Madam Speaker, that is a very difficult question to answer, the anticipated cost. There has been a lot of railway abandonment over the last 25 years. An awful lot of goods and services that go into and out of towns come now on trucks, in other words,

on roads as opposed to rail. So the process has been ongoing for some period of time.

Very clearly, municipalities are impacted, and UMM and SARM and the Alberta Union of Municipalities have advocated very strongly that they receive some support from the federal government, because roads will be impacted because of less rail being used by the main lines, and, certainly, the three provinces have asked for the same consideration.

The exact figure, it is very difficult to give the member a figure because of all the variables involved.

#### Railway Industry Bayline

**Mr. Gerard Jennissen (Flin Flon):** Madam Speaker, my final supplementary is, can the minister, or for that matter, can anyone be optimistic over the success of the bayline as a short line when the Gateway North report, among others, pointed out necessary upgrades which the federal government has not agreed to fund.

**Hon. Glen Findlay (Minister of Highways and Transportation):** Madam Speaker, I and this government remain optimistic in terms of Churchill and future capabilities of being able to make the bayline and the port active. Additional tourism, supply to the Keewatin district, all of those aspects are part of the package.

Gateway North has put together a proposal to the federal government. To my knowledge, the federal government has not responded to that proposal, but we endorse Gateway North and the proposal they put forward to the federal government for consideration of both maintaining the line and the port, and I am optimistic that that opportunity will happen.

#### Canada-U.S. Commission on Grains Chairperson Resignation Request

**Ms. Rosann Wowchuk (Swan River):** Madam Speaker, the Canadian Wheat Board has played a very important role in the economy of this province and, in fact, western Canada. We on this side are very concerned with the activities of the international joint

commission which is reviewing the grain industry in this country.

Madam Speaker, the co-chair of the commission, Mr. Jim Miller, has been hired by the U.S. International Association of Wheat Growers, an organization which has long lobbied to undermine the Canadian Wheat Board.

I want to ask the Minister of Agriculture if he agrees that Mr. Miller is in a conflict position and should be asked to resign from the position of co-chair of this committee that is reviewing the grain industry.

**Hon. Harry Enns (Minister of Agriculture):** Madam Speaker, this is an important commission that is dealing with a very important issue. Both Canada and the United States are sovereign nations. They appoint to these commissions and groups like this people whom they have confidence in.

It is not for Canada to object to that particular person's position on that commission. I am assuming he is there because of his knowledge of the American grains industry. I am satisfied that we have equally qualified people representing Canadian interests, and I am pleased to report to the House it is my expectation to be meeting with one of them later on this afternoon.

### Federal Inquiry

**Ms. Rosann Wowchuk (Swan River):** I hope that at the minister's meeting with the commission, he will defend the Wheat Board when he meets with them—

**Madam Speaker:** Order, please. I would remind the honourable member for Swan River that, indeed, for a supplementary question, there is to be no preamble.

Would the member please pose her question now?

**Ms. Wowchuk:** Madam Speaker, in light of the fact that the commission has been very selective in whom they have been meeting with and clearly meeting with people who are against the board, will the minister contact the federal Minister of Agriculture and ask that he call for an inquiry into the activities of the board to

ensure that the Canadian Wheat Board is being viewed fairly?

**Hon. Harry Enns (Minister of Agriculture):** Madam Speaker, this, of course, is not the first time that this issue has been brought to the floor of this Chamber by both the Leader of the Opposition (Mr. Doer) and my Agriculture critic.

I marvel at how much information they seem to have on a report that has yet to be released to either the American government or, indeed, to our Canadian government.

There have been presentations made, representations made, but the reports have not officially been released to either of the governments. I await that report, and I will be more than happy to report to this House and to anybody else with respect to the recommendations that are contained therein.

\* (1400)

### Canadian Wheat Board Minister's Position

**Ms. Rosann Wowchuk (Swan River):** In light of the fact that farmers clearly indicate that they want the Wheat Board maintained, I want to ask the Minister of Agriculture if he will take a strong position when he is meeting with representatives of this commission and make a very strong statement that the Wheat Board is what the Canadian farmers want and that it must be protected.

**Hon. Harry Enns (Minister of Agriculture):** Madam Speaker, I do not wish to unnecessarily offend the honourable member for Swan River, but she presumes that indeed she and/or the Canadian Wheat Board in all instances speaks for the Canadian or Manitoba farmer.

I happen to know that uppermost in the Manitoba farmer's mind—particularly in this coming post-WGTA era, the most important issue to that farmer is markets and price, and the Canadian Wheat Board has to demonstrate its ongoing capability of providing that service to the Canadian grain farmer.

### **Winnipeg Development Agreement Project Selection Criteria**

**Ms. Becky Barrett (Wellington):** Madam Speaker, the objective of the \$6-million strategic initiatives program of the Winnipeg Development Agreement funded by all three levels of government is, and I quote: To identify and fund feasibility analyses and planning activities required to pursue potential projects of strategic importance to Winnipeg's sustainable economic development.

I would like to ask the Minister of Urban Affairs, what specific projects have requested funding under this initiative, and could a project receive money from all three levels of government?

**Hon. Jack Reimer (Minister of Urban Affairs):** The Winnipeg Development Agreement has some very broad goals in its achievements, in its parameters of interpretation.

As mentioned by the member for Wellington, it is to assist the people in job opportunities where necessary and to find out where there is potential for future employment. It is also there for the creation of a safe and healthy environment, for the sound community in which to live and work and do business.

These are the types of programs that also are looked at for creating long-term employment by focusing on future industrial growth areas. The parameters of selection, as the member for Wellington has mentioned, are within the purview of the three levels of government. It is an ongoing process of evaluation as projects come forth. It is a five-year program. There is the long-term gains of analysis that are brought forth from time to time on various aspects.

### **Arena Funding**

**Ms. Becky Barrett (Wellington):** Again, the minister has not answered.

Could the minister indicate whether the strategic initiative or any other Winnipeg Development Agreement program money is being considered as a

source for the private sector, Spirit of Manitoba, to fund any of its activities?

**Hon. Jack Reimer (Minister of Urban Affairs):** To the best of my knowledge the Winnipeg Development fund is not involved, but I will take that question as notice for further analysis.

**Ms. Barrett:** The minister then perhaps could answer this question or take it as notice as well.

Could any of the Winnipeg Development Agreement funds be accessed by the public sector, given the current \$17-million shortfall in the funding for the Winnipeg Jets arena at The Forks?

**Mr. Reimer:** I will take that question as notice.

### **Gaming Commission Access to Information**

**Mr. Kevin Lamoureux (Inkster):** Madam Speaker, my question is for the Premier (Mr. Filmon). According to a very confidential report, it is estimated that 32 percent, that is almost one-third, of the clients of the AFM gambling program tried to kill themselves last year.

My question for the Premier is, given the enormous social costs that have been underestimated consistently by this government, will the Premier release a report prepared by the Awareness and Information Unit of the AFM entitled, Clients of the AFM Gambling Program and Callers to the Provincial Problem Gambling Help Line: A Statistical Profile, given that presenters at Monday's gambling hearings can have access to information which will allow them to make the most informed and constructive presentations possible.

**Hon. Gary Filmon (Premier):** Madam Speaker, it is my understanding that a researcher for the Liberal caucus was in the offices of the Desjardins commission where they came upon this report that was being prepared for the Desjardins commission. That is the basis upon which this information now is being asked by way of blockbuster questioning here by the member for Inkster.

My understanding is that the raw data which is contained in this material that was prepared for the Desjardins commission indicates that in the past three years 21 of the people questioned—and there were a total of 49—had attempted suicide at some point in the previous three years. The remainder of the 49 people, some 28, had attempted suicide before the introduction of the VLTs to the province.

The AFM report is raw data. It has not been analyzed by experts but fits with the kind of information that is contained in the Volberg report which suggests that people who are addicted to gambling are compulsive personalities who also have other addictions, oftentimes alcohol, drugs and other things that lead them to this kind of predisposition.

It is part of the research that is being developed for the Desjardins commission. One of the reasons why the Desjardins commission is acquiring this kind of knowledge and information is so that they can make rational and informed recommendations to government rather than just trying to create a cheap political issue.

**Mr. Lamoureux:** Madam Speaker, if the Premier is not prepared—

**Madam Speaker:** Order, please. Would the honourable member for Inkster please pose a question now.

**Mr. Lamoureux:** Madam Speaker, if the Premier is not prepared to release the report, can he indicate to this House that the gambling committee does have the authority to release this report so that people and individuals, interest groups and so forth have the report and the statistical information that is necessary in order to complete a presentation? Will he make the commitment that the gambling committee does have the authority to do this?

**Mr. Filmon:** Madam Speaker, the short answer to it is, of course, yes. We have placed no restrictions on the Desjardins commission. They have, in fact, commissioned this kind of information.

The net effect of the question that is being put by the member for Inkster is that he has a group of people

associated with his political party that have a pre-determined idea of what outcome should come from this kind of commission and what kind of information should be provided, and they just need this research to confirm their opinions.

This is not the kind of thing that the Desjardins commission is doing. They are trying to obtain valuable and informed decision making by virtue of proper research and proper information gathering. They are not doing this for the kind of political purposes alluded to by the member for Inkster.

**Mr. Lamoureux:** Madam Speaker, can the Premier then indicate whether or not the gambling committee has the authority also to look into matters with respect to the Manitoba Lotteries Corporation, things such as the five-year capital plan and so forth? If the response to that is yes, and I hope it is, do they have the authority again to release that information to the public?

**Mr. Filmon:** Madam Speaker, I repeat, we have placed no limitations on the Desjardins commission's access to information that will be important to them in making their recommendations to government and arriving at their conclusions.

#### **Winnipeg Jets/Arena Donations—Tax Deductibility**

**Mr. Tim Sale (Crescentwood):** Madam Speaker, I have a question for the Minister of Finance.

Both the minister and the City of Winnipeg have confirmed that the Spirit of Manitoba is still actively seeking charitable status for the Jets endowment fund.

Yet, Revenue Minister Anderson, and I want to table this quote from Hansard, in response to a question in the federal House said, and I quote: It has been determined over a fairly lengthy series of court cases that an organization entirely for the promotion of a sport is not a charitable organization.

I would like to ask the minister then, does this government still support the seeking of charitable status for a foundation to cover Jets losses?

**Hon. Eric Stefanson (Minister of Finance):** Madam Speaker, without accepting any of the preamble of the member for Crescentwood, he knows full well that this is an issue being dealt with by the Spirit of Manitoba and Revenue Canada of the federal government. They will be making their applications to the federal government on any tax rulings that they believe they can qualify for.

Revenue Canada will make their determinations and make their decisions, and the Spirit of Manitoba will have to accept those and deal with the kind of structure, ultimately, that they put in place and they feel is in the best interest of the long-term viability of the Spirit of Manitoba.

**Mr. Sale:** Madam Speaker, does the government then support the City of Winnipeg's use of its charitable status as a loophole to achieve the same objective by different means?

**Mr. Stefanson:** Madam Speaker, again, any discussions that the Spirit of Manitoba is having with the federal government Revenue Canada in terms of tax rulings, any discussions that they are having with the City of Winnipeg, they will continue to have as they pursue avenues in terms of structuring their financial agreement.

They will live within the decisions made by all levels of government as to what they do and they do not qualify for. Plain and simple, they will qualify for what they are entitled to qualify for and nothing more than that.

\* (1410)

**Mr. Sale:** Madam Speaker, will this government then seek independent legal counsel advice on this issue of charitable status and finally take a morally defensible stance on the question of using charitable status to cover professional hockey losses?

**Mr. Stefanson:** Unlike the member for Crescentwood and unlike the NDP, we are not continually trying to throw roadblocks in front of the Spirit of Manitoba to find a solution to keep the Winnipeg Jets here in Manitoba.

We value the \$50 million of economic benefit they bring to our province. We value the \$6 million annually of tax revenue they bring directly to the Treasury here in Manitoba. We value the \$10 million and the 2,000 jobs that will be created if and when an arena is built. We, unlike the NDP, do not want to see the Winnipeg Jets playing down in Minneapolis, but we know what their view is on the issue.

The Spirit of Manitoba are entitled to apply for different rulings. They are doing those kinds of things. Decisions will be made by various levels of government as they relate to the Spirit and whether or not they qualify, but we, unlike the NDP, will not each and every day try to find roadblocks to stop the Jets from staying here in Manitoba. We want to see them stay in our province, Madam Speaker.

**Lockport, Manitoba  
Dead Fish Cleanup**

**Mr. Gregory Dewar (Selkirk):** Madam Speaker, my questions are for the Minister of Environment (Mr. Cummings).

Madam Speaker, Selkirk and Lockport residents deserve quick action to clean up the 2,000-plus freshwater drum which are trapped by the locks, all this at a time when nearly 40 percent of Selkirk's drinking water is coming from the Red River.

My question for the minister: Has the provincial government come to an agreement with the federal government to get this cleaned up?

**Hon. Albert Driedger (Minister of Natural Resources):** Madam Speaker, my understanding is that we have a private organization that has undertaken to clean up the dead fish.

**Red River  
Drinking Water Source**

**Mr. Gregory Dewar (Selkirk):** Madam Speaker, my supplementary question is to the Minister of Environment. Is his department confident that treated Red River water is safe to drink?

**Hon. Glen Cummings (Minister of Environment):** Madam Speaker, this is not a humorous question and one that we take very seriously.

Let me assure the member that it certainly would be my expectation that the usual precautions are being taken to make sure that there has not been any change in the water quality. If he has any different information, I would be glad to hear it.

**Selkirk Water Project  
Phase II Funding**

**Mr. Gregory Dewar (Selkirk):** Madam Speaker, my final question is for the Minister of Rural Development.

My question is, has the province received word yet whether the federal government will uphold their share of the second phase of the Selkirk water project, so residents will no longer have to use the Red River as an emergency source of drinking water.

**Hon. Leonard Derkach (Minister of Rural Development):** Madam Speaker, as the member knows, our government has participated in the PAMWI agreement for the various communities in Manitoba. Unfortunately, the federal government has indicated they will not be living up to the \$90-million commitment that was agreed to in the beginning, that indeed the program will be reduced by \$10 million or almost \$10 million.

Officials in our departments are still working with federal officials to try and encourage the federal government to live up to its commitment so that we can continue not only with the project in Selkirk but other projects throughout the province as well.

**University of Manitoba  
Sexual Harassment Report**

**Ms. Diane McGifford (Osborne):** Yesterday, the dean of arts at the University of Manitoba released some details from a report on a chilly climate for women in the Political Studies department. The dean went on to say that despite very serious allegations of harassment, he could not release the full report because

to do so would violate confidentiality and compromise due process.

My first question is for the Minister responsible for the Status of Women (Mrs. Vodrey).

Is the minister satisfied with these actions, and is she satisfied that the correct remedial steps have been taken to restore women's faith in the reputation of the Political Studies department?

**Hon. Linda McIntosh (Minister of Education and Training):** I should indicate to the member that I have asked for a copy of the report. I understand that it has now arrived in my office. I have not yet had a chance to read it, but I have written to the president of the university asking for a meeting to discuss this topic further because I do appreciate and understand what the member is saying.

We certainly do not wish to see faculties in which women feel, for whatever reason, that they are not welcomed as full and equal partners in the faculty. So I have written that, sent off just before Question Period, and I look to obtain more information and have further dialogue on that very sensitive issue.

**Ms. McGifford:** My second question is for the Minister of Education.

Will the minister now take steps to ensure that the full report is released to the campus human rights officer and to the sexual harassment officer?

**Mrs. McIntosh:** Again, I thank the member for the question because, certainly, what we are looking for here is a full resolution. We are looking for answers to questions that will ensure that women, students or faculty at the University of Manitoba have no cause for discomfort of any kind in terms of their being received as equals.

I will certainly take her question and commentary to me as constructive suggestion, and I look forward to my dialogue with the president when he receives my letter. I will keep in mind her helpful comments in this regard.

**Ms. McGifford:** Has the Minister of Education consulted with the Minister responsible for the Status of Women (Mrs. Vodrey) to together ensure that a safe, harassment-free environment for students and faculty members exists at the University of Manitoba?

**Mrs. McIntosh:** Madam Speaker, absolutely.

The Minister responsible for the Status of Women and this minister, indeed other cabinet ministers and caucus members of our government, are all very concerned about the treatment that people in our society receive, in this instance the women of Manitoba in terms of being afforded full and equal status, not just in verbiage but in reality.

Certainly, the minister and I have had many conversations on this type of topic and on this one in particular.

We will be doing all that we can to ensure that there is never again an opportunity for any female member to feel that for whatever reason she is not welcome on faculty as a full member.

**Madam Speaker:** Time for Oral Questions has expired.

\* (1420)

#### **MATTER OF URGENT PUBLIC IMPORTANCE**

##### **Gambling Help Line and VLT Revenue**

**Mr. Kevin Lamoureux (Inkster):** Madam Speaker, under Rule 27.(1), I would like to move a motion requesting debate on a matter of urgent public importance.

Madam Speaker, I would move, seconded by the member for St. Boniface (Mr. Gaudry), that under Rule 27 the ordinary business of the House be set aside to discuss a matter of urgent public importance, namely the immediate release of the report which offers a statistical profile of the callers to the provincial problem gambling help line and also information which gives the financial breakdown of VLT revenue on a

community-by-community basis so that presenters at Monday's gambling hearings are informed of all of the relevant and useful facts when making presentations.

**Madam Speaker:** Order, please. Before recognizing the honourable member for Inkster, I believe I should remind all honourable members that under our Rule 27.(2), the mover of a motion on a matter of urgent public importance and one member of each of the parties in the House is allowed not more than five minutes to explain the urgency of debating the matter immediately.

As stated in Beauchesne's Citation 390, urgency in this context means the urgency of immediate debate, not of the subject matter of that motion. In their remarks, members should focus exclusively on whether or not there is urgency of debate and whether or not the ordinary opportunities for debate will enable the House to consider the matter early enough to ensure that the public interest will not suffer.

**Mr. Lamoureux:** Madam Speaker, I will just start off by indicating, of course, in order for every member to be able to contribute to the debate, that both the throne and budget debates have gone through and there is no legislation that is before us that would allow all members to be able to speak to this today or before the committee hearing on Monday.

Madam Speaker, I rise today on a matter of urgent public importance. I wish to explain to this House why this matter is sufficiently urgent that it should displace the ordinary business of the House. [interjection]

**Madam Speaker:** Order, please. I am experiencing great difficulty in hearing the honourable member for Inkster. I wonder if I might request the co-operation of those members holding meetings to do so outside the Chamber.

**Mr. Lamoureux:** As I have noted in my questions of yesterday and today, there is a serious problem with the lack of information being made available to the public concerning the operations and impact of the Manitoba Lotteries Corporation. Gambling is one of the most important and divisive issues in the province today. It is important that Manitobans have the opportunity to

make meaningful contributions to the consultative process and not merely to be part of a public relations exercise.

With the public hearings being held across the province by the gaming policy review working group, it is more important than ever that the veil of secrecy that has surrounded the Lotteries Corporation be lifted. This matter must be debated immediately because the last set of hearings are scheduled for Monday, June 26, only six days from now. This may be the last opportunity we have to ensure that the concerned Manitobans making presentations to the working group on this contentious issue have the information they need to make a meaningful presentation.

Madam Speaker, if the Lotteries Corporation and the Addictions Foundation fail to make public the information that they have about gambling and its impact on our communities, how can Manitobans comment effectively on the direction they believe we should be taking to be able to judge the impact of gambling. Manitobans must know what it is doing to their province.

Madam Speaker, we have been calling on the government for months to produce a community-by-community breakdown of VLT revenues. They have failed to produce that. The length of delay is unacceptable. One of the most useful reports on gambling, the Volberg report, has never been issued publicly except in a heavily edited form. Now we have learned that the document produced by the information and awareness branch of the Addictions Foundation of Manitoba entitled Clients of the AFM Gambling Program and Callers to the Provincial Problem Gambling Help Line: A Statistical Profile and I quote, is an internal document and will not be made available to the public. This document contains valuable information on some of the more tragic social effects that gambling is having on the people of Manitoba. This is precisely the kind of information that people need to have in order to assess the impact that the gambling is having on their communities.

Madam Speaker, the Lotteries Corporation spends millions of dollars advertising on television, in newspapers and on billboards telling Manitobans they

are making good things happen, but there is another side to gambling. The Manitoba Lotteries Corporation is also making some terribly tragic things happen. We know that, according to the Addictions Foundation report I mentioned earlier, 32 percent of people being treated for gambling problems last year tried to kill themselves. We know from this same report 14 percent of the callers to gambling hotline have turned to crime to support their habit.

Manitobans must know both sides of the gambling story. The gambling policy review working group was charged with the responsibility of examining all aspects of gaming in the province. To recommend future policy direction, the working group needs to hear how Manitobans feel about the impact that gambling is having on their communities and their province. Manitobans cannot comment effectively if vital information is withheld from them.

Time is running out, Madam Speaker. I want to ask this government to ensure that community-by-community breakdown of VLT revenues, an unedited version of the Volberg report and the report from the Addictions Foundation of Manitoba entitled Clients of the AFM Gambling Program and Callers to the Provincial Problem Gambling Help Line: A Statistical Profile be released to the public immediately.

Manitobans do not want the working group's report to be an exercise in rationalization or a whitewash. They want this working group to answer some of the very important questions surrounding the issue of gambling. This government has the opportunity to ensure that this happens. I trust and hope that we will receive support from all members of this Chamber to ensure that this debate is allowed to occur today. Thank you.

\* (1430)

**Mr. Steve Ashton (Opposition House Leader):** Madam Speaker, first of all, I would like to address the urgency of the issue and the issue in general, because we certainly have raised questions in this House about lack of information that is available, not only in terms of the type of information the member for Inkster is talking about but even the most basic thing of not

having a breakdown made available in terms of lotteries expenditures by community.

The government has been promising data on a basis that they call, as soon as possible. Of course, Madam Speaker, this is the same government that has not called hearings on the Lotteries commission for close to two years.

That is unacceptable—[interjection] Well, for the member opposite, it has been that long—two years. Conveniently, just going into an election, the government did not want to have a discussion on lotteries, and, Madam Speaker, I do not think the government wants complete information or discussion on lotteries issues now either.

That is why it is like pulling teeth trying to get information out of this government, and as the member for Inkster (Mr. Lamoureux) pointed out, even information that is out there that has been produced, that is being made available, presumably for the commission, is not available for members of the public, and the government wonders why the process they are looking at, the working group, currently is receiving few submissions.

Madam Speaker, we believe it is an urgent matter to get that information to the public. Unless the public has full information, the process we are seeing now, the working group, which is a fine group of people, I make no criticism of that, headed by a very distinguished former member of the Legislature whom I served with for a number of years—the fact is unless that working group has full access to the information, it cannot bring in a report that is legitimate in terms of reflecting the full views of Manitobans. We believe there is a real need to discuss this matter.

Now the next question, obviously, Madam Speaker, is in terms of the question of having a matter of urgent public importance in terms of dealing with that. As the member for Inkster pointed out, we no longer are in budget debate. We are no longer in debate in terms of the throne speech.

Quite frankly, I suspect that this is an issue where if you were to canvass the House, there will be many

members of this House who would very much like to debate the whole question not only of this information but in terms of lotteries. I bet you there are a lot of other members on the government side that, given the chance, would very much like to debate this issue, because it is an issue that is dividing many Manitoba communities, certainly many rural communities in particular, where the issue is continuously being raised as the negative social impacts on the one hand and also the question of revenue drain from communities. I know in my own community of Thompson and the communities I represent, the surrounding communities, that is one of the major concerns.

I think, Madam Speaker, that is why the only avenue that is open to us now, since this government has continuously refused to call the Lotteries commission—we requested it last year. We requested it. Unfortunately, we are now going to have to deal with it in the fall. Since we do not have that format available, the only format available currently to debate this issue being the format of grievances going into Supply would not be appropriate. If we wait until after the Monday hearing, the final hearing, the Winnipeg hearing, that information will not be available to members of the public and this issue will not get the full and complete examination it deserves.

For that reason, Madam Speaker, we support the matter that is being proposed. We believe it would be in the public interest that we have a debate on lotteries in this House, a debate that is long overdue. So we support the request for a debate on lotteries taking place today as a matter of priority. We believe it is that important an issue. Thank you, Madam Speaker.

**Madam Speaker:** Order, please. I wonder if all the honourable members standing at the back of the Chamber would either please take their seats or leave the Chamber. I am having great difficulty hearing over the roar of these air conditioners and the distraction is most annoying.

**Hon. Jim Ernst (Government House Leader):** Madam Speaker, I am somewhat surprised by the member for Inkster and now supported by the members of the official opposition bringing forward a matter of urgent public importance with respect to lotteries.

Firstly, Madam Speaker, and I seek your guidance in this regard, the proposal that they refer to refers to two issues, neither of which are under the control of the government or the Legislature.

The first is a question reference the Manitoba Lotteries Corporation who have certain information, but it is a Crown corporation and there is a process to deal with Crown corporations and to seek information therefrom, both under Freedom of Information and before committees of this House when such corporations appear.

Secondly, as the Premier (Mr. Filmon) indicated during Question Period, certain information, raw data, I believe, as he referred to it, is in fact either in the purview of the Addictions Foundation of Manitoba—again an arm's length organization from government—or in the hands of the Desjardins commission who have in fact, as I understand it, from what the Premier said at least earlier today, requested that information be compiled.

It has not been analyzed. It is not of great value to anyone until at least there has been an analysis done by appropriate experts in this field who can at least translate for the members of the general public what this data means.

Madam Speaker, it may mean that it is very serious. It may mean that it is not very serious. The fact of the matter is it does need that analysis by experts in order to provide that information to the general public so they then can use it and use that information to formulate their opinion.

So, Madam Speaker, I look to you to consider whether either of those items that are requested in the matter of urgent public importance are indeed under the purview of the government and/or the Legislature at all.

Secondly, Madam Speaker, with respect to the matter of urgent public importance, the Liberal Party, aided and abetted by the Winnipeg Free Press, spent probably six months and perhaps as much as a year prior to the election, and then at great lengths paid day after day front-page stories with respect to this issue of gambling during the election.

They spent 35 days trying to drum up a little interest in the general public, and they flunked. They flunked then and they are flunking again now.

The fact of the matter is the public has had all kinds of information provided to it, some of it accurate, some of it wholly inaccurate, including studies from alleged professors at the University of Manitoba.

The public interest, Madam Speaker, has been served. It was debated for 35 days during the election and there is no way that this Legislature needs to waste its time with political ploy by the member for Inkster (Mr. Lamoureux), aided and abetted by the members of the official opposition.

Certainly their motion is out of order.

#### **Speaker's Ruling**

**Madam Speaker:** I thank all honourable members for their advice as to whether the motion proposed by the honourable member for Inkster should be debated today.

I did receive the notice required under our subrule 27.(1). According to Rule 27 and Beauchesne's Citations 389 and 390, the two conditions required for a matter of urgent importance to proceed are: (a) the subject matter must be so pressing that the ordinary opportunities for debate will not allow it to be brought on early enough, and (b) it must be shown that the public interest will suffer if the matter is not given immediate attention.

As I understand the argument of the honourable member for Inkster, he is of the opinion that to have an informed public make presentations to a hearing next Monday, this House needs to today debate whether a statistical report on callers to the gambling help line and whether a report on the financial breakdown of VLT revenue should be released.

\* (1440)

I am not convinced that the public interest will suffer if we do not set aside the business of the House today to debate the honourable member for Inkster's request.

In terms of other opportunities to debate the matter, the honourable member could use the vehicle of a grievance or ask questions at the concurrent stage of the Supply process. In addition, I believe the motion raises two distinct matters, that is, release of a statistical profile of callers and provision of information on VLT revenue on a community-by-community basis. Our Rule 27.(5) prohibits this.

I am therefore ruling that the motion requesting a debate on a matter of urgent public importance does not meet the criteria set by our rules and practices.

**Mr. Lamoureux:** Madam Speaker, with all due respect, I would challenge the ruling of the Chair.

**Madam Speaker:** The ruling of the Chair having been challenged, the question before the House is shall the ruling of the Chair be sustained.

#### Voice Vote

**Madam Speaker:** All those in favour, please say yea.

**Some Honourable Members:** Yea.

**Madam Speaker:** All those opposed, please say nay.

**Some Honourable Members:** Nay.

**Madam Speaker:** In my opinion, the Yeas have it.

**Mr. Lamoureux:** Madam Speaker, just so it is noted that it is on division from at least two.

**Madam Speaker:** On division.

#### Committee Changes

**Mr. Edward Helwer (Gimli):** Madam Speaker, do I have leave to make a committee change?

**Madam Speaker:** The honourable member for Gimli with committee changes.

**Mr. Helwer:** I move, seconded by the member for Sturgeon Creek (Mr. McAlpine), that the composition of the Standing Committee on Law Amendments be

amended as follows: the member for St. Vital (Mrs. Render) for the member for River Heights (Mr. Radcliffe). [agreed]

#### ORDERS OF THE DAY

**Hon. Jim Ernst (Government House Leader):** Madam Speaker, would you call the government motion followed by Bill 4?

#### DEBATE ON GOVERNMENT MOTION

##### New Rules 69(4) and 69(5)

**Madam Speaker:** To resume debate on the government motion moved by the honourable government House leader, that the Rules, Orders and Forms of Proceeding of the Legislative Assembly of Manitoba be amended by adding the following new rules after 69(3), standing in the name of the honourable member for Thompson.

**Mr. Steve Ashton (Opposition House Leader):** Madam Speaker, we have reviewed this rules change. The normal procedure in this House for rules changes is that they be by unanimous consent. Normally there is a fairly lengthy consultative process, and normally we would anticipate that the Rules committee would have been called prior to the bringing of a rule.

This is somewhat different in the sense that this is a rule that is being brought in really as a result of the allowances commission. It is really nothing more than changing our rules to establish the category of vice-chairperson of committees, which is a category that is identified in the allowance report for remuneration.

I want to indicate that we do support this in that context. While this does not follow the normal procedures, I do acknowledge the fact that the government House leader did consult with myself and our caucus on this.

I want to indicate, too, that we would hope that we would be able to, perhaps in the fall sitting of the Legislature, be dealing with some more comprehensive rules, reforms. There has been considerable discussion on and off for the last number of years. I do not think that is a secret to anyone. We seem to hit the point

where we get consensus on rules changes but then we hit the whole question of timing. Given the politics and the dynamics of this House that often does lead us not to get the unanimous degree of consent we need to proceed with rules changes.

So I want to indicate that we are not by any stretch of the imagination setting any kind of precedent with this particular motion—it is really a one-of-a-kind situation given the allowances commission—but that we in the opposition certainly look forward to some fairly extensive consideration of rules changes that we believe are in the best interests not only of the members of this Legislature but also of the public whom I think are expecting us to look at significant reforms the way we operate this House.

We have not had significant rules changes since the early 1980s. Even in the early 1980s, I would not consider them to be significant to the degree which other Legislatures have moved in terms of rules reform. So we anticipate, we certainly hope, to be able to be discussing some fairly substantive rules changes in the fall, something this incidentally is not really. It is a very minor change, but we do support it.

**Mr. Kevin Lamoureux (Inkster):** Madam Speaker, I also want to acknowledge, in terms of the government House leader indicating the purpose of this particular rule change, and why it is that he was seeking it.

As the member for Thompson has already indicated, this is in fact an exception, and we are pleased to be able to support what it is that the government is proposing for this particular session. As the member for Thompson has pointed out, there is no doubt a major need of reviewing all the rules that are inside the rule book.

I know in the last seven years I must have sat down with numerous MLAs from the past to talk about the need to change some of the rules. I hope and trust that discussions about the House and the procedures will take place some time in the fall, and I would hope to be included in whatever discussions there might be.

I think we could look at other Legislatures across the country in terms of how they manage House business.

I think there are wonderful opportunities. In fact, we had many rules that we were looking at changing. We had a fairly good group of individuals, members from all caucuses, who were sitting down. There seemed to be a consensus on a number of those rule changes. I trust and I hope that the government will act on more substantial, permanent rule changes some time in the fall.

**Madam Speaker:** Is it the pleasure of the House to adopt the motion?

**Some Honourable Members:** Agreed.

**Madam Speaker:** The motion before the House is, it has been moved by the honourable government House Leader (Mr. Ernst),

That the Rules, Orders and Forms of Proceeding of the Legislative Assembly of Manitoba be amended by adding the following new rules after 69(3):

69(4) Each standing or special committee shall elect a permanent Chairperson and a permanent Vice-Chairperson at its first meeting in each Legislature, and in the case of a vacancy of either the Chairperson and/or Vice-Chairperson by reason of the incumbent dying, resigning his or her seat in the Assembly, becoming disqualified from sitting or voting in the Assembly, or resigning from the committee, the committee shall forthwith elect a successor.

69(5) If at any meeting of the committee the Chairperson is not present, the Vice-Chairperson shall act in the place of the Chairperson.

### Voice Vote

**Madam Speaker:** All those in favour, please say yea.

**Some Honourable Members:** Yea.

**Madam Speaker:** All those opposed, please say nay.

The motion is accordingly passed.

**Hon. Jim Ernst (Government House Leader):** Bill 4, Madam Speaker.

## SECOND READINGS

### Bill 4—The Real Property Amendment Act

**Hon. Jim Ernst (Minister of Consumer and Corporate Affairs):** I move, seconded by the Minister of Highways and Transportation (Mr. Findlay), that Bill 4, The Real Property Amendment Act; Loi modifiant la Loi sur les biens réels, be now read a second time and referred to a committee of this House.

#### Motion presented.

**Mr. Ernst:** Madam Speaker, I am pleased to offer at this time for the benefit of members of the House a brief explanation of the principles of Bill 4.

Many aspects of the law of mortgages currently enforced in Manitoba derive from English law. This includes the current rules that apply when a homeowner sells his or her home to a buyer who assumes an existing mortgage. As the law now stands, the selling homeowner remains responsible under the mortgage and can be sued by the lender if the buyer does not pay the mortgage or otherwise defaults, even if years have passed since the property was sold and transferred to a new owner or, for that matter, to a second new owner.

This result surprises some, but it is explained by the fact that a mortgage has two distinct aspects. Firstly, a mortgage is a promise by a borrower to a lender to repay the amount loaned together with interest. Secondly, a mortgage gives the lender an interest in the mortgaged property as security for that loan. As a result, if the borrower does not repay the loan, the lender can sell or take over ownership of the mortgaged property through sale and foreclosure proceedings.

In light of the foregoing, the fact that a borrower transfers the mortgaged property to a buyer who assumes an existing mortgage has no effect on the borrower's original promise to repay the loan.

Under the current law, the lender can sue the borrower on the promise to repay for as long as the mortgage is outstanding, no matter who owns the mortgaged property. That, in itself, is probably not

unfair, but if I loan money to my cousin to buy a car, and later my cousin comes to me and says, I have sold the car to Jean and Jean will repay the loan instead of me, most people would understand, and I expect you to repay it. Mortgages are quite similar.

Lenders loan money to individuals, although they also take security against the land. In making the loan, they qualify the borrower to satisfy themselves that the borrower has the ability to repay the loan. In short, lenders very much rely on what is known as the personal covenant on the part of the original borrower to repay the mortgage loan. The fact is generally everyone loses, including the lender if the lender has to begin foreclosure proceedings.

However, although the existing law of mortgages, when put in those terms, is understandable, there is nonetheless a difficulty with the current situation. There is no mechanism by which a seller who allows a buyer to assume an existing mortgage can require a lender to release him or her from responsibility under the mortgage. As the law currently stands, the seller remains liable under the mortgage, even if the lender approves the assumption, unless the lender expressly releases the seller.

This bill deals with this situation. It enables a person who sells property to obtain a release from the lender under the mortgage in certain circumstances. In doing so, this bill balances the interests of borrowers against those of lenders in the context of modern reality.

This bill has a number of features that I will highlight, the first of which is the scope of the legislation. These proposed amendments to The Real Property Act will apply only to residential mortgages on property in which the borrower lives.

Commercial mortgages are a very different instrument and raise a different set of issues. The question of personal covenants in commercial mortgages are often a subject of detailed negotiation and should remain a matter for the parties between them to determine.

If a mortgage is a residential mortgage, this bill outlines two scenarios under which a seller who sells

property to a buyer who assumes an existing mortgage will then be relieved from liability.

The first scenario dealt with in the bill is where a lender actually approves the assumption of the mortgage by the buyer. When the lender gives such written approval, the seller is released from all of his or her obligations under the mortgage. Given that the terms of most residential mortgages contain a due-on-sale clause that requires the approval of the lender to any assumption, this provision should deal with most situations that arise.

The second scenario addressed by the bill is where a seller does not obtain the approval of the lender to the assumption of an existing mortgage at the time the property is sold, either because the lender's approval was not sought, or the lender refused to give it.

The bill creates a mechanism to enable a seller to be released from liability in such a case with two alternative situations that can arise. If the mortgage has an expiry date, the seller will cease to be liable under the mortgage three months after the current term of the mortgage expires, unless the lender serves a written demand on the seller for repayment within that 90-day period.

\* (1450)

If on the other hand, a mortgage is a demand mortgage that has no specific expiry date, the seller will no longer be responsible under the mortgage if the seller gives written notice that he or she has transferred the mortgaged property, unless the lender serves a written demand, again, on the seller for repayment within 90 days after receiving such notice.

The reasoning behind this mechanism is that where a lender has not approved the assumption of a mortgage by a buyer, the lender nonetheless should have an obligation to decide whether or not to continue to hold the seller liable within three months of the end of the mortgage or after the lender receives notice of the transfer in the case of a demand mortgage. This provides certainty to the seller, and if the lender does not serve written notice on the seller of its intention to continue to hold that seller liable under the mortgage

within that 90-day period, the seller is automatically released from responsibility under that mortgage by operation of this law.

If, on the other hand, the lender does not wish to give up his rights against the seller, it does not have to do so. It can preserve its position by giving written notice to the seller.

This bill also contains a provision that a lender, when presented with a request to allow a buyer to assume an existing mortgage, cannot unreasonably withhold its approval. If a lender does unreasonably withhold its approval, this bill allows an application to be made to the Court of Queen's Bench for the court's approval instead.

This bill further states that the lender is entitled to request reasonable financial information concerning the buyer who wishes to assume the existing mortgage in order to enable the lender to determine whether it is prepared to accept the buyer's promise in substitution of the seller's.

Finally, this bill amends the provisions in Section 77 of The Real Property Act that are implied between the seller and lender and the seller and buyer, where a buyer assumes an existing mortgage. Currently, the implied covenant from the seller to the lender extends only to the payment obligations under the mortgage and not to the other terms, such as the obligation to insure or the obligation to repair the property.

If this provision were not amended, this bill could operate to release a seller from all of his or her obligations under the mortgage without the buyer assuming responsibility for these nonmonetary items. This amendment corrects the potential gap by applying a covenant on the part of the buyer to the lender that the buyer will fulfill all terms and all conditions in the mortgage.

For most people, Madam Speaker, the purchase of a home is their single most important transaction, and any mortgage against it, their largest financial obligation. This bill removes the potential liability that follows the seller where he or she allows a buyer to

assume an existing mortgage, or the lender consents to the assumption, which is what most mortgages require in any case.

As I have noted, the bill strikes a balance between the position of sellers on the one hand and the valid interests of lenders on the other. Those who would suggest that the legislation should simply provide that a borrower is released from liability under a mortgage when he or she transfers the mortgaged property ignore the fact that the strength of the promise by a borrower to repay a loan is a crucial consideration taken into account by a lender in lending the money in the first place. To, in effect, force a lender to accept the covenant of a buyer the lender does not know in substitution of the promise of the seller does so being unfair to the lender.

It is important that the legislation is fair to both lenders and borrowers. Legislation that unreasonably restricts the rights of a lender when a mortgage goes into default can lead to unintended consequences. In this situation, the unintended consequence would be a tightening of credit standards by lenders, which would lead them to increasingly reject borrowers whose ability to qualify for a mortgage is minimal. This would clearly be in no one's interest and would run counter to a number of initiatives over the past number of years to make home ownership available to more people, not less.

I look forward, Madam Speaker, to further debate on Bill 4 and to any questions that may arise. Thank you.

**Mr. Daryl Reid (Transcona):** I move, seconded by the member for Elmwood (Mr. Maloway), that debate be adjourned.

**Motion agreed to.**

### House Business

**Hon. Jim Ernst (Government House Leader):** Madam Speaker, I move, seconded by the Minister of Justice (Mrs. Vodrey), that Madam Speaker do now leave the Chair and the House resolve itself into a committee to consider of the Supply to be granted to Her Majesty.

**Motion agreed to,** and the House resolved itself into a committee to consider of the Supply to be granted to Her Majesty, with the honourable member for La Verendrye (Mr. Sveinson) in the Chair for the Department of Highways and Transportation; the honourable member for Sturgeon Creek (Mr. McAlpine) in the Chair for the departments of Northern Affairs and Natural Resources; and the honourable member for St. Norbert (Mr. Laurendeau) in the Chair for the Department of Justice.

\* (1500)

### COMMITTEE OF SUPPLY (Concurrent Sections)

#### HIGHWAYS AND TRANSPORTATION

**The Acting Chairperson (Mr. Mike Radcliffe):** Order, please. Will the Committee of Supply please come to order.

This afternoon, this section of the Committee of Supply, meeting in Room 254, will resume consideration of the Estimates of the Department of Highways and Transportation.

When the committee last sat, it had been considering item 2. Highways and Transportation Programs (d) Transport Compliance (1) Salaries and Employee Benefits on page 88 of the Estimates book and on page 41 of the yellow supplement book.

Item 2.(d) Transport Compliance (1) Salaries and Employee Benefits \$1,967,700.

**Mr. Gerard Jennissen (Flin Flon):** Under Activity Identification this is the last one: Provides highway condition information and issues permits for movement of goods, et cetera.

I had some difficulty the other day getting highway condition information. It was with regard to a forest fire and the road was obscured. That is the news I got, and I had real difficulty finding any information. I did get the odd phone line that said, you push button 1 and this happens, and if you push button 2, this happens, but is there nobody on standby emergency?

**Hon. Glen Findlay (Minister of Highways and Transportation):** Mr. Chairman, if the member is referring to the weekend with smoke conditions on the road, no, we would not have anybody on call to answer those kinds of calls.

In the flood situation we did. In regular hours, of course, we would have, but not on the weekend in those circumstances. It would be deemed to be an EMO response or a Natural Resources response as opposed to a Highways particular issue. Is the member saying that we should have had?

**Mr. Jennissen:** No, I am not saying you should or should not have. I just wondered, you know, if you really need information in a hurry, there did not seem to be any place to go.

I phoned the RCMP and they suggested, well, they had other things to do, phone Natural Resources or Highways, and I kept sort of going in circles. It was not a major issue. It is just that I would have hoped for the province that there was one phone line you could always tap for information.

**Mr. Findlay:** Well, thank you for the member's input. Before we proceed, I will just hand out to the member a map that shows the districts that we talked about last night, the five districts of the province and some of the issues that were raised yesterday on the worksite inspections, environmental monitoring and then hours of operation of the various weigh stations in the province, some additional information for the member.

**The Acting Chairperson (Mr. Radcliffe)** Having no further questions from the honourable member for Flin Flon, item 2.(d) Transport Compliance (1) Salaries and Employee Benefits \$1,967,700—pass; (2) Other Expenditures \$484,200—pass.

Item 2.(e) Regional Offices (1) Eastern Region Office (a) Salaries and Employee Benefits \$2,080,300.

**Mr. Jennissen:** The question I have about the regions—I am thankful that the minister did give me a map of the five regions. Do we also have head offices—well, we have offices, but what are the exact locations of those offices in those regions?

**Mr. Findlay:** The regional offices are in Steinbach in Region 1, Portage in Region 2, Brandon in Region 3, Dauphin in Region 4 and Thompson in Region 5—basically the largest population centre in each of the regions.

**Mr. Jennissen:** I am sorry, I did not get the second region.

**Mr. Findlay:** Portage.

**Mr. Jennissen:** Under Activity Identification, the fourth one down: Prepares project proposals and priorities within the region.

I guess I can understand that within the region. What about all the regions, like the province? I am very naive about the process. How do you prioritize? How do you say road A gets attention before road B? I know it is a highly contentious issue, so I am just asking.

**Mr. Findlay:** You would like to know how the eventual prioritization ends up?

**Mr. Jennissen:** Yes, how does it end up?

**Mr. Findlay:** The member recognizes that it is a contentious process. I will say contentious probably from the standpoint that you can only fulfil, just to use round figures, about one-sixth of the requests or demands that might be in front of the department for capital activity in any given year. The process, although it is fairly involved, I think structurally over the course of time works reasonably well.

The department, through the regions, comes forward with roads and information, a wide variety of information on roads, condition, rideability and a projection as to whether this road should be done or another road should be done.

Then the department as a whole looks at that information involving all regions and considers such things as standards, economic activities with those roads, looks at the comparable maintenance cost for that road, whether the maintenance cost is now so high, it should be pushed forward toward upgrading.

That information flows into the deputy's office and into mine, and we also receive considerable input, particularly from municipalities. Just to give the member some understanding, when UMM had their annual meeting last fall, we had over 30 meetings in that three-day period, as the Minister of Highways and Deputy Minister of Highways, with different municipalities or groups of municipalities, all lobbying for certain activities in our department primarily to do with upgrading of roads of interest to them. So we get a lot of information from them. It also gives us the opportunity to give them some feel for the difficulty we have to prioritize everything that they have on their list.

We certainly receive input from industry, particularly the trucking industry, as to whether we should be putting more effort into the major roads. Certainly industry that gets affected by weight restrictions in the spring is constantly pressuring that roads be built to an unrestricted status where they have to use it in the spring.

We certainly get input from MLAs, rural MLAs obviously, who also get input from their municipalities. Then we get citizens at large making requests directly to me or to MLAs which get relayed to me. Ultimately I make recommendations to cabinet who makes the final decision of what the program will be for that year and the year ahead.

At any given time in front of us we have about—take this year's budget, we will have programmed or announced approval for about 1.6 times the budget. There is always a large flow of projects ahead of us. We can only do 60 percent of that amount at any given time. An announcement, say for this past spring, may not get tendered till the spring of '96, so it keeps a lot in front of the industry to know that there are projects coming, and while a project is in the approved program but not announced for tender, the department is doing the final bit of document work on what the tender will consist of.

\* (1510)

It is open to an awful lot of input, but ultimately decisions have to be made and the criteria we might use evolve over the course of time. The demands on us

will continue to be very large. Whether we can continue in the future to do everything we have done in the past is very much an open question, but we must be sure that we maintain the major roads to the best possible standard for citizens and for the carrying on of commerce in this province.

**Mr. Jennissen:** Yes, I certainly concur with that, but northerners especially seem to feel that the criteria are always weighted in favour of the south. I guess one of the arguments they tend to use is volume, that the decisions are based on traffic, like a lot of volume on a road obviously demands that road be upgraded and fixed and so on. They feel that should not always be the criteria for the more disadvantaged portions of the province, specifically the North, because you have a very sparse population.

The other factor they like us to take into account I guess is the production of wealth. Not only do they pay taxes, but you know the minerals that come out of the North and the pulp and the paper and so on, and specifically hydro—if we are talking in terms of dollars, there is a lot of money coming out of the North. If we base the prioritization of fixing and building highways just on volume, then the North will always get short shrift. The argument is we have to take into account those other factors very strongly, otherwise we will never have the roads that we really feel we need.

**Mr. Findlay:** I certainly understand what the member is saying about the North. Many communities have only the one road in and out. There is no alternate route as there is in many locations in the south. Probably the biggest problem we have in the North is a lot of those roads were, almost for lack of a better word, thrown in, built in a hurry to a pioneer standard, so the base is not as good as a base built in the south. Hindsight says they should have been built to a better standard initially. The cost of upgrading or bringing them to the so-called standard that they want today is a very costly process and also through some very tough and rough terrain in there.

The member talks about traffic volumes. Yes, it is a consideration, because the more volume there is the more wear and tear there is on the road, but clearly it is not used as a criteria in detriment to the North.

I have the mileage here, you know, the various regions. Region 1 has 19 percent of the network; Region 2, 21 percent; Region 3, 26 percent; Region 4, 20 percent; and Region 5, 13 percent. Region 5 has the smallest percentage of total miles.

In last spring's program, we recognized very strongly that there was need for what we will call more than normal allotment to the North and particularly graveling on 391, 99 kilometres worth. We identified projects on 391, 280, 373 and Highway 6, which made up, as I recall, around 14 percent, 15 percent, 16 percent of the spring program went to the North in recognition of severe problems that had occurred, a lot of it to do with adverse weather conditions.

Wet conditions a year ago caused deterioration of the road and bad travelling conditions and we responded, as we did respond in the Swan River area three years ago—no, '89 we had the big flood in Swan River, responded significantly there.

Clearly this year there was consideration that we had to respond big-time in the Assiniboine Valley area where the flooding was. After everything was all over and done, our costs associated with road repair after that flood were marginal compared to what was initially thought to be—very small.

We do respond where emergencies happen, and we recognize that the North needs greater attention than maybe it has had recently, but the demands come from all over. With the same argument the member just said, well, we pay taxes; we want our appropriate amount of taxes collected at all the various means in our region dedicated to our region. If that principle was used, the haves would get more and the have-nots would get less.

We try to almost set that issue aside in terms of the amount of taxes paid in a particular region and address the roads on a priority basis that allows everybody to have something every year to keep moving towards a better standard of roads in total right through all regions of the province. We cannot dedicate everything to one region for a year or two or prioritize one region for a year or two. It is just not fair in the bigger picture, nor can we consider, well, you pay so much taxes you get so much consideration. You cannot do that.

**Mr. Jennissen:** I wonder if the minister would consider just treating all the regions as one group for now because some of my honourable colleagues will ask questions. I would like to save the North for last, so I wanted to talk about that or ask questions. Some of my colleagues have some questions.

**Ms. Rosann Wowchuk (Swan River):** Mr. Chairman, I want to thank my colleague for letting us go ahead because we want to get into another part of our Estimates that we have to be in. There are several roads that I would like to talk about which fall within Region 4, but I also have a couple of questions that deal with policy. We may have passed that line, but I will check on the questions and if we have not gone past, if it is possible to have them answered, I would appreciate it.

I want to start out with just the whole general area of the Parklands Region and the change that we are going to see with increased traffic next fall with Louisiana-Pacific coming in. We are going to see a lot of wood moved to that plant.

\* (1520)

I see stakes along the site of the plant where there are plans being made to provide an access road into the plant, which is very important, but I wonder if an analysis has been done on what the impact is going to be on the roads in that region and whether the department has done any forward planning on how they are going to upgrade those roads. When I talk to people who work within the Department of Highways, I am told that as regards the No. 10 Highway, for example, the pavement on it is quite old and will not withstand the kind of traffic that is going to be put on. There has to be some thought given to how that road is going to be maintained as we see the increase of traffic.

**Mr. Findlay:** Mr. Chairman, the department certainly tried to do some planning, as the member is talking about, about roads that Louisiana-Pacific may well use, but the department still does not have the information as to, okay, where are the forest cuts going to happen in the next two or three years. So what roads should we be focusing on, whether it is Highway 10 or PRs, what are the appropriate roads that they are going to actually

be using? In regard to Highway 10, the actual status of it, generally speaking it has a fair bit of capacity of wear yet before it will be considered a road that is designated for upgrade in terms of the comparative criteria used across the province.

With regard to the actual location, the access road to the plant, we will be constructing turning lanes at that point, redoing the intersection obviously, at a cost of \$570,000. That project is reasonably close to being ready for tender. The design has been done, and there is a further stretch of 800 metres to the plant which also needs to be upgraded as part of it. Some of which, I understand, has already been done by the municipality. It is, technically, a municipality responsibility. But our design for the first 200 metres from the centre of the highway is done and will be tendered and, as I say, over half a million dollars of cost right there. That would bring it up to a paved unrestricted status.

**Ms. Wowchuk:** Mr. Chair, with respect to the access road going south off No. 10 Highway into the plant, will the government have any responsibility or will the government be picking any cost up on that road or is it going to be the government doing the design and the R.M. paying the cost? Is that road going to be surfaced as well?

**Mr. Findlay:** The department has done the design for the road right to the plant. Last week I met with the reeve, and so the issue of who is paying for what the rest of the way is under discussion. I understood they met the next day with the new individuals involved up there with Louisiana-Pacific about what level of responsibility they felt they had to at least consider the paving of the road.

You know, from an operational point of view probably a gravel surface road is adequate, but there is desire to have it paved. I think Louisiana-Pacific maybe has some responsibility to share some cost here because they will be the benefactors with regard to the kind of service at least that is there. So there is a discussion going on.

**Ms. Wowchuk:** Mr. Chair, I thank the minister for that information. I want to say that I agree with him that the government has done the design and that the

company also and the municipality has some responsibility. The company in the end is going to be the main benefactor out of this, and they should also be picking up a share of the cost. I would hope that they would be held to that responsibility.

I have several roads in the region that I want to talk about, and a couple of them I mentioned to the minister at some point in the House. I had indicated this spring that some of the roads were in terrible condition and in fact not accessible.

One of the roads that I talked about is Highway 271, which is east of Pine River, and that construction has been going on now I believe for two years. One year the contractor ran into some terrible weather and got delayed, but there are real problems in that area, 271 and 489 is in the same area. There were people in that area who could not get out, and it was a real problem for some people, particularly one family which had young children. At one point they did not know what they were going to do; they were considering going to stay in Dauphin until the roads were fixed up because of the health of a child. In this day and age I do not think that is acceptable.

I would like to see the roads in that area fixed up, but if the minister could give some indication as to what the problem was, why it got so bad, why that road has been so badly neglected.

**Mr. Findlay:** The spring.

**Ms. Wowchuk:** Yes, but it has been ongoing, it has been a couple of years now. This spring I know the weather was against them, but it is, I feel, a road that has been badly neglected. It was a road that was scheduled to be surfaced at one time. Now the department says, well, there is not enough traffic on it. There is not enough traffic on it because nobody can go there. So it is six of one or half a dozen of another, and the people in the area are losing. We should not have those kind of roads, and it has to be improved.

So I would ask the minister if he could give some indication of what kind of plans are there for that area? What kind of hope can we give to the people of that area so that next spring they are not going to face the

same kind of problem? I realize it takes a while to fix them, but surely to goodness this is the third year they are facing that. In fact, on 489 it has been longer than that, but those areas are very badly neglected.

**Mr. Findlay:** Mr. Chairman, the member has identified clearly in 489, a very low volume of use of road. The recorded volume of traffic is 50 vehicles a day, clearly it is low volume; 271 is a little higher volume, but a grade and gravel had been done on that in the past and we understand that during the course of the construction there were some climatic condition problems. In other words, wet road, wet conditions that made the project difficult to do. There are 20,000 identified for spot grade improvements on 271 currently.

\* (1530)

I guess if we are going to get wet springs, this problem of trying to have the road maintained during those wet conditions is a tough job. It is probably in pretty good shape today in terms of it is dried out and has been maintained but come next spring, if it is wet conditions again, we cannot promise it will be an awful lot better.

The ability to go in and do what the member might like is very expensive. It would be at the expense of other projects in the province. So we will do the best we can from a maintenance point of view and spot improvements, but to think that we could commit to a major reconstruction is just unaffordable at this time.

**Ms. Wowchuk:** What the minister is saying, then—it was my understanding that at one point that road was scheduled for 271—

**Mr. Findlay:** 271—work was done.

**Ms. Wowchuk:** We were under the impression that it was going to have a surface put on it because all of the roads going across from No. 10 to 20—267, 269—they have an oiled surface on them, and it was my understanding that 271 was going to be upgraded to a level where it would also get a surface on it of some kind, not necessarily pavement but an oil of some sort. But from what the minister is saying now, there are no

plans to upgrade that road to a level where it would be equivalent to, say, 269, which has an oil surface on it.

**Mr. Findlay:** The member talks about 267 and 269 having an oil surface. Yes, it is asphalt surface treatment. It is called AST. It is thin, and it is always subject to spring restrictions. Those surfaces, the lifetime of them is certainly in doubt—subject to somebody going down there with a big load, getting away with the trip but damaging the road—very costly to maintain.

It is nice in terms of not having dust, but for about six weeks in the spring we get complaints from farmers: I cannot haul my grain; I cannot get my fertilizer in; I cannot get my cattle to pasture.

That is because we put that dust control called AST on. So you restrict commerce when you do that, and the deputy and I had talked about this just a few days ago, where it looks nice, makes you feel good, but from the standpoint of being able to conduct commerce, it significantly restricts mobility. To go to any greater level of depth of pavement, now we are talking big-time cost, and we cannot afford it.

**Ms. Wowchuk:** I can appreciate what the minister is saying about costs and about things looking good, but I can tell you that those people would be quite happy to have—I mean, all the region is restricted with load restriction in the spring, but the kind of road that they have now and the inaccessibility of that road, and this is not the first spring that that has happened. It is a road that gets very rutted up, and you cannot go on it with a truck anyway, whether there are restrictions or not. You just will not get through it.

So I can assure the minister that the people in that area would be very happy with that kind of a surface on it and have restrictions during the six to eight weeks in the spring. They would be more than happy, and I know that that road at one time was being considered, and I would hope that the minister would, again, give it consideration. It is a road that provides access to a large area. It is a school bus route, and what we had this spring was not acceptable, and we have to look at ways to improve it, so I would hope that the minister would reconsider that.

**Mr. Findlay:** I thank the member for that input, and I am sure we will get the same input continually from the municipality involved.

**Ms. Wowchuk:** Yes, I am sure you will.

**Mr. Findlay:** It is always on the long list of activities that people would like us to consider, but when there is a soft road, even putting an AST on it, it is not going to hold in the spring even under routine car traffic. If you are going to put a surface on, you have got to have a reasonably good subgrade to hold the surface, no matter what kind of surface it is. So there are limitations to what we can do, but I respect what the member is saying, and I can appreciate if you live on 271, you look down at 267, 269—they have got a surface treatment, and we would like the same. Human nature.

**Ms. Wowchuk:** And I realize that the base has to be fixed up, but that is one of the ways, if you start pushing to have the surface put on it, you are going to have the base fixed up, and maybe eventually we will have a good road in the area. So it is what we want for the area. It will improve tourism, it will improve everything, and I can assure the minister that if that road was upgraded, you would see the amount of traffic on it increased tremendously.

The community of Pine River, for example, is suffering very badly because of it because the trading patterns have changed in the area because people cannot come in down that road.

Another road that has been on the agenda for some time is in the Swan River area. It is 487. It is a road that goes to Thunder Hill, to the ski hill, and I am sure the minister has met Mr. Joe TerHorst from the area who has lobbied every Minister of Highways over the years to have that road fixed up, and I do not blame him. I think that he is very committed to project, as are some other people, and I believe a Mr. Vern Vopni called the minister just recently.

Again, that is a road that there was a commitment made on that there would be a surface put on it, and I think the indication was that it was not wide enough. There were problems with the bridge. Though the road

was widened out, it seems to have been neglected now. Can the minister tell me where it is on the list, and what kind of answer he can give to the people of that district who have long been waiting for a better way? That is an area, a good farming area, where there is lots of grain that has to be moved out, and they very much want to see that road.

I understand that that is one of the very first roads that was built in the Swan River Valley. The Thunder Hill area was once some of the first opened land, and yet it is one of the roads that has fallen behind quite a bit, but has been on the minister's agenda for some time, so if we could find out what is happening with that.

\* (1540)

**Mr. Findlay:** Mr. Chairman, 487 has traffic counts that range anywhere from 180 to 250, so it is in a category of much higher volumes than the previous roads the member mentions. The 11.6 kilometres received grade and gravel in 1989-90, and we have a clear indication from the R.M. of Swan River that it is a priority for them, so it is in due process. Base and AST would be next.

**Ms. Wowchuk:** What is due process?

**Mr. Findlay:** It is in the works towards next project or next program whether it is this fall or next spring, as are many.

I cannot give a commitment, a year and a half out, or two years out, or anything like that. Everything comes up on an annual basis, but Swan River is pushing for it, and Swan River continues to push this as a No. 1 priority. We want to do something in every region of the province every time we do projects.

All I could best say is that the member has brought it to our attention. She has raised it as a priority for her area. Her municipality has raised it as a priority. So that bodes well for it in the future.

There is a structure on 487 at Lobstick Creek, a \$170,000 structure that is in the approved program at this point.

**Ms. Wowchuk:** It has to be done?

**Mr. Findlay:** It has to be done. One must always remember that the weakest link in most roads is the bridges. You go over in a split second, but they determine what goes on the whole road. The structure needs to be done.

**Ms. Wowchuk:** Can the minister indicate, he said that road is now on a list that is up and should have—is it on a priority list? I can understand what the minister is saying, but I have a question that constituents have asked me that I cannot answer, and I want to know, how can—it deals with a road into the park, 366, up to Wellman Lake. That road is being upgraded.

So I would like to know what other work is scheduled for 366 up into the Wellman Lake region into the park area, and how a decision is made to prioritize a road into a park versus a road, for example, 487, when 487 is needed by the people in the area for economic development.

I am looking for some information on how a decision is made to choose a road such as the road into a park that not everybody uses, and it is not for economic development, whereas, as I said, 487 is one that is needed for the economic viability for the area.

What kind of scale is used to justify one road? Is it the fact that somebody has lobbied harder for that road, or how does that kind of decision come about?

**Mr. Findlay:** The member asked, how would you decide to do that? Well, I guess one of the criteria is we have received a lot of lobby from the R.M. of Minitonas wanting to see that road upgraded. We have traffic counts here that vary from 1,100 up by Minitonas down to 260, 130, 170 going into the park. These are year-round traffic counts.

There is an awful lot of tourist traffic going in there at this time of the year and the traffic volumes will be much higher than this. Therein lies a requirement or a pressure from park goers from the R.M. of Minitonas saying this is a road of considerable importance. I guess some people call it economic activity, in other words, tourism activity to and from Duck Mountain.

There are people pressing for it. There are municipalities pressing for it. There are high use periods, very high use periods.

**Ms. Wowchuk:** Can the minister indicate then how much money is budgeted to be spent on that road? Is there work to be done on that road this year? There was work done on it last year, I believe, and there is work being done on it again this year. How much money is being spent?

**Mr. Findlay:** There are 22 kilometres of grade and gravel for \$325,000 is the project in front of us. We are just looking up to see if it has been tendered yet or not.

We understand it has already been tendered.

**Ms. Wowchuk:** The minister said it is tendered for graveling. Are there any plans to put any surfacing on that road of any kind or is it just going to be—what is it going to be upgraded to, or is it just going to be a gravel road?

**Mr. Findlay:** Mr. Chairman, I am sure the member is aware that 366 is surfaced. It is a narrow road with the surface down to the park boundary. The grade and gravel we are doing is wide enough to support future surfacing, but future surfacing is not planned at this stage. It is just grade and gravel to bring it up to a good rideable standard.

\* (1550)

**Ms. Wowchuk:** Mr. Chairman, as we were out, and all of us were out an awful lot on roads this last spring, we got to see some of the very bad roads and hear the concerns from many people. In particular, there are a couple of roads that—one road that affects a Northern Affairs community and two roads that are access roads, one into a Northern Affairs community and a reserve and the other one into a reserve.

I have written to the—I do not mean I have written to this minister—previous minister with respect to the roads into Pelican Rapids and Indian Birch, and we have got responses back that, well, if the band is prepared to spend some of the costs on this road, then we are prepared to cost-share it.

These roads are not on the reserve. They are roads that provide access to all people, and I do not think it is fair to say that, well, we will build this road if the band would contribute, because you do not say that in other areas. When a road is needed, it is needed. The two roads, as I say, one is into Indian Birch and there is no number on it, and I am looking at an older map, and the other one is into Pelican Rapids.

The one into Pelican Rapids, there was a commitment made to have calcium applied the whole length of the road. I think that commitment was made about three years ago, and then that was never fulfilled. Those roads are in poor condition and they are the only access. These people do not have any other way that they can go.

We were talking about the condition of the road in Pine River. Those roads were in bad condition, but at least there was another road that people might have been able to get out onto, but in these areas there is nothing. It is either that road or you stay at home. There were a lot of cars—mufflers coming off cars, and things like that.

I want to ask the minister what his position is when it comes to providing access to people who live in any Northern Affairs communities or on reserves and there is no other access available other than the roads that are there, and whether he can give any indication of whether these roads are dealt with differently and what kind of plans there are to repair them.

**Mr. Findlay:** Mr. Chairman, I presume that the road that she got the response from the previous minister on the cost-sharing was the road to Pelican Rapids. Both that road and the one to—what did you call it, Indian?

**Ms. Wowchuk:** Indian Birch.

**Mr. Findlay:** Indian Birch. They are both main market roads, but the one to Pelican Rapids was initially built on 50-50 cost-sharing with the federal government. So that is why we still like to see them share in 50 percent of the cost of upgrading.

We do 100 percent of the maintenance on the road, on both roads we do 100 percent of the maintenance.

On the one to Indian Rapids, that is 100 percent ours, main market road.

So there is a different history on the two roads in terms of who paid for them initially. You know, I hope the member would support us if we would try, from anywhere possible, to get as many dollars from Ottawa as possible to help us in the overall cost of roads. So that is a different history.

**Ms. Wowchuk:** Mr. Chair, I appreciate the minister's remarks. For clarification, I was not trying to get the federal government off the hook. If it is a 50-50 share with the federal government, so it should be. I have to look back and talk to the band again, as my understanding was that we are sort of saying to the band, okay, you find the money and then we will put in the money. If it is lobbying the federal government to put their share in, if it is a 50-50 road, then so it should be.

That does not quite answer the question. Let us look at the Pelican Rapids. If it is a 50-50 road, is there anything being done and whose responsibility is it to go after the federal government to try to get some additional funds to upgrade that road? Is it the minister's responsibility to say we want this road fixed up, or is it the bands and the community council from Pelican Rapids to go after the federal government to say we need this road fixed up, give us money so that we can go after the province to get their money? So who starts the ball rolling here to get this road fixed up?

**Mr. Findlay:** Mr. Chairman, the department's analysis is that the road is of adequate standard at this stage in terms of structure, in terms of gravel, and we do put on calcium, three-kilometre strips, every 16 kilometres, for passing zones on the road. If the member or the band or the community council wants to do something further, I would think that they have responsibility to get some commitment from the federal government, then come to us with that commitment for us to proceed.

**Ms. Wowchuk:** Then on the road to Indian Birch up to Swan Lake there, the minister had indicated that is 100 percent—it is a main market road—provincial

responsibility. That road is not in good shape either. Are there any funds allocated in this year's budget to fix up the road in there?

**Mr. Findlay:** Mr. Chairman, I certainly acknowledge the member's comments that the road is not in good shape, classed as a worn-down road, many sharp turns in it. Any upgrading in the future would require straightening it out and obviously improving the roadbed. Though it is in the category of main market roads, and we have quite a few main market roads scattered throughout the province, it is for future consideration.

The member might want to talk to me later about her level of priorities on the various roads she has raised—she has to appreciate we cannot do them all—and, over the course of time, where this one sits relative to some of the other priorities she has identified.

\* (1600)

**Ms. Wowchuk:** I will take that opportunity another time to raise those issues with the minister. But can the minister clarify something? He said that the road into Pelican was a 50-50 road, and this one is a main market. Now, just for clarification, what other roads does the federal government contribute to? Is there a certain class, like, for example, the No. 10 Highway or main roads?

Does the federal government contribute 50-50? Where does the cut-off point come for what the federal government contributes to, and what strictly is the responsibility of the provincial government? I would imagine then, we get to municipal roads, and there is a sharing there. So if you just give us a quick overview of what is 50-50.

**Mr. Findlay:** Well, it is a fairly wide-sweeping question the member has asked, and we could talk for a fair while, but I will keep it short. As I mentioned in my opening comments last night, the federal government collects \$5.5 billion in fuel tax on the road system right across this country and contributes very little back to the system. The road we are talking about, to Pelican Rapids, it was initially negotiated for construction as 50-50. But other than that—and the road

through Riding Mountain, which is over federal ground, it is their total responsibility—beyond those specific cases like that, it is a hundred percent provincial.

We have been falling behind, to put it bluntly, in terms of keeping up with the wear and tear on roads and demand, of which the member has brought some to the table here today. We need road upgrade, and we have a lot of tax dollars leaving the province for other uses that we contend should go back into the road system. Because pretty well a hundred percent of the dollars we collect from road taxes, from fees, from driver's licenses, and all of that, goes back into our travelling infrastructure in one form or another, whether it is roads or airports or whatever it is. So we are putting our money in. We are not getting very much from the federal government. Their basic position is today they will not contribute anything more in the future in any kind of arrangement or circumstance like this.

I think the member can appreciate we feel that First Nations people are a federal responsibility. They have a responsibility to cost-share, at least, in terms of infrastructure for them, and there has been success, occasionally in the past, in that context. I would say today they are instantly going to say no. It would be very hard to get us to change their minds because they are just saying that we are out of this; we are offloading it onto you. The citizens of Manitoba come to us first, and they will never accept the fact, well, we cannot do it because the federal government has said no. They expect us to do it a hundred percent.

So we have had some success in the past, but the ability to get success today is very, very limited. Even though they collect a lot out of the system, it goes to supply other services for Canadians, maybe not in Manitoba.

**Ms. Wowchuk:** I thank the minister for that information because we just were not quite sure, and I was not here for the comments last night.

The minister touched on another issue about federal offloading. They have reneged on a lot of their responsibilities, I believe, in agriculture. The whole

change to the transportation subsidy is going to see major changes in, I believe, how the grain and farm products are moved with the change. We will see the shifting of traffic away from railways and onto the roads, and this is going to have a tremendous burden on our roads and an impact on the transportation budget, I think.

So I would like to ask the minister whether his department has done any analysis of what this change is going to do, what the impacts on our roads are going to be, and what kind of additional costs the province is going to have to end up with, or whether there is going to have to be additional allocations into the Department of Highway's budget in order to upgrade the roads.

So basically I am wanting to know whether or not any studies have been done of what this is going to have, and if there have been studies, whether the minister would be prepared to share those with us with respect to what his department sees as which rail lines will be abandoned and what the transfer cost is going to be to the province as we start to pick up the extra road costs.

**Mr. Findlay:** Clearly, the member raises a very big topic. There is no question at all; there is going to be dramatic change in what farmers produce and where it goes to market and how it gets there. I have certainly raised this in municipalities in discussions over the past year and, more recently, in the last few months with delegations that come in to see how it works.

I am going to have to give consideration to how you most efficiently use your capital dollars within your municipality to those roads that are going to be of greatest need for the commercial movement of grain, livestock, inputs into the farm and any other products that come away from the farm.

We are currently doing some analysis on impacts on roads. Nobody has a grand plan yet as to what is going to happen. Elevator companies are part of this equation. Where are they going to close elevators, where are they going to build big ones, and how is our road infrastructure going to integrate with that? I think the member will remember that over the last approximately 30 years there has been a lot of change

in how commodities are moved into and out of the rural communities.

\* (1610)

I can remember 30 years ago pretty well everything that came into a town came by rail—your machinery, your fuel, your mail, your fertilizer. It all came by rail. Most of that today comes by truck, even fertilizer. Although it may travel from Alberta or Minnesota, it comes by truck instead of by rail. That highlights the fact again that I mentioned last night: 40 years ago 70 percent of bulk commodities in western Canada travelled by rail; today it is 28 percent. A dramatic shift has occurred, and rail abandonment has occurred also over the last 30 years. Percent of the network that was abandoned approximately 20-25 years ago was, I would only be guessing, but it might be 30-40 percent of the total network.

A lot of communities went through a lot of tough analysis and rationalization when that happened. A lot of the hue and cry we heard from communities at that time, a fear of the future, did not really necessarily materialize, but still the commodities went to the road. Municipalities and the provincial governments in western Canada have tried to meet the challenge in terms of keeping the roads at an adequate standard, and there is certainly a constant demand in front of us as you have identified in your region for roads that maybe are not up to a fully acceptable standard.

The next three to four years are going to be very interesting in terms of responding to the changes that are going to happen, the directions the commodities are going to move; and, with more incentives out there to attract grain, for instance, to different elevators or processing locations, you are going to see grain going in Manitoba like this. You are going to have trucks getting a backhaul across Manitoba, hauling grain one way to a price and the opposite way, a back load, going the other way, and maybe the same grain going to another economic opportunity on behalf of the farmer.

In the broad picture, when you look at locations of farms, the amount of tonne-miles that will be hauled on municipal roads probably will not change an awful lot. The amount of tonne-miles hauled on provincial roads

will expand dramatically because farmers want to get to a provincial road to haul the next 50 or 60 or 100 miles. They may have gone five miles down that road to an elevator in the past, which is no longer there. Now they are going to go 50, 60, 100, 200 miles on a provincial road. The increased wear and tear of extra miles hauled with the same load is primarily on provincial roads.

To give examples, we have not had as much cooperation as we might have liked, particularly if an elevator company is aware of building its big terminals, in terms of giving us some advance information as to how it is going to be drawing volumes towards a particular point in the future, or to even build appropriate access off those highways to allow the turning actions to get to that large elevator.

It is difficult for us to plan when we do not get enough advance information of what particularly the elevator companies are going to do in terms of where their major locations are going to be in the future. The minute you build one of those inland terminals, you draw semis from all directions to that point, and they will travel many, many miles.

We will try to work with the municipalities to decide what roads require priority consideration, to allow farmers to get their product to that road for the longer haul. I think it is definitely going to mean that more and more north-south routes are going to become important, whereas primarily if you look at the map an awful lot of our road network is focused on east-west movement. Of course, in the Interlake it is already north-south, but I am thinking of the broader picture of across southern Manitoba.

A lot of thought is going to have to go into when you do work on roads in the future and which ones should get priority. A lot of people have to have input, particularly municipalities, elevator companies, and any other interested groups.

**Ms. Wowchuk:** We have heard the federal announcement about the change to the transportation, the abandonment of the Crow, and in that there was a transition budget of about \$300 million that is going to be used, and a lot of people are lobbying for that

money. Farmers are lobbying for it for pooling and various things.

Can the minister indicate very simply whether or not his department has been doing anything to get any of that money? I hear there is a certain amount of it that is supposed to be proposed for transition into transportation and for municipalities and roads. Can the minister indicate whether his department is lobbying for that money and what the status of that is?

**Mr. Findlay:** Certainly the member again has identified a lot of—it is an issue that has a lot of ramifications to it. The whole Crow, I have contended from the beginning that the Crow was always intended to offset farmers' costs. It was not for anybody else. It was simply to allow the farmer to get his grain to export positions so he could compete with the rest of the world.

Manitoba is further from salt water than any other part of the world, so I will always contend that the Crow money is always farmers' money. I call the transition money part of the same package, that the farmer has first priority, and, maybe, should have the only priority to that money. We argued that the pooling impact was much larger for Manitoba than was the loss of the Crow itself in terms of additional transportation costs that the farmer will pay.

It initially identified that the farmer was paying \$10 a tonne, just round figures, for freight, and then once the Crow went it jumped to \$20, and then once pooling went it doubled again. Now we see published figures from the Wheat Board that would indicate that for different crops there will be different freight deductions. So the full impact of pooling will not happen on all grains, but it clearly will happen on barley, and, to a large extent, on bread wheat. But durum and bulk barley are considered going to different markets, particularly south, so the freight deduction will not be quite the full impact of up to \$40 a tonne.

We have argued that money, the whole \$300 million, should go first and foremost to dealing with the pooling question. Without any official information, I hear figures floated around that they are only going to get \$100 million to \$120 million to do a pooling for both

Manitoba and eastern Saskatchewan. It will not anywhere near offset the impact—that they may identify another \$40 million for the dehyd industry. So now we have got half the money gone for sure, half of the \$300 million.

Municipalities in the three provinces have lobbied for consideration for road impacts for them, and the three provincial governments, I am sure, have all done the same. Certainly we will say, okay, if there is money not used towards dealing with farmers' impacts, then we should all be treated equally from the standpoint of the provinces and municipalities in terms of some portion of that money towards maintaining and upgrading roads.

So, yes, we are arguing for some, but I want the member to understand very clearly, we should be second in line behind dealing with the farmers' impacts, because if he does not survive, you do not need the road anyway.

**Ms. Wowchuk:** I am pleased to hear that the minister does want the money to go where it was actually intended. I hope we are successful in getting the federal government to understand the impact these changes have made, and, in fact, if they become too drastic, we will end up losing farmers and lots of those roads we will not need.

I have a couple of roads that I want to raise on behalf of my colleague from Dauphin who is in a different department of Estimates and has asked me to ask about them.

I will list both of the roads. One of them is the road in the Makinak area. Part of the road to Makinak was upgraded, as I understand, and south of Makinak it was not done. That is 480, and that road is not in very good condition between Makinak and Laurier.

I wonder if the minister can indicate what the plans are? Are there going to be any improvements made to this road this year, and if not this year, where is it on the priority list?

The second road is a road south of Waterhen which is also in poor condition, a short road there that has

been in poor condition—if there are any plans to improve that. That would be 276.

**Mr. Findlay:** To answer the member's first portion of her question, on road 480 from Makinak to Highway 5. It was reconstructed in '87 and is in the queue for base and bituminous pavement, so that is top quality road. It is in the queue for further consideration for future highway projects or highway programs. It is a distance of 8.2 kilometres. The grade and gravel has been done but the surfacing is reasonably ready but not programmed.

\* (1620)

The other road was 276. Was the member referring to from, more or less, Waterhen north?

**Ms. Wowchuk:** No, he had indicated it was a section of the road south of Waterhen, but when I look at this map—south of the Waterhen Reserve.

**Mr. Findlay:** Mr. Chairman, a short stretch just south of Skownan on 276 has been surfaced very recently. I think the member is really referring to the next stretch from there all the way down to 328. It has gone through the grading process and is for future consideration for surfacing. Traffic numbers here are somewhat higher than some of the other roads the member talked about.

**Ms. Wowchuk:** Thank you and I will pass that information on to my colleague, and if he has further questions he can contact the minister.

The next question I have to do is with a policy question. I think you have passed policy but I will ask it, and if you cannot answer it now I will approach the minister later. If there are people within one region and another region that for some reason wants to transfer employees perhaps for family reasons or whatever, if there are two people with equivalent job skills and can make arrangements that they want to transfer, what is the policy? What would the process be and is there any reason why they could not transfer?

For example, if there was somebody in Swan River and somebody in Area 1, and there were two people

with similar skills but wanted to exchange jobs, and they could still do the same job, there would be no additional cost to the department. Would it be possible and what would be the process for that to happen?

**Mr. Findlay:** Well, as a department we would have no difficulty. If two people agree in two different locations and they want to swap locations, the same job set, same skills, same classification, provided there is no cost to the department, I would just ask them to raise it with the director of their region through the appropriate ADM to bring the process forward. We have no restrictions on it, provided there is compliance or agreement by both parties involved. The member obviously has a specific issue in mind.

**Ms. Wowchuk:** Yes, the minister is right, I do have a specific situation in mind. I would ask, then, if the minister would just indicate who it is that I would go to. Do I take this to the minister to look at or is there someone, he indicated a deputy minister—

**Mr. Findlay:** Assistant deputy minister.

**Ms. Wowchuk:** Assistant deputy minister—if you could tell me who that is, then we will handle it there rather than putting it on the record here.

**Mr. Findlay:** Mr. Chairman, the deputy has offered that he would do it through his office. If the member would like to bring it forward to the deputy's office, he will follow through with it.

**Ms. Wowchuk:** I appreciate that because it is a situation that has been dragging along for some time, and I would like to see it resolved.

I have one more question, and I want to thank my colleague our critic for Highways for allowing me this much time. This is an important area in my constituency, as it is in all rural constituencies, to have their particular roads put on the record. One that I would like to ask the minister about, and I think I asked about it last year, and he probably knows—I want to know what the status is of the Lenswood Bridge.

We hear about the Lenswood Bridge so much. It was promised back in the election, I think, in 1988. My

opposition talked about it in this election. We thought it was going to be in this year's road program. During the election we were told it would be another five years before it was built. If it is five years, no, I am sorry, three years, if that is the case, I am really disappointed because this is something that has been going on for 20 years.

It is a real hardship for the farmers in that area and the minister understands that. He is a farmer, he knows how equipment has changed. Tractors are bigger, farm equipment is bigger, and there are farmers who are travelling some 20 miles extra to get around this bridge to get to land on the other side of the river.

In my opinion, that is unacceptable, and this is a bridge that, as I say, should not be used as a political football being pushed back and forth over the years. I would ask the minister to let us know what the status is of that bridge and let us know whether he can fulfill the commitment that his government has been making now for many years, to have that bridge rebuilt so that we have proper service for the people of that area.

\* (1630)

**Mr. Findlay:** The honourable member left the best one to last. Basically we have got good news for the member. I think you used the term three years and five years, they are totally off the table. It is not going to be that long. Both the grade and gravel, which is \$900,000 for the 2.6 kilometres, and the structure, the bridge itself, another \$900,000, so you are talking \$1.8 million for the total cost here, has already been approved for programming.

(Mr. Frank Pitura, Acting Chairperson, in the Chair

The land has been acquired, the design is done, both will be tendered in the very near future. I would suggest that probably you will not see construction activity until '96, even if it is tendered this year. So it is an approved program, \$1.8 million total cost, that includes everything. So it is ready to go.

I understand what the member is saying. I have seen the bridge. It is narrow. Big machinery cannot go across it, and the alignment is not great at all. So the

realignment, straightening it out—and I understand a fair bit of timber haul will undoubtedly happen over that road too. So it is a priority from both farming and from a lumbering point of view, and both the grade and gravel of the new alignment and the bridge are in the approved program. So it is in the chute, but I would suspect '96 is your most probable time to see action.

**Ms. Wowchuk:** Mr. Chair, I thank the minister for that information because I have to say when I heard that it was going to be three to five years I was really disappointed, as were the people of the area. I will continue to lobby the minister if we see that it is not going to—he says it is an approved program. So we will continue to press on this because it is very important for the people of that area, and as I said, they have been waiting for some 20 years for it. It is long overdue.

So I want to thank the minister for the answers that he has been able to provide. There are many other areas that I could ask questions on, but those are the main ones, and I will be in touch with his deputy minister to address the particular issue that I have raised. Thank you.

**Mr. Clif Evans (Interlake):** Mr. Chair, firstly, I would like to thank my honourable colleague for the opportunity to be able to bring to the Minister of Highways' attention some concerns that we have in the Interlake with roads and other issues. Firstly, the minister, of course, made comment to my honourable colleague from Swan River (Ms. Wowchuk) about the north-south connection in the future in some of the areas.

As the minister is well aware, I think, that Interlake constituency is primarily looking at an east-west improvement with their roadways and then some north-south. There has to be some improvement to the north-south but basically the east-west connection. Coming back from Eriksdale this afternoon from a UMM meeting I took No. 6 going up and it reminded me of all the curves, you know, how many curves Highway 6 has got.

Before I continue with my specific issues, I want to say that I am very pleased, very pleased, at the taking away of the curves on Highway 8 from around the

Winnipeg Beach area—those curves that are being taken out and straightening out—I am very pleased to see that. I travel that road, of course, many times and other constituents do, and I do want to say to the minister that I am pleased and I think a lot of my constituents in the Interlake are also pleased with that.

Having said that, of course, the question comes up of, well, they have widened the shoulders on Highway 8 up to Winnipeg Beach, up to Gimli, they have improved the corner at Fraserwood-Gimli corner, they are taking the curves out, what is in store for Highway 8 north of the boundary line?

**Mr. Findlay:** Which boundary line?

**Mr. Clif Evans:** The constituency boundary line. What is in store for Highway 8, first of all?

**Mr. Findlay:** There are two activities of acquisition of right-of-way on Highway 8. From 229 north, more or less, to Camp Morton, there are 23 kilometres for acquisition of right-of-way, and then north of 231, all the way up to 68, another 29 kilometres, there is survey and design being done on Highway 8. So that is the stretch the member is more interested in, is the almost 30 kilometres from Highway 68 south that is going through survey and design for future activity.

**Mr. Clif Evans:** Future activity, perhaps widening and any other improvements that could be made to that road.

**Mr. Findlay:** Whatever comes back as recommended activity, whether it is further grading, shoulders, surface. It is going through survey and design.

**Mr. Clif Evans:** Can the minister indicate a time frame for those?

**Mr. Findlay:** It will be done this year. The standard that Highway 8 will be upgraded to will be the same standard seen in the south, so that standard will be moved north in the process of consideration of future highway programs.

**Mr. Clif Evans:** I want to express my concern about Highway 8 and tying into, of course, going up to Hecla

Island and then Highway 234, taking off from Highway 8, heading up to the Mason Island-Pine Dock area that we have had some work done on. I want to indicate the fact that there is potential development in that area north of Riverton. There is potential economic development for the area, and I would think and hope that as that comes into play that it would be so important, especially with the type of economic development that they are looking at there, that the road improvement for highways 8 and 234 become one of the top priorities within the constituency of Interlake. So I want to make the minister aware of that.

\* (1640)

From what I understand, one of the potential future developments will create a lot of truck traffic back and forth from the States right up and back, and not small trucks but large trucks. So I would hope that the minister and the department will be considering these. Now whether it would be that potential development or even, as the minister is well aware, that there are negotiations re federal park for the Hecla area also.

So there are two very serious items, and along 234—the minister is aware of it—the development of Northway Aviation's expansion for tourism and whatnot. So just to make the minister aware that Highway 8 from that boundary road and as far north, I will hope and will keep pushing that it will be a priority for the minister's department.

Having discussed Highway 8, if I can just ask the minister on dust control. Now, there have been letters sent to him and copied to me. I have brought it to the minister's attention. Can the minister outline for me exactly what is the criteria for any type of dust control put on any provincial road free of charge, you might say?

**Mr. Findlay:** Somebody pays.

**Mr. Clif Evans:** Well, somebody pays, that is true. But what I mean is, what is the criteria that people can request to have the calcium deposit put in front?

**Mr. Findlay:** Mr. Chairman, the member asked for the criteria that the department would use in deciding what

roads or what areas would get dust control for no cost to the citizens. I know the member is aware that if a particular residential person wants it on his stretch, for \$150 he can have it put on. The locations where we would put it, on long roads, we will do every 16 kilometres a three-kilometre passing strip or passing area. We will put dust control treatment on. For safety reasons, we will do it at curves, where it is deemed for safety reasons that visibility should be good on the curves at all times, at intersections, stop signs, railroad crossings. We will do it in instances where traffic volumes are high. One of the reasons that traffic volumes are high on certain roads is the high volume of tourist traffic that is going through at different times of the summer or the week.

Where there are a lot of, particularly, gravel trucks operating, oftentimes it will be a requirement in the contract that the contractor do dust control on the road in the area where he is making the haul. There are a few other reasons why, but we focus on safety for the travelling public on the road.

**Mr. Clif Evans:** Would health be one of them, one of the criteria, health of people living along the road, asthma, children's health?

**Mr. Findlay:** Well, as I already said to the member, we concentrate on the road, on safety on the road. Now, if a person is concerned about their health, living along the road, they have the option of having us put the material on at a charge or having somebody else put it on. Our cost can be focused on the road and safety of the travelling public on that road. You know, it does not give the member the answer he wants, but if we responded to somebody saying, well, I cannot stand dust, where do you draw the line? If the person cannot stand dust, he has options opened to him or his area to have the dust control put on.

**Mr. Clif Evans:** No, the minister is not telling me what I want to hear. It has only come up once or twice, but it has to do with small children, young children that have an asthma problem or who are ill. It was brought to my attention, and it was supposed to be supplied with a letter from a doctor as backup for the request. I am just wondering whether that, at all, would fall in any which way, if it was detrimental. I am sure there

are other cases too throughout the province. I want to get an idea of that.

**Mr. Findlay:** I would just answer further that we cannot get into that as the Department of Highways. There is such demand for our resources for road maintenance, road upgrading. You have been here and have heard a lot of requests from one region, and you have a lot of requests in your region. We have to concentrate our dollars most effectively and efficiently on the road as opposed to other amenities that people believe is important to them. The concern he is raising is a very valid one.

Yes, I know there will be people that dust is a problem, and the doctor may say it is a problem. The remedy for it will have to be at their expense or if some other department of government wants to get involved, but our focus is roads, roads, roads and safety on those roads. It is another jurisdiction to worry about, whether the public should contribute to the health and safety of that individual who is off the road, in other words, living in a residence close by the road.

**Mr. Clif Evans:** What the minister has told me about dust control and some of the criteria, then I would think, without seeing the situation myself in the last little while, the two requests that I brought to the minister's attention, one was from a letter from some constituents on the Hodgson line at 325. I am wondering whether that has been addressed. Also on 233 north from 329, if I might say those two are about the only specific issues when it comes to safety or how bad the dust is throughout the constituency since the program has been dropped by the government. I would then think the minister would seriously consider these two areas for safety because there is an enormous amount of grain truck, gravel truck travel on these two stretches of road, 325 east of Hodgson and 233 north from 329.

\* (1650)

There is a stretch of about 11 kilometres where there are approximately 11-20 people living, households, and I have not had so many calls as I have this year and last year just specifically from these two areas, 233 especially but 325 has become a serious concern for a

certain stretch since there was another north-south road put in, and they are also bus routes. I am wondering whether the minister can tell me today what kind of response there has been to these two requests for some dust control in the areas for safety.

**Mr. Findlay:** Mr. Chairman, the member is probably aware that we do dust control on 234 north of 325 to Beaver Creek. There is a stretch there that we do. As an example I mention that, but over the course of analysis of roads that should or should not receive dust control, the two roads you mention have not been deemed high enough traffic volumes to warrant dust control. Both of the roads that you mention run around 200 vehicles per day. Well, we are prepared to look at it further in terms of whether they should qualify or they should not, but at this point the decision has been that they do not.

**Mr. Clif Evans:** Mr. Chair, well, the minister got a letter with 10 names on the letter. The letter to myself, they cite the fact that three school buses travel this particular portion of 325. I guess they are talking about approximately a six-mile strip from the pavement, which is where the Peguis road meets east, and their letter to you requests that, due to the gravel trucks, the road is in terrible condition and they feel it is dangerous, has become very dangerous due to dust conditions.

I would ask that the minister have his department appreciate if the minister's department people went out there and took a look and talked to the concerned people there and see and let them know specifically yes or no. The same I feel along 233; 233 there have been requests. I have letters from the municipality about 233, and it is an ongoing thing. We have brought these roads up and the conditions and the upgrading for four and a half years, I have, and I know the previous minister was sort of fed up with me bringing these up all the time, but I think four and a half years, that we could start seeing something being done in some of the areas and especially—the minister and I discussed this—in upgrading and improving the conditions. I do not know if anybody is basically—sure they are all asking for pavement and then asphalt right from coast to coast to coast of the Interlake, but I would like to see—

**Mr. Findlay:** Right to the doorstep.

(Mr. Mike Radcliffe, Acting Chairperson, in the Chair)

**Mr. Clif Evans:** Right to the doorstep too, I would appreciate that. But this is where the situation comes in and people start throwing it back at me as far as the safety features and problems that are occurring. The minister has received letters from Bifrost municipality, resolutions about 233. The 325 dusting issue has just been something that has come up this year, and I would appreciate if the minister and his department would respond to these people and take a look for themselves just whether the criteria meet what the people are requesting.

**Mr. Findlay:** Mr. Chairman, I will now commit to the member that the department will communicate with the individuals and investigate the two circumstances he has raised to see whether it warrants further or different action from what is currently happening. We will commit that to you.

\* (1700)

**Mr. Clif Evans:** Mr. Chairman, I thank the minister for that, because in our previous conversation, which I will not put on the record, I am not very pleased at some of the things that have occurred. I like the people to be told what is what in the situation when they request it, the facts, not ideology or anything else, so I would appreciate that.

Staying with 233, and I know that there have been requests to 233 is like any, I guess, rural road that the rocks have started to come up through the grade, and the stretch I am specifically talking about is, if you have the map in front of you, where your hardtop of 329 and 326 tie in, meet and go a little bit north. That is the north part I am talking about of the dust situation. Then it takes a left, and it has got a big curve. That has been also a long-standing issue with the communities of Arborg, R.M. of Bifrost, and LGD of Fisher.

There is a lot of traffic on that road, a lot of traffic: the grain between Fisher Branch and Arborg, construction, just regular travel of constituents to and

from those two communities, your business travel, your shopping travel between the two communities.

The new grain elevator that was put up just last year is situated at the far west end of 233. It is headed just before Fisher Branch, about two and a half miles before Fisher Branch. It is a curvy road in certain spots, but travelling it at certain times of the year you see more of the rock, boulder situation, than you do of any other problem on that road. It has a good base, and I think that it could probably be also very seriously looked at, as I said earlier, as an east-west connection in the Interlake, and that is one of them. I wonder if it is on the books at all in the minister's department, if it is in the books at all for any upgrading.

**Mr. Findlay:** There are no plans at this point on 326. There are no plans for any further activity on 326 at this time, but, again, it is one of those roads that the member has brought to our attention. It is obviously a reasonable priority in his mind. As the department develops future plans, it will be one that will be given consideration.

**Mr. Clif Evans:** The minister can probably slap my hands for this, if he would like, in his response, but because of failing eyesight, looking at the map, and I do apologize. I am sorry, it is the 226, Mr. Minister; it is my mistake. It is the 226 portion that is paved, and the extension of that 233. You see it becomes 233 after 329; it goes through Sylvan and into Fisher Branch. That is the portion that the communities and—

**Mr. Findlay:** So it is the actual portion of 233?

**Mr. Clif Evans:** Yes. My apologies for the mistake, but I would like the other one done, too.

**Mr. Findlay:** With the stretch of 233 that the member is talking about, a survey and design has been done, and it is deemed that no further acquisition of right-of-way would be needed for any future upgrade, basically, on the existing alignment. So that is as far as it has got. It is not in the program. It is not projected to be in the program in the near future. The member believes it is a road of high, high significance in his area. He would like to promote it, and it is open to him to continue the lobby, but at this stage there are no plans.

**Mr. Clif Evans:** Mr. Chairman, well, as the minister well knows, and I have told him before, priorities in my constituency are each and every road that needs work on. So I will certainly be discussing further, and the minister will get, I am sure, the resolution and form from the R.M. of Bifrost and from the LGD of Fisher-

**An Honourable Member:** Important.

**Mr. Clif Evans:** Yes—to look at that. I would request that the minister's department seriously look at that portion of the road, as I mentioned earlier, about the condition that it is in as far as the boulders, the rocks, the grading. If we can work on getting it some AST or upgrade it even further for that in the next little while or the next year or two, then that would be fine. I think that is one of the problems, the communities there and the people along the road are saying that—and I travel it quite a bit—it is very bad as far as boulders and rocks that are sticking out, in my opinion, and, of course, in the constituents' opinion. I would like the department to consider that.

\* (1710)

**Mr. Findlay:** When there are roads that have rocks protruding and this sort of thing, there is a Sandvik blade that can be used in the maintenance to, you know, shear them off, and the department will commit to looking at the condition of the road and whether the appropriate type of maintenance is going on, given what the member has said, for future consideration of how maintenance will be carried out on the road.

**Mr. Clif Evans:** Mr. Chair, I thank the minister for that because I feel strongly about that, that is one of the PRs that I think, if it were looked after under the maintenance program a little more, you and I would not be hearing—

**An Honourable Member:** Demands for upgrading.

**Mr. Clif Evans:** Right. So I would appreciate the department looking at that, certainly.

I would like to touch on another road that has, again, been another long-standing issue in the constituency and that is 325 from Highway 17 going west. I believe

it has gone through some of the hoops that are required. I was talking to the LGD council today in Eriksdale. They were just about all over there. They and I, especially, but they, more, would like to know, when is construction starting?

**Mr. Findlay:** On which stretch?

**Mr. Clif Evans:** On the new portion from Highway 17 west. I believe it is 10 miles.

**Mr. Findlay:** Something like that, yes.

This has been an issue that has been going on for some time and I think the member realizes there is maybe not 100 percent agreement as to what should be done here. The survey as to the new alignment, which he is referring to, the survey has been completed, but the acquisition of property has not commenced yet. In new alignment the property has to be acquired. That is a process through Government Services Land Acquisition branch that is yet to take place.

**Mr. Clif Evans:** I wonder who is pulling my leg then. I was again told today that there is no problem with the land acquisition—we have discussed this before. I understand from councillors that there is no problem to acquiring that land and it should have been acquired some time ago. There was at first, perhaps, a little bit of a problem acquiring it. I might even venture to guess maybe nine months that there that there has not been a problem. We have always been told that has been the holdup to get things going. I am going to further look into that, but I do not know how much of that I want to take in good faith as far as if there has been no action taken on it. On one side I am being told there is no problem, and on the other side I am being told that we are waiting to do anything because of it. Where is the balance? Who is at fault?

**Mr. Findlay:** I do not think anybody is at fault. I am just saying it has not taken place yet in terms of land acquisition. We cannot build a road until the land is acquired. I am not saying there is a problem. I am going to remind the member I have heard that many times and then the land buyer moves in and all of a sudden you get people who suddenly have a different opinion about the value of what their land is.

I take the member's word. Obviously the council said to him that there is no problem acquiring that. The Land Acquisitions branch needs to get on with the process of acquiring the land. We do not say there is a problem, just that that has not happened yet. It is never a guarantee that land acquisition is easy. It often runs into an obstacle and I get far too many requests for expropriation arriving on my desk and I do not like that, but it happens with the very best of intentions sometimes.

I would ask the member to take that comment with a grain of salt that there is no problem. We need to get on with the process of acquiring the land, that is for sure. Let us hope it goes according to his expectation, but until that is done, nothing more can be done in terms of programming it for construction.

**Mr. Clif Evans:** I understand the minister's feelings on expropriation. I am well aware of that. Who are we waiting for, then? Are we waiting for Government Services to go ahead with the final completion of the acquisition, or is it something that the minister's department should be requesting of them? How can we get the process moving then?

\* (1720)

**Mr. Findlay:** I will not say there is any problem anywhere other than that the process needs to get started, but I received the member's input. Yes, it needs to get going, and I hope that what you say is right, that there will be no problem in the acquisition process. It could well get going in the next very short period of time.

**Mr. Clif Evans:** The minister knows me well enough, too, to know that if I am being told something—

**Mr. Findlay:** Take it at value.

**Mr. Clif Evans:** —I take it at value, but then it better come out to be the way I was told, also. But the point that I do want to make is that once we get this land acquisition over with, is the department, have they confirmed the fact that the construction of that road, the new construction of that road, will start at Highway 17? Once the process is duly finished, the acquisitions,

whatever has to be done yet, are we starting at Highway 17? Has the department indicated to the LGD that the beginning of construction will begin at 17 going west?

**Mr. Findlay:** If I understand the member's question, he is asking about whether the construction should start at the east end or the west end of the stretch?

**Mr. Clif Evans:** I am not asking that.

**Mr. Findlay:** You are not asking that.

**Mr. Clif Evans:** I am not asking whether it should start—either/or.

My question was specific. When the construction starts on that new road and once everything is done, is it starting? Is it going to be starting? Has the department indicated anything different to anybody? Is it starting at Highway 17 and proceeding west? That is my question.

**Mr. Findlay:** Is there any problem with starting at 325 and proceeding east? The member has a problem. I want to know it. I mean, if you are going to build a road from here to there, does it matter which end you start at? In terms of when the project is tendered and the contractor wins the tender, given climatic conditions, he probably will decide which end would be most appropriate to start at. If it is a matter of which portion you do first, if that is the question, or is there another question the member is asking here?

**Mr. Clif Evans:** The concern is the numerous amount of letters and petitions, resolutions that have been circulated in the last couple of years to begin that construction, not only to have the construction done, but to begin it at Highway 17 and proceeding west. If there is any problem otherwise, then I would hope that there would be an indication either from the contractor or from the department, stating why it cannot proceed from Highway 17 going west and the reasons for that. But I have seen nothing nor heard anything specific about going any other way but from 17 west, on the new construction. I have not been shown for any other reason it should be any other way. Nobody has indicated that to me.

Obviously, the people who signed a petition and/or have been working with this to get this done have their reasons, and I have seen nothing otherwise. Mr. Chairperson, 17 west is the desire in the letters and the petitions that I have seen. So I am asking the minister, can he indicate to me today and to the community that that is where the construction will begin?

**Mr. Findlay:** Is the member playing a little politics between Ashern, Hodgson and Fisher Branch, or is he caught up in the politics of there?

I will tell the member, and I think he has probably heard that Ashern Co-op has talked to me and said they want to build a fertilizer location there, I guess close to the vicinity of 233 and where the new road would intersect. And as I said earlier, the project is of such a size that you would undoubtedly tender it as one project. You would not do pieces, so what I said earlier was, you tender the project, the whole stretch.

Now that portion between 233 and 17 is considered to be a little boggy, a little low. If it happens that it is tendered at a time when that is wet, I would think the contractor would want to work on the portion west of 233 first as opposed to the portion east. But it would be a contractor's decision.

I mean the fact of whether you work one stretch or the other stretch, it is part of the whole project, one project, not split into pieces. Either stretch is really too small a project to get an attractive tender on. You do it all as one. So it does not matter which end you start at. You are out there to do the whole thing. So I do not understand why that is not sufficient. I am not going to order the contractor to start in the boggy part, if it is more cost-efficient for him to start at the west end and work east.

**Mr. Clif Evans:** I am not sure what the minister is indicating or trying to indicate whether there is the type of politics being played. I think he is well aware of the situation there. I hope that he is also well aware that the portion west from 325 to Ashern was very conveniently fixed up while there were a couple of ministers coming out for pancake breakfasts. So if we want to play politics, then I have indicated to the

minister before that that is not where I want to come from and that he has agreed with me on that.

All I am asking is, if there are reasons and you can provide them to the communities for where it should start, they are asking—the minister is well aware of it. His office has been phoned many, many times about it. So I am asking on behalf of what they are asking. Where are we going to start with this road?

I have seen nothing from Ashern east, nothing in resolution form, letter form or any indication from anybody to me or copied to me, addressed to you, indications coming from the west side, from the Ashern side. And that road, yes, that portion of 325—of course, I would like to see that done too, and we have talked about it. I would like to see that 325, right from 17, be totally upgraded. It is going to become a very vital link between the Ashern-Moosehorn area, the Fisher Branch area and the Arborg area, very vital, and Riverton area. So it is something for down the road that I would like to see come across.

\* (1730)

My question is, the only thing that I have seen on the books, as you call it, is that portion of 10 miles or 11 miles between 233 and 17, or 17 and 233. I have seen nothing else on any books. The minister has not indicated anything else to me, so that is where I am coming from. I am asking.

**Mr. Findlay:** I do not see that there is an issue here. I mean the project will be done, when it is tendered, as a complete project, to do the whole stretch. Whether it starts at the west end or the east end, I do not think it is a material component. If the member has some really particular reasons, we can talk about it later, as to why one favours the other, but I do not want to tie the contractor down. We want to get on with our acquisition of property, get on with the tendering of the project—that is the priority.

**Mr. Clif Evans:** I appreciate that, but I just indicated to the minister unless he can show me within the department books that there is something from Highway 6 heading east towards 233 junction on

Highway 325, anything from any municipality, from any—

**Mr. Findlay:** Upgrade on the western portion.

**Mr. Clif Evans:** Yes. There is not, so then we are concerned right now just with that 11 miles in the middle.

**Mr. Findlay:** We are arguing over nothing.

**Mr. Jennissen:** Some concerns have crossed my desk about roads and not necessarily from my area. I hope you do not object to me just dealing with them. One of them is from a person who is concerned about what he calls St. Andrews road; he lives in Lockport. It is called River Road, I believe, six to eight kilometres. He felt there is a lot of red tape and hassles trying to get this road fixed. He says it is very dusty, and they would like to have a sealed road. Part of the reason is that his child suffers from asthma.

The argument this person advances is that apparently, whenever that road is sprayed for dust, the rain washes that away very quickly, although there has not been much rain lately. The total cost for dust control for one year, he claims, again, I do not have anything to back this up, was \$46,000. He thought that money would be better spent in making a sealed road or creating a sealed road. I believe that cost would be around \$300,000. I would just like the minister to comment on that.

**Mr. Findlay:** I am just looking up the average daily traffic counts on this road. They are fairly high. They run from 600 up to 2000 so it is a fairly busy road, and even more busy in the summertime with tourist traffic going around that stretch.

We have program slope stabilization at the north end right along the Red River. Before we can do any upgrade on the road, the slope, from the department's point of view, needs to be stabilized. There is a three-quarter of a million-dollar job there to do the slope stabilization. That program will happen within the next year, would be my projection. The cost of the base and AST—two and a half million—is the cost for the road surface work plus some improvements to the base, as well as the gravel and pavement. It is a fairly

expensive venture but it is in the chute in terms of happening.

I will just give the traffic numbers to give the member some idea that there is a fairly significant traffic volume there. You get two and a half million plus three-quarters of a million, we are talking here over three million in total. The savings in terms of not doing the dust control at 46,000 is rather small in comparison to the total project cost. If we did not do the dust control there would be complaints this year and next year before the thing was done.

**Mr. Jennissen:** In terms of volume traffic on that road, the person that actually contacted me took the trouble to stand in the dust, I guess, and count cars for an hour, and he said there were 209 so there must be a fair bit of volume.

I would like to turn the mike over now to my friend and colleague from Rupertsland for some questions.

\* (1740)

**Mr. Eric Robinson (Rupertsland):** I do have a couple of questions for the honourable minister. First of all, I think this matter concerns communication that the minister and I had dating back to a letter that I wrote to him on December 7, 1993 concerning the upgrading of PR 304 between Pine Falls and Bissett. The minister indicated to me in a letter that he wrote back to me concerning my letter of inquiry that the portion of the road between Pine Falls and Manigotagan was completely reconstructed and surfaced between 1975 and 1985.

The portion that I was inquiring about in my letter was between Manigotagan and Bissett. I think that the minister and his staff, and perhaps a lot of Manitobans, are quite aware of the condition of PR 304 between Manigotagan and Bissett. I wonder if the minister would be kind enough to give us an update on the extent of upgrading that the road has received to date.

**Mr. Findlay:** The member has asked what is being done, what is being proposed for that particular road. We have done some clearing projects, some brushing along the road. Contracts have been let to people in the

communities of Manigotagan and Bissett. We have done some spot improvements on the road. Traffic volumes are not high on the road. Costs of a major upgrade to the road are very, very high because of the nature of the terrain there. We did some brush clearing and some spot improvements. That is all.

**Mr. Robinson:** I would just like to seek clarification. I thank the minister for his response. One of the things he indicated in his letter to me dated January 25, 1994, as an interim measure, the department embarked on a program, as he indicated, for brush clearing and that these contracts would be done with community councils of Manigotagan and Bissett using local residents. Each contract, valued at about \$39,500, provided for the clearing of 16 hectares, 39.5 acres of brush. I am wondering as to whether or not, indeed, that was fulfilled, and whether or not it was, in the opinion of the minister, beneficial as to upgrading 304 between Manigotagan and Bissett.

**Mr. Findlay:** In our recollection, in the winter of 1994, two contracts were done of clearing, and in 1995 one contract. The member has asked, do we think that has improved the road? Well, in terms of visibility on curves, I would say, it should have, and in terms of giving opportunity for the dust to clear away, you know, more open space, it should have improved the safety of travel on the road.

**Mr. Robinson:** I just have one question related to Highway 304, and I would like to ask a couple of other quick questions on some other areas. There has been a lot of concern expressed to myself, being a representative of that area, with the number of incidences that have occurred travelling on that road with broken windshields, flat tires, and things of that nature. I am just wondering what kind of work is ongoing? I fully appreciate the minister's remarks that it is, indeed, the type of terrain that makes it a very difficult road to upgrade, perhaps, but I am just wondering about the ongoing work and the ongoing upgrading of Highway 304.

**Mr. Findlay:** The department is doing annual grading and spot gravel improvements of traffic gravel, and that is being carried on. On any gravel road there are, undoubtedly, going to be stones flying with regard to

windshields, and if there are stones protruding, in terms of the normal maintenance, staff are to deal with that in the grading process.

Is the member saying that the maintenance is not up to an acceptable standard? In terms of your comments, are you saying that the degree of maintenance that the department is doing is not leaving the road in an acceptable travelling standard?

**Mr. Robinson:** It has been pointed out to me on numerous occasions by people travelling that road between Manigotagan and Bissett particularly, and people that travel it daily have experienced the things I have described earlier, windshields and flat tires. My recommendation to them was that they do an assessment of these things that the people are experiencing and forward that to your department, the department of the minister. I believe that, in some cases, particularly during certain times of the season, the road is, indeed, very dangerous to travel on, and a monitoring process of advising people that it is, indeed, dangerous to travel on perhaps may be in order.

**Mr. Findlay:** Well, I certainly thank the member for his comments on the road. The deputy has driven the road so he is personally familiar with some of the comments you are making.

**Mr. Robinson:** I have a matter concerning Berens River, and I have communicated with the minister and his department on this. The road in Berens River, as you know, is designated as a provincial road even though there are no stop signs. Maybe there are as we talk now. There are no stop signs; there are no signs to indicate a turn or a curve coming up. We have roughly a little over 20 miles of road that has been designated as a provincial road in the community of Berens River.

The problem we have there is, some of it falls within the jurisdiction of the Northern Association of Community Councils or within the Department of Northern Affairs. However, the reserve and the First Nations community of Berens River has asked us to ask this department, the minister's department, if that responsibility of maintaining that portion of the road in Berens River could be transferred over to the First Nations community of Berens River.

I am wondering, as well, if there has been any correspondence that has been forwarded, aside from my letter to the minister, from the First Nations community or perhaps the southeast regional development corporation with respect to the situation that the First Nations of Berens River has outlined to us.

\* (1750)

**Mr. Findlay:** This is a Northern Affairs road. It is not a Department of Highways road. So the Department of Northern Affairs does whatever they do on the road. They may even be contracting with Berens River to maintain it, but it is not a road under our jurisdiction. It is under the jurisdiction of Northern Affairs.

**Mr. Robinson:** Mr. Chairperson, let me get this clear. The road in Berens River is designated as a provincial road, but it is not the responsibility of the Department of Highways and Transportation but rather is the responsibility of the Department of Northern Affairs. Am I correct to assume that, based on the minister's reply?

**Mr. Findlay:** Well, the interpretation the member has made is right. What I said is, although it is shown on our map, and it is showing its designation as other roads, it is not a road that is under the jurisdiction of the Department of Highways. It is a road within the province, but it is under the jurisdiction of Northern Affairs. It is classed as a Northern Affairs road.

**Mr. Robinson:** Mr. Chairperson, I am confused. I did not know there was a difference between a Northern Affairs road and a provincial road. I am quite familiar with roads on reserves. We call them trails, but we do travel on them with vehicles. Based on what the minister has told us here, I wonder if he would advance that information to the Berens River First Nations and the Berens River community council.

**Mr. Findlay:** You want us to transmit that information to Berens River—no problem.

**Mr. Robinson:** One final question on my part here, and that is the construction of the right-of-way and the utility revisions related to the Churchill spaceport

development road in Churchill. Of course, we anticipate a lot of activity in Churchill, and we read with great interest the government's release of March 20 that there was going to be indeed some expenditures related to the potential development of the spaceport in Churchill. I am wondering at what stage of the planning this department is. With the development of the road, what local resources, particularly manpower, will be utilized from Churchill?

**Mr. Findlay:** With regard to this stretch of road, which is some 19 kilometres from Churchill going east towards the spaceport, survey and design have been programmed as well as acquisition of right-of-way along the 19 kilometres and some utility revisions along the stretch.

That is what has been programmed so far. Any actual construction is yet to be programmed. The expected cost of that construction is around \$8 million. So it is a fairly significant project. Whether that is proceeded with is clearly dependent on whether the Akjuit projects successfully keep moving along, and my understanding is they are out raising funds right now towards their capital expenditures. If they are going to proceed on that, then naturally we have to get on with the road. So the construction of the road is yet to be programmed and is somewhat contingent on successful capital raising by Akjuit and then committing to their capital projects on the site.

**Mr. Clif Evans:** Mr. Chair, just alluding to something that my honourable friend from Rupertsland (Mr. Robinson) talked about, the Berens River road, the minister indicated it was Northern Affairs' responsibility. Can the minister then tell me whose responsibility is the portion of road from Dallas north to Jackhead Reserve?

**Mr. Findlay:** That is a main market road. It is our responsibility.

**Mr. Clif Evans:** Mr. Chair, has the minister received any request or any correspondence from Jackhead First Nations chief and council with respect to upgrading that road in the last two years, if he is aware?

**Mr. Findlay:** Yes, part of the long list of requests.

**Mr. Clif Evans:** Well, I will be seeing chief and council in the next couple or three weeks and will certainly indicate to them that you are more than willing to meet and discuss the road from Dallas to Jackhead.

**Mr. Findlay:** It is a long road.

**Mr. Clif Evans:** Yes, it is, and it is also a very, very rough road. Is there a maintenance program at all for that stretch of road to just upkeep it?

**Mr. Findlay:** There is a structure on 224 just east of Dallas, a bridge that is under construction right now, and on the road you are referring to there have been spot improvements, but maintenance, gravel as necessary, is certainly applied to the road. I think you were asking for a larger consideration in terms of, I am sure, a great improvement.

**The Acting Chairperson (Mr. Radcliffe):** The time is now 6 p.m., committee rise.

#### NORTHERN AFFAIRS

**Mr. Assistant Deputy Chairperson (Gerry McAlpine):** Will the Committee of Supply please come to order. This afternoon this section of the Committee of Supply, meeting in Room 255, will resume consideration of the Estimates of the Department of Northern Affairs.

When the committee last sat, it had been considering item 1. (a) on page 124 of the main Estimates book. Shall the item pass?

**Mr. Steve Ashton (Thompson):** I was in a number of the other committees, so I did not have the opportunity to ask a number of questions related to Northern Affairs. What I would like to do is just briefly ask, and I realize the minister does not have his staff at the table with him, I am not expecting an answer at this point of time in terms of the specifics, but I would be certainly appreciative if the minister could respond, perhaps in writing, to the concerns that I will be expressing.

I want to raise a very basic concern that is a major concern of a number of my communities under the

jurisdiction of the Department of Northern Affairs, particularly in the community of Nelson House, the community of Thicket Portage, the community of Pikwitonei, and, of course, Ilford is in a rather unique situation, now being transferred to reserve status, and also, of course, I represent the community of Wabowden, a further community, as well, which is under the jurisdiction of the Department of Northern Affairs.

I want to ask the minister, in particular, if he could respond in terms of the status of some of the basic services in the communities because this is a major concern, and I will not get into some of the more political elements. I must say that I have had people in a number of communities wonder if they even have to change the name of the community to Winnipeg Jets to be able to get the most basic service, Mr. Chairperson, because there has been some questioning of priorities. I know in Thicket Portage, in particular, people have written even to the Free Press, et cetera, pointing this out. If the minister could respond, and as I have said, I would be more than glad to accept it in writing, I am not expecting a detailed response.

Now in terms of the status of sewer and water in the communities that do not currently have sewer and water, whether it be Thicket Portage or Nelson House. Pikwitonei, of course, received it for half the community and is receiving it for the other half of the community, so it is in a different status. So that is the first question.

The second is in regard to provision of line power. This has been an area which has been kicking around, and it affects Thicket Portage and Pikwitonei quite directly. There have been negotiations between Hydro and Northern Affairs to this regard, so I would appreciate some information from the minister as to when he would anticipate those negotiations being completed because those communities are very, very anxious to see that kind of power. It is going to be important not only for the comfort of people in the communities but also for future economic development.

The other question I was going to raise too—and it is not directly in the jurisdiction of the Minister of

Northern Affairs but it does relate to another significant concern in many Northern Affairs communities—is in regards to housing. As the minister is probably aware, the federal government has withdrawn almost entirely from social housing. We are in the situation where there is going to be a complete lack of new units available in many Northern Affairs communities and some question as to the degree to which funding will be available to repair housing. I am raising it in the context that the minister responsible for Northern Affairs may, for example, raise this with other ministers, particularly the federal minister. It is certainly a major concern.

The final area I want to deal with—and I will accept, again, something in writing on this, I have raised it in the House and will be continuing to raise it—relates to the implementation of the Northern Manitoba Economic Development Commission report. I am not talking, by the way, about the area that the minister covered, which is the northern board, the northern organization that is still subject to discussions, negotiations, et cetera, but the commission pointed to numerous areas for what they called immediate potential.

I point, for example, to road construction although, unfortunately, the government in the subsequent two years actually cut it back. I know the minister, from his experience at the meeting in Thompson earlier this year—when I know everybody was looking for the Minister of Highways (Mr. Findlay), and since the Minister of Northern Affairs was the only minister there, he ended up perhaps being the messenger-boy, did he get the message. I can testify to that, the unhappiness of many northerners about the road situation.

I put it in the context of the commission. They recommended that. They recommended action on sewer and water. They recommended action in a whole series of areas that they saw for immediate potential. I can document from the plan of action they drafted, the preliminary draft. I participated—many of the workshops I know—it was a very good report, and I commend everybody that was involved in part of the process. The concern in the north is make sure that is does not sit and collect dust. There is a lot that can be

done. It is not dependent on that northern board. That is part of it; there is a lot more that can be done as well.

What I would appreciate from the minister—and once again I am not expecting an immediate response but even a written response as to what has been done thus far, at least what the minister feels in his opinion has been done, if the minister can take the rest of the report and look at what the time frame is for the rest of the report.

Quite frankly, what I would suggest, Mr. Chairperson, just to conclude on the commission, what should be done is that it should be sent to each and every department. I would suggest make this a recommendation of the minister that each department be asked to look at ways in which it could assist in the implementation of the commission's report, because it crosses virtually every department. Then I would hope there would be some benchmark process, because it would be a real shame if \$1.3 million of money, a lot of hours of effort, a lot of good ideas, were not to be implemented because of the lack of follow up.

I stress again that it is not just the minister's department; I am not blaming the minister per se, I am not blaming anyone. I think, over the two years now that we have had the report completed, I would like to have seen action, but there is some timetable now that can be developed. I believe it should be a very specific timetable. It is really important.

With those comments I apologize again to the minister for not being able to be in the committee earlier when these items would have been more easily dealt with under these specific lines, but if the minister can respond to any of those concerns it would be appreciated. I must apologize too, Mr. Chairperson, I have another meeting I have to attend, so I will not be able to listen to any of the comments of the minister, but I will certainly read his comments in Hansard if he wishes to respond, and any information in writing would also be appreciated. Thanks.

**Hon. Darren Praznik (Minister of Energy and Mines):** Mr. Chair, if the member cannot stay for the answer, then I am not going to provide one to the committee. We will endeavour to answer some of his

specifics in writing with respect to specific communities.

**Mr. Jim Maloway (Elmwood):** I have a few questions for the minister. Once again, before I begin I would like to put on the record that my reasons for raising the questions are concerns over the accountability of this cabinet in awarding tax dollars and certainly not a reflection on the Manitoba Metis Federation.

I would like to ask the minister when he received a copy of the Sheila Jones Morrison book, *Rotten to the Core*.

**Mr. Praznik:** Mr. Chair, I have been a member of this Legislature for seven years. I look to some of my colleagues who have been here a lot longer. To be quite honest with you, I cannot believe the previous statement of the member for Elmwood. It has to rank as one of the most silly statements that has ever been made at a committee.

The member for Elmwood just said the reason why he is questioning the payment of dollars to the MMF for decisions by cabinet to provide or grant funding for whatever means to the MMF has nothing to do with the operation of the MMF, that he does not in any way want to question their decisions or operations. So one must only assume then he wants to question the decision of government to fund the MMF.

I mean, that is the only logical conclusion from his statement. It is absolutely silly. From all of the questioning that he posed the last evening on this issue and from the questions in the House, I would take his comments to be that he has grave reservations and concerns about the operation of the MMF and the question of not whether the government should continue funding that organization.

As I said to him last night, our people in my department who deal with all of our various grants that we provide to various organizations were made aware of the Deloitte and Touche report when it came up by the interim board. They met with the interim board. They had very significant discussions about the interim board following the recommendations outlined in that

report, following the election of a new administration and ensuring that public money, of course, is properly used.

The staff of the department met again with representatives of the MMF who were the new administration, went over the Deloitte and Touche report, had undertakings given to them about what processes the new administration was undertaking to follow as they try to correct their financial situation, and as I indicated last night we are awaiting the results of this year's audit to ensure that they have in fact done what they said they would do.

\* (1510)

So the only logical question that one can take out of this is that the member, like the public in reading this book or anybody else, would be questioning how the MMF handles its matters internally. For the member to come here today and somehow imply he is not questioning the MMF, that is exactly what he is doing. At least he should be honest enough to say that as opposed to weasel out of it with that kind of statement. I think it is absolutely abhorrent.

The member is trying to be on both sides of the fence. We saw him come to the House where he impinged on the honour of the member for Lakeside my colleague Mr. Enns, somehow implied that the member for Lakeside has provided a political favour to the MMF in his region in the purchase of a building to be used as a hall.

We only learn, when we investigate this matter, that the original decision to approve that grant was made by his colleague, one Ms. Wasylcya-Leis when she was the Minister of Culture and Heritage. Not only did she write to that organization to say the grant was approved, but the minister, the then minister, his colleague, a New Democrat, sent the letter one week before the 1988 election. Now, does not that raise the question of whether or not the government of the day was using that grant to try and court favour during the election campaign?

That raises a question as well, so I think the member should come clean in his motivation. I think the

member should indicate clearly what he is looking for and not try to attack an organization on one hand and then on the other hand say, well, we are not trying to attack you. It is absolutely ludicrous. I would hope that he would at least do the honourable thing and come clean with the purpose for his questions.

**Mr. Maloway:** Mr. Chairman, what we are interested in discovering, and we are having a very difficult time discovering, is this government's and this minister's role in the granting of funding to this particular organization. We are taking time to ask the minister questions in that area and we are waiting for answers.

We have found over the past that we can ask ministers of this government time and time again for information over a period of months and months and months, and we never, never, never get the responses. Now it is this minister's responsibility to see that funds spent under Northern Affairs are properly accounted for. I would like to ask the minister how much money has been recovered as a result of provincial government action over the last while. He indicated last night that he has read the Deloitte and Touche audit. He is aware that it only covered a very short period of time. I would like his comments on this.

**Mr. Praznik:** First of all let me correct the record, because the member again his memory from last evening is not quite accurate. I indicated that I had read the accompanying letter to that report personally, but my staff in the department, who monitor all of our grants and payouts and who are charged with that responsibility of monitoring these matters, had reviewed the report, the Deloitte and Touche report which, if the member has endeavoured to view it, is a very thick report, and I did not say that I had read the whole report, so I certainly want to clarify that on the letter.

The member indicates that the purpose of his questioning is to determine the reason why this government, if I understand him correctly, has made any grants to the Manitoba Metis Federation. Well, I would remind the member that the Manitoba Metis Federation—like all books that come out, one side of the story is told accurately or inaccurately or without all information. That is in this book, and he seems to rely

on this book. The Manitoba Metis Federation has been an organization in Manitoba that goes back to the early 1970s, and that the party of which he is a member was one of the first governments to decide to fund that organization. I would take it, if you look at the record of the time, the reason why Premier Ed Schreyer, a New Democrat, and his government provided core funding was to support an advocacy group, a group who would do work in the Metis community of Manitoba, a community that did not have at that time, or up until that time, an organization to represent its views in dealing with government and programs.

I can only assume that that was the initial decision. The reason for that carried through a number of governments. Whatever the relationship was between the MMF and the government of Premier Lyon, that funding ended at that time, but the government of Mr. Pawley, although the member for Elmwood (Mr. Maloway) was not a member of it until some years later, but it was his party that reopened and began again the funding.

The reasons I leave to them to answer, but when we came to power in 1988, the MMF was viewed by, I think, government as being an organization which, to the degree that any organization can represent a group of people, provided an avenue of representing Metis views and interests on a host of different issues of concern in the province. We continued that process that his party had in fact begun. I would assume it was for the same altruistic reasons as we carried them forward.

If the member wants to refer to the book or raise questions about this, I would just remind him to look at this book because it is interesting. On page 53, the author describes MMF in the 1970s, that it had become the Metis bureaucratic arm of the provincial NDP government.

The author goes on, on page 58, to indicate that John Morriseau, who, I would remind him, was his party's candidate in Ste. Rose in this last general election, after fighting with the then-provincial government, resigned, citing failing health. And I quote: the MMF survived thanks to a provincial election that saw the return of the NDP to power. Morriseau quickly recovered his health

to take the position of Deputy Minister of Northern Affairs under the new government.

So, if one reads this book and accepts all its premises, it would appear that his party got into funding the MMF in the 1970s as a political action tool, a way of organizing people in support of the New Democratic Party. That is very much evident in this book. I am not going to argue that case one way or another. I think the member may want to comment on that.

I can tell him this. When this administration came to power, the MMF was viewed as a group that represented a significant portion of the Metis community—no organization, even the Assembly of Manitoba Chiefs does not represent all aboriginal people in the province. They offered a means of providing input into a variety of government policies and programs, which was worth supporting. I would tell the member, as an MLA that contains a constituency with a fairly significant Metis population, that the MMF, particularly in the housing area from my experience, has an ability through its locals and its groups of reaching out to a significant segment of people in our population in a better way than government bureaucracies have. They can be a very effective delivery agent, because many people feel much more comfortable dealing with the MMF and its locals or the housing branch than they do with provincial government bureaucracy.

That in itself suggests that they have a role to play. That is why this provincial government has continued the financial support that his party reinstated in 1981, although it has been reduced somewhat in the core funding. The MMF, like any other organization, from time to time, has applied for other grants and programs like Community Places, et cetera, and his party in power has supported it. One could make the argument, if you follow the book, that the New Democrats approved those grants purely for political reasons. I would hope it was somewhat more altruistic than that.

In the case of our government, it was because we viewed them as a valid organization, like many others in this province, that dealt in the provincial area jurisdiction. Until one has proven otherwise—and we

may be proven otherwise at some point—one will continue to work with that particular organization.

The member has come to the House and to this table on numerous occasions making suggestions of wrongdoing, and yet he offers no proof nor does the author.

There is the Deloitte and Touche report. We have indicated that when the interim board came forward with that report, that our staff in the department who normally monitor this reviewed the report, met with the interim board, discussed the steps that would be taken, that the issues at hand were certainly issues that have to be dealt with.

\* (1520)

The new administration took office. Our staff met with that administration, had assurances, and from all the things that appeared to be happening, they were taking steps to correct the problems that they have in their bookkeeping and accounting methods, that dollars were being recovered on loans and things. Obviously, that was a year ago.

When we receive this year's audited financial statement, it will be the proof to us, should be the proof, that the MMF, the new leadership at the MMF, has, in fact, followed through on the commitments that they had given us, followed through on their undertakings. If they have not, then we, of course, will have to review whether or not we fund them as an organization, and as will their other funders.

I would remind the other member as well that we are not the only funder of this organization. The federal government, the Government of Canada, is also a funder, and they have the same reviews of the Deloitte and Touche report, et cetera, and they are, to the best of our information, of the same view as the one that my staff presented to me.

**Mr. Maloway:** It is time that this minister lived up to his responsibilities to the taxpayers of this province and ordered a forensic audit to find out where all of the money has gone into this organization, and the minister should know that the Deloitte and Touche audit report

that was done was not a forensic audit. It did not go back sufficient periods of time, and for the minister to hide behind shrill rhetoric at a committee meeting, he will find that it will not work. There are too many people at this time asking too many questions.

This minister cannot run and hide forever. He has to come out, he has to come clean, and he has to order a forensic audit. I believe that if he will not do it, I think the Provincial Auditor will at the end of the day.

**Mr. Praznik:** Well, when one speaks about rhetoric, the member for Elmwood may be the king because it is very easy to come here today and demand that this minister, this government, order a forensic audit. First of all, the organization, the MMF, is not an organization that is part of the provincial government. I ask him, under what authority do I have the right, under law, to order that audit?

What I do have, as I said last night, is the decision to question whether or not this province will continue to fund that organization, and based on the Deloitte and Touche report—by the way, I have to ask the honourable member, if the accusations, or his sense of accusation is so strong, why the interim board, made up of a gentleman whom, I know, he admires greatly, the Honourable Edward Schreyer, and two other individuals, did not themselves as an interim board order a forensic audit? That was certainly in their purview to do while they were in charge of the organization. They had ordered the Deloitte and Touche audit. They had received it. They had reviewed it, as the member for Elmwood.

So I have to ask the question, as does my staff when we have discussed this, if the allegations are sufficiently serious enough to warrant this forensic audit, as the member wants, why did not the board undertake to do that? Why did not Edward Schreyer undertake to ask for that as an interim board member?

It was not done, and I suggest to him it was not done because the concerns expressed in the Deloitte and Touche report talked about process and account, the methods of which the operation and organization was run, and, consequently, the interim board undertook to correct those problems.

The new administration has also undertaken to follow through. They have some time to see if they, in fact, will do that. If they do not, like any other organization, then their funding, whether or not they are funded in future years, will be a question we will ask as we get into the next budget cycle. In fact, whether or not their funding this year continues will be dependent upon whether or not they follow through, and we will know that shortly when we receive the last year's audited statement.

So I have to ask the member as he points to this government and asks of us to do things which neither the federal government felt were necessary, which the former Governor-General of Canada, Mr. Schreyer, did not feel was necessary or the other interim board members did not feel was necessary, so I ask him on what basis does he request that I, as minister, take the step?

Remember, the step that is truly open to me is to cut off funding today. If that is what the member wants me to do then I will accept that, if he can give me a reason why that step should be taken when neither the former Governor-General of Canada, Mr. Schreyer, nor his fellow interim board members, nor the government of Canada has taken that similar step. If he can provide me one, I will certainly entertain it. I will certainly give it full consideration. What I have gotten from the member today is nothing close to it.

**Mr. Maloway:** Mr. Chairman, I would like to ask the minister whether he can tell us how much money was paid to consultants during the past six years from the MMF funds.

**Mr. Praznik:** First of all, Mr. Chair, the information would be available to him as well as to me in the financial statements. I do not know if he has requested them or not. I notice that the member has waited to ask these questions when my staff is not available, but I believe we would have it. I look to my staff at the back of the room. I believe we would have the audited financial statements going back probably many, many years, at least 10 years of the MMF, and we would endeavour to make those available to the member for Elmwood if he would like to ask our staff for that information.

**Mr. Maloway:** Mr. Chairman, I would also like to ask the minister what the status is of the land claims negotiations with the MMF.

**Mr. Praznik:** Well, Mr. Chair, my understanding is we do not have land claim negotiations with the MMF. The MMF began a case under the Manitoba act some years ago as to a host of issues that they felt were not resolved in dealing with an entitlement to land by Metis people. The issuance of scrip by the federal government of the day, two provincial statutes which were designed, I believe, initially to protect the holders of that scrip and their particular effect. There is a host of issues.

I have had the privilege on one occasion of listening to former Mr. Justice Berger, who is their lawyer on this particular matter, as he outlined some of the issues. I am not in entire agreement with the position he takes. But the MMF pursued for a period of time that matter before the courts, as is their right to do. I would hope the member for Elmwood is not challenging the right of any citizen or group of citizens to test any issue before the courts.

We do not have a negotiating table because we, as a province, have not accepted the issue of an unfulfilled land claim. So consequently there is not a negotiation on land issues, but the MMF has talked from time to time, particularly the new president, about returning to court at some point in time. That is not a matter which I understand has gone forward. That is an internal matter he should address to the MMF.

**Mr. Maloway:** Mr. Chairman, how much has this government spent on preparing the MMF land claims negotiations over the past six years?

**Mr. Praznik:** Again, Mr. Chair, the member for Elmwood—I wish he would have asked these questions under the various grant lines when my staff would have been available here. Needless to say, I must say I have never known the member for Elmwood to be entirely wanting to get to the facts so I have to assume that is why he waited for the Minister's Salary portion.

But I can tell him this, that information is not one that I have at my fingertips because he is asking that I go

back over a number of years. I would assume, and that is all I can do at this point in time, is assume that what he is referencing is the dollars that the Department of Justice would have expended in presenting the provincial side of the case when certain matters that the MMF have raised have gone before the courts. That is all that comes to mind at this current time and, as the member knows, I do not have access to my staff to find out if there is more to it that goes back over a number of years when I was not the minister.

\* (1530)

**Mr. Maloway:** Could the minister tell us what the term "the football team" means or refers to in these negotiations?

**Mr. Praznik:** Perhaps the Winnipeg Blue Bombers, I have no idea, Mr. Chair.

**Mr. Maloway:** Can the minister tell us how much provincial money has gone into Kingo [phonetic] Corporation through the department?

**Mr. Praznik:** As I have said earlier, I do not have that information handy. If the member had bothered to ask, when I had my staff, under the various lines and discussions we had last night, I could provide him that at this time. I will endeavour to find out if in fact there have been any dollars spent to that particular company and will endeavour to respond to him.

**Mr. Maloway:** Would the member also tell us the list of the current board members of Kingo [phonetic]?

**Mr. Praznik:** That information, by the way, is public information. I think the member can go look it up for himself at the Corporations branch, or we can provide it to him if we even have that information.

**Mr. Maloway:** Are there any provincial government appointees on this board?

**Mr. Praznik:** Which board is he referring to—the Kingo [phonetic] Board? In my year and a half as Minister of Northern Affairs, I have never come across a board for a company called Kingo [phonetic] to which I have recommended appointments.

**Mr. Maloway:** Could the minister tell us how much provincial money has gone to 2381579 Manitoba Ltd.?

**Mr. Praznik:** I cannot, as I have said to the member before, if he had asked these questions, if he had done me the courtesy as minister to ask these questions under that appropriation line when staff were available, I could provide him with the specifics if and any monies were provided to that specific corporation. I look to my staff at the back of the room, and they are shaking their heads that they do not believe that there are such funds.

I can tell him that the MMF has existed since the late-'60s, early-'70s, and in response to his question yesterday when he asked for lists of grants that the MMF might have wanted, I can tell him that our staff started going through the archives and we were able to go back starting about the 1980s, 1981-82 so far, and there is a rather extensive list in that particular period. When we compile our information, we may be able to provide it to him.

**Mr. Maloway:** I would like to ask the minister whether the minister has approached or has he been approached by senior staff of the Department of Justice concerning irregularities in tax dollars spent, and can he confirm that they are conducting an investigation?

**Mr. Praznik:** No, I have not been contacted by senior staff or any law enforcement staff, by any law enforcement agency regarding the MMF. I have no idea whether or not there is an investigation. If the member is aware of one being conducted, I would appreciate knowing. Obviously the minister having that information is important, but to date no one, including the member for Elmwood, has provided me with any such information.

**Mr. Maloway:** Mr. Chairman, has the minister requested copies of all reports, papers and memos dealing with the relationship of the previous Minister of Northern Affairs and his dealings with the previous president of the Manitoba Metis Federation and the current Lieutenant-Governor?

**Mr. Praznik:** Mr. Chair, I do not understand the question that the member is asking me, whether or not

I have requested all papers dealing between my colleague the former minister. I imagine one could ask, I wonder why the member is not asking for the same papers for every previous Minister of Northern Affairs going back to the 1970s if he is truly concerned about the issue he has raised.

No, if the member has some allegations of wrongdoing that he wants to make, I would appreciate it if he would make them please so that we can then follow through to find out if they are true or not. If they are in fact true, if there are legal matters that the member is suggesting that he has information to, I ask him—indeed, I challenge him—to come forward and put them on the table. We want to know about them. To date, we do not know about them. If he has information he wants to provide in confidence or publicly, please bring it forward. We will investigate it. We will pursue it. If there is wrongdoing in this or any other organization that government is funding, if there are illegal activities going on, then certainly that would give us immediate grounds to suspend our funding. I would ask him to please provide that information so we can deal with it. Continual innuendo without any basis or specificity is of very limited use to any of us.

**Mr. Maloway:** Does this minister have copies of all reports that have been paid for by Manitoba taxpayers in grants to the MMF over the past six years, and will he table them to this committee?

**Mr. Praznik:** You are asking whether I personally have copies of all reports? I have not been minister for six years. If the member is asking whether or not we have reports that we had funded the MMF to prepare for us as a department, I look to my staff. I am not particularly aware of any. I will endeavour to check to see if any exist. But it sounds to me somewhat like the member for Elmwood is doing some fishing here. They do not exist. I look to my staff. They are telling me there are not any of the category that he asks for.

**Mr. Maloway:** I would like to ask the minister that, given it has been confirmed that the author of the book was offered \$50,000 not to release the book, and that the controversial aspects of the book primarily relate to the activities of the current provincial cabinet ministers,

including this minister, why have this book and the audit not been turned over to the RCMP for an independent investigation?

**Mr. Praznik:** Mr. Chair, I find this absolutely remarkable. Obviously, the member has not read the book. Let me just make a few quotes from the beginning of the book. I think it is important to appreciate that one of the premises on which the author writes, and again I refer him to page 53, where I quote. This is talking about the MMF and its early days of the 1970s, and I quote: The MMF had become the Metis bureaucratic arm of the provincial NDP government.

The provincial NDP government. Right? Then we make reference to Mr. John Morriseau who was their executive director until recently, and Mr. Morriseau was also the New Democratic Party candidate in Ste. Rose constituency. Perhaps the member is suggesting that I should be turning over this book to the RCMP to investigate Mr. Morriseau, his party's candidate recently in Ste. Rose. I must say the voters of St. Rose were wise enough not to send him to the Legislature but return my colleague Mr. Cummings. The reference there in the 1980s when Mr. Morriseau was president and continually fighting with the government, the Lyon government of the day, the provincial government of the day, cut all of the funding to the MMF. I remember the New Democratic Party urging, supporting, demanding that funding be reinstated. The member for Elmwood's party demanded that funding be reinstated, and I quote again from page 58: Mr. Morriseau resigned, citing failing health. The MMF survived thanks to a provincial election that saw the return of the NDP to power. Morriseau quickly recovered his health to take the position of Deputy Minister of Northern Affairs under the new government.

So a major section of this book deals—and I am not saying whether the author's accusation is true or not, I am not going to be the judge of that, but the major premise in the beginning of this book is how the New Democratic Party made the MMF or created or used it or whatever to be an electoral tool for itself and was quick to restore funding in 1981 and all of those types of things.

\* (1540)

So obviously if the member is wanting this to be turned over to the RCMP to investigate the actions of his former colleagues, if he wants that, please state it. With respect to references to myself and some of my colleagues, I just point out, let us deal with some of those. On the tripartite issue where the accusation is made that we came into power and the honourable Jim Downey immediately developed a tripartite agreement with the federal government and jumped in and funded. Well, the member for Elmwood (Mr. Maloway), who became a member of this Legislature in 1986, he should remember that the negotiations for that tripartite agreement started in 1985 when the New Democratic Party was in government.

In fact, at that time, 1986-87, I remember working for the honourable Jake Epp who was the federal lead minister in the province, and the provincial New Democratic government was a big pusher for that tripartite agreement. All the work was done and completed and laid out when this administration came to power in 1988, and Mr. Downey, on reviewing the situation, agreed to participate in it, but the initiation for that agreement came from his party.

Perhaps we should ask the RCMP to investigate that part of it. Now let us deal with a couple of the other issues. The member has made accusations, as does this author, with respect to the member for Lakeside (Mr. Enns). And what was the member for Elmwood's (Mr. Maloway) big accusation in the Legislature the other day? That the member for Lakeside provided a \$40,000-and-some Community Places Grant for the MMF local to purchase a building and community hall.

You know what we find when we go through the records? We find that that grant was approved and a letter went out from one Judy Wasylcya-Leis. I have to ask the member for Elmwood if his memory has faded or failed him as to who Judy Wasylcya-Leis was. Do you remember her? She was an NDP cabinet minister and she sent out a letter on the 18th of April, a week before the provincial general election. One could certainly have been accused of having sent out that letter and hundreds others across this province in an attempt to buy votes in that election in which the member's party was fading quickly from any hope of being in office. She approved that grant; the cabinet, of

which that member's leader was a part, approved that grant. How quickly the member for Elmwood forgets.

What happens, of course, is they lose the election. Our party came into power. There were thousands of dollars more promised and I believe at that time we made reductions in everyone's grant. The member for Lakeside (Mr. Enns), as the local MLA, took out the cheque as did previous government MLAs of his party when it was in power—and the member for Elmwood rises in the House and makes these accusations.

He raised another particular issue. I know the Minister of Natural Resources (Mr. Driedger) was getting him the information on that, but I would not be surprised if the same result came out.

Now let us deal with the accusation with respect to me as Minister of Northern Affairs. This book, of which the author by the way did not even have the common courtesy or good scholarship to contact the parties that she was naming and come and speak to us; she did not even bother to do that. When I went to university that was not viewed as very good research. The member talks and references the fact that I withheld the funding, the quarterly payments to the MMF during their election period. Yes, that is true. If she had come to ask me about it, I would have told her that the reason had a lot to do with the fact that my office and the office of other MLAs, including New Democratic Party MLAs, was being inundated with telephone calls from hosts of people involved in this internecine struggle in the Metis community, with all kinds of accusations about the way Mr. Morriseau—who, by the way, is certainly not a Conservative—was spending the dollars, a New Democrat.

He is well-mentioned in the first part of this book, accusations that the interim board were not minding the business, that bills were not being paid, that the interim board and its staff were doing all kinds of things to further the cause of one candidate or another.

I spoke with that member's leader at The Pas, and we talked about this problem and how bad this fight was. And I told the member's leader, at that time, that I should probably put some restrictions on how I spend

the money or withhold it, because there was obviously a big fight, at least the perception of unfairness there. He certainly, at that time, did not challenge or say, oh no, no, or you should do this or that. We were all facing the same calls. In fact, one of the complaints came from an individual who ran for a nomination for the member's party, an individual I have a fair bit of respect for. She came forward and levied complaints about her perception of the way things were happening, because bills were not paid.

So what did I do? With cabinet approval I met with the interim board, and I issued them a letter with conditions on which we would pay over the interim or the quarterly payments of the operating grant. And those conditions, as I outlined yesterday, were fairly broad, but they required that the dollars be put into their lawyer's trust account, and they would be paid for salary for regular core staff—obviously people should not be put out of work because their organization is in the middle of a new election—that dollars be available for audits, for legal fees, for the expenses of the interim board, for rents on their buildings, including the regional offices and certainly for the conduct of new elections.

I sent that letter to the interim board, and the interim board said, no, we do not accept those conditions. We want to be able to spend the money basically as we see fit. We disagreed, and so the money was not provided until the new administration was elected but not yet in office. The cheques were sent over to the MMF office while Mr. Morriseau was still there. I have no reason to doubt that Mr. Morriseau was in fact doing everything appropriately, but perceptions out there—we felt that it was not appropriate, and I believe his leader concurred, to be appearing to have public money potentially used by one side or another, and so that is why we put the restrictions.

Nowhere in this book do they mention that letter. Nowhere in the book did they talk about my willingness to forward the money with some very tough conditions upon it and the fact that the board did not accept it. If they had asked, they would have had it. That letter has been provided to anyone who has asked for it. So that is not in the book, and certainly that part of the story is not portrayed properly.

I would remind again the member for Elmwood (Mr. Maloway), the comments in the same book that he would like me to send to the RCMP to lead to an investigation, that in the 1970s this same author—and if he accepts or tries to derive something out of the latter part of the book, he should also be willing to accept the author's comments in the beginning of the book. My argument, of course, is that there is a blunt side of a multifaceted story, but the member seems to accept it all. I would remind him, on page 53, that this author claims that the MMF in the 1970s and into the '80s had become the Metis bureaucratic arm of the provincial NDP.

So if the member wants an investigation and if his premises are right, then obviously this investigation he wants should not be just for six years. But the member, if he were truthful, would be coming and asking for an investigation right back to the 1970s when this author claims that his party literally bought and created the MMF to further its own political goals. I would hope today that the member is not suggesting that everything this author says is in fact the case.

**Mr. Maloway:** I would like to ask the minister whether he or his staff have met with Richard McNeilly [phonetic] prior to or subsequent to the publication of this book.

**Mr. Praznik:** Mr. Chair, I personally do not know. The name, Mr. Richard McNeilly [phonetic], does not ring a bell to me at this time. I to the best of my knowledge have not met with him. I look at my staff, they at the back of the room are shaking their heads. They have no idea who the member is talking about.

**Mr. Maloway:** How many consulting contracts has Mr. McNeilly [phonetic] or his companies had with this government over the past seven years?

**Mr. Praznik:** I cannot speak, obviously, on behalf of the whole government and I have to say to the member for Elmwood again, if he was truly interested in these facts, I wish he would have asked me when my staff was here, when these lines were up. He certainly was available to ask these questions. So now I have to rely at the shaking of heads at the back of the room from my staff, but they indicate to me that they have no

knowledge of any contracts by the Department of Northern and Native Affairs and obviously, as the member can appreciate, I cannot speak for every department of government, but with respect to the department I am responsible for the name is not even one that is noted.

**Mr. Maloway:** Were any provincial funds part of the money in the Bank of Luxembourg account, the \$50,000 offered by Mr. McNeilly [phonetic] to scrap the publication of this book?

\* (1550)

**Mr. Praznik:** I did not hear the latter part of the member's question. There was some other noise in the committee.

**Mr. Maloway:** Is the minister saying that he did not hear the question? I wanted to ask the minister whether he was aware that there were provincial funds or were there any provincial funds as part of the money in a Bank of Luxembourg account offered by Mr. McNeilly [phonetic] to the author, the \$50,000 that was offered to the author to scrap the publication of this book.

**Mr. Praznik:** I can say to the member, I am not aware of any provincial funds being in any Bank of Luxembourg account as a part of a bribe. The member brings a very serious accusation to this committee. If the member would like to make that same accusation outside of the House, without parliamentary immunity, because he has evidence to support it, if he believes that he has sufficient evidence, then I would ask him as well, I think most appropriately, that he provide that information to the RCMP or an appropriate law enforcement agency. If he has information which I should be aware of that would suggest some wrongdoing by those who were in receipt of provincial monies, I would ask that he do that so that then I as minister would be able to take appropriate steps. If that is what he is bringing to this table today, I would ask that he do so.

**Mr. Maloway:** Just a couple more questions to the minister. Will the minister at this stage request of his colleague the Attorney General to conduct a criminal investigation into the circumstances surrounding this

book with the view to getting to the bottom of what appears to be perhaps a very serious problem here?

**Mr. Praznik:** If the member for Elmwood has information sufficient to warrant investigation, I would ask him to provide that to me either here publicly and, if he is not comfortable in doing that, then within the privacy of my office. If there are other people involved, he brings very serious allegations to this table. If he has information to offer me that is sufficient to warrant that request of the Attorney General, then I will in fact make it, but I must have some basis on which to make that request and not just an accusation that the member for Elmwood only makes in this committee room and is not prepared to make outside of it.

**Mr. Maloway:** Mr. Chairman, those are all the questions I have on this topic at this time.

**Mr. Assistant Deputy Chairperson:** Resolution 19.1(a) Minister's Salary \$11,400—pass.

Resolution 19.1: RESOLVED that there be granted to Her Majesty a sum not exceeding \$408,400 for Northern Affairs, Northern Affairs Executive, for the fiscal year ending the 31st day of March, 1996.

This completes the Estimates of the Department of Northern Affairs. The next set of Estimates to be considered in this section of the Committee of Supply sitting in Room 255 are the Estimates for the Department of Natural Resources.

Shall we briefly recess to allow the minister and the critic the opportunity to prepare for the commencement of the Estimates? What is the will of the committee? Will we proceed directly into the committee? [agreed]

## NATURAL RESOURCES

**Mr. Assistant Deputy Chairperson (Gerry McAlpine):** Will the Committee of Supply please come to order. This section of the Committee of Supply will be considering the Estimates of the Department of Natural Resources. Does the honourable Minister of Natural Resources have an opening statement?

**Hon. Albert Driedger (Minister of Natural Resources):** Yes, Mr. Chairman, I do.

I want to make a few key points in my opening statement as an introduction to the Estimates of the Department of Natural Resources. I have to say that I have found that the Department of Natural Resources is one of the most interesting and exciting departments of government. I very much enjoyed my responsibilities as the minister of this department for almost two years now.

The Department of Natural Resources touches the lives of most Manitobans and many are interested in what this department does. One of the things that has happened with the department over quite a number of years is that there has been restrictions on the kind of capital monies that have been available. As a result of that, there have been some very innovative partnerships develop in the department, along with other arms within the department and external departments as well, for example, Ducks Unlimited, Habitat Heritage Corporation. I use those as examples where we have undertaken various projects. The one that comes to mind, that has always been a very important one to me, was the Rat River project which is in the southeast portion of the province. It used to be in my constituency when I was the MLA for Emerson. Now it is in the riding of the member for Emerson which is my colleague Jack Penner.

What we did in that particular case—because I have been working on it since the day that I was elected; in fact, I was reeve for the R.M. of Hanover in '67. At that time we already had a problem with the Rat River at that time flowing over its banks. Ultimately, now we have a project that has been completed, but it has been five funding partners in this thing. That is what gives it some satisfaction that ultimately we have to be a little bit more innovative than we used to be that we can still make projects happen.

We are blessed with many numerous lakes, rivers and wetland areas that provide many opportunities. The responsibility of my department is to ensure that these valuable resources are promoted and used in a manner that will keep them healthy and vigorous, not only for today but for future generations. I can speak about that

because I not only have my children but I already have nine grandchildren. So when I am looking after the resources, I am looking after them for personal reasons as well.

In Manitoba, we are also very fortunate to have access to an excellent supply of the very best fresh water anywhere. Production and wise utilization of our ground water resources is one of the fundamental issues addressed in the application of the province's water policies. I have also discussed the possibility of developing a retention program for the province.

I will just skip from my notes a little bit. Over the years, draining of our lands or wetlands or sloughs was always a high priority with farmers and municipalities. That concept is changing to the point where now it is talking about retaining water. We can see examples of what has happened of that in the member for Pembina's (Mr. Dyck) area where we have a number of those programs going very successfully. We are using that as sort of a benchmark, and as an example of what can be done and what will have to be done. So this is, I think, an area where it will not only help us with flood control to some degree, but it is also something that is going to be beneficial economically.

When we talk of irrigation projects throughout the province that are surfacing, water is one of the most important things. From a personal perspective, I have to say that if you look at history, even when you read the old western history in North America, there was always war and controversy when it had to do with water. Everybody likes to have water. We are blessed. We have a tremendous amount of water. In the southeast corner we have aquifers where we are just trying to establish exactly how much water we really do have in there. We believe there are tremendous amounts of water there.

We have a company right now that has started hauling water and is bottling it because the one thing we will not allow anymore, under our water policy, is any water to be taken in bulk out of the province. These people are basically developing a new industry. They are taking and pumping water, which is virtually pure water, bringing it into the city, Lucerne is processing it for them and bottling it to them and it is

now on our markets. This is just one example of the trends that are taking place. We have an asset that bar all the other resources, water is the most important one.

\* (1600)

Unfortunately this spring many residents along the Assiniboine River were affected by severe flooding. My department is on top of this situation, and municipalities in the area feel that the government has been moving as best they can, as quickly as they can, on this matter. We have made a commitment to assist people affected by severe flooding as quickly as possible.

I have to say that the flooding this year on the Assiniboine was by far the record. We have never had anything close to it; in fact, it was double anything we have ever seen in terms of flooding, the water that came down. We will probably have a chance to have some discussion on this as we go along in terms of the causes for it—the drainage systems that come out of Saskatchewan, the Langenburg systems. The critic from Dauphin maybe has heard about that or at least he will when we are through with this.

We also have announced operational adjustments which are expected to minimize flooding problems on Lake Manitoba. My department is continuing to monitor levels and flows along the Assiniboine River and make further reductions to Portage diversion flows as conditions permit.

Maybe just to give a bit of an overview, when that flooding started to come down the Assiniboine Valley, we have the Shellmouth Dam that basically is a controlled structure. It is supposed to be a flood-control structure. Sometimes during the dry years, it was perceived as a recreational area, and sometimes the perspective of why it was built sort of faded in the background.

It is a flood-control structure just like the structure at the Portage diversion is where basically we then take the water off the Assiniboine and head it into Lake Manitoba and then it comes through by way of the Fairford Dam and the Dauphin River into Lake Winnipeg.

To balance that whole act, I have to say that I want to compliment my staff in terms of a real jockeying art, you know, calculated the way they did that in terms of letting the flows out of the Shellmouth, moving as much water as we could through the Portage diversion and as a result we have had flooding, yes. We have flooded a lot of land, the Assiniboine River Valley land, but we have had very little damage in terms of building damage. Always when you have flooding, there is damage, but basically I feel very proud of the way that we managed to manoeuvre that whole thing. That is why it never really got the highlight that basically it would have had when you have a record-breaking flood. You know there was not even that much general reaction to it. Naturally, people suffered and we have been trying to address that.

The Estimates include a new initiative in the capital program with \$150,000 for the Winnipeg Floodway gate engineering investigation. We are still awaiting a reply from the federal government on the cost-sharing of this project.

The floodway gate has been in operation now since the time that it was built under Duff Roblin. It has served the city well in terms of flood protection.

We are starting to have some anticipated difficulties in terms of the structure itself. It works on bearings and hinges and stuff of this nature, and we are starting to run into difficulties. We know that we will have to expend monies, and we feel that we should do it rather sooner than later.

In conjunction with that, we had hoped, together with the City of Winnipeg—I wrote the mayor of the City of Winnipeg. They are keen to participate. I have asked the federal government to participate. They are very wishy-washy on it because we were talking about the possibility that we could exercise the floodgates during high summer runoff, not just during spring runoff, because each year we have high water levels at times when you have heavy rains. Then the sewers back up in Winnipeg, and everybody says, well, why do you not activate the floodgate?

The way the system is set up is that you have a berm. When you close the gate, it has to back up so and so far

before it starts flowing over. As a result, there is always that controversy as to whether it is operating right. Is it creating more flooding than is necessary? So what we would like to do in conjunction with the repairs on the Red River Floodway is also deal with the potential of operating it not just in spring but at any time when the water levels come high.

I want to say that I am very pleased with the Fisheries Enhancement Initiative program. This is a very popular program. The popularity of this program is a good indicator of its success. It very successfully promotes the conservation and enhancement of fisheries through various groups across the province. We will continue to work in partnership with these groups.

I have to say that one of the priorities that I felt certainly under the Fisheries Enhancement program was stocking where we go into fish stocking in the various areas together with communities. Very, very high on that and want to continue promoting that. We are continuing to build and develop our sport fishing industry, which contributes between \$90 million and \$150 million annually to this province's economy.

As part of this development, we are continuing the urban sport fishing plan, which will see the responsible development of the Red and Assiniboine Rivers' sport fishing potential.

My department will continue its efforts to stock fish throughout the province. In the past year my staff and commercial fishing organizations stocked lakes with more than 108 million spawn. This stocking effort demonstrates the commitment of Manitoba to sustaining fish populations throughout the province.

Also, in this regard, we are renegotiating a five-year agreement with Manitoba Hydro to maintain the year-round operation of the Grand Rapids hatchery.

I have to say that all of us have either children or grandchildren or know people who enjoy this sport of fishing, but there is nothing more frustrating really than sitting on a lake all day and coming home with one little jack. I think we have a great water sport, and if we do manage our resources well, I think that it would

be something I certainly would like to see, that when you go out for a day of fishing, you come home with some fish and you have everybody enjoy the—at least three maybe, you know.

As you know, the department is implementing new measures to control the transportation of fish to reduce illegal activities. Tough penalties are being administered to those who choose to violate the new laws. Tough new laws are also being implemented to curb unsafe hunting practices. We passed The Wildlife Act last year, and we think it has been very successful.

Those choosing to violate any of the new safety laws will pay very stiff penalties, including loss of equipment and vehicles. Because of these new laws, dangerous hunting activities have dropped significantly. Charges for night-lighting, discharging a firearm from the road and dangerous hunting situations involving vehicles are less than half compared to the previous year. Total charges have decreased by 56 percent. Night hunting charges are down 55 percent, and discharging a firearm from vehicle offences have decreased by 40 percent.

I wish to thank individual hunters and hunting associations in our province and throughout North America for supporting the new regulations. With their assistance, the department will continue its commitment to enforce the new hunting regulations in its fight against illegal, unsafe hunting practices. The department is continuing to aggressively pursue economic opportunities, especially in the forestry sector where there is significant potential for growth. We are continuing to work with Louisiana-Pacific Corporation at Swan River which will provide significant economic benefits to the area and to the province.

The forests of Manitoba are one of this province's most valuable natural resources. More than 51 percent of our land base is classified as forest. The management challenges to maintain healthy, diverse forests while providing the resources we need to thrive. We have developed more than 40 policies for sustainable forest management which includes requirements for forest harvesting to be undertaken on a sustained yield basis. The amount of wood that can be harvested on a sustainable basis each year is called

the annual allowable cut. The department in co-operation with the federal government has undertaken a feasibility study for a new national park in the Manitoba Lowlands region consistent with the desire to meet the goals of the Endangered Spaces Program and to contribute towards the completion of the national parks system.

In this regard, I was pleased to announce last February that the government had established four new protected areas in northern Manitoba as provincial parks which contributed to our network of special places. The four parks cover a total area of more than 2.1 million hectares. With the addition of these provincial parks, the province has increased the total area designated for this purpose to 5.5 percent. Our objective is 12 percent by the year 2000. This was a substantial step forward in the province's desired goal of protecting and representing the 12 percent of its natural regions. For parks and natural areas, a new initiative in the capital program includes \$325,000; \$200,000 of this total is for the Spruce Woods park interpretive centre.

As you know, we are continuing to look at better ways to ensure that campgrounds remain peaceful and quiet, especially on the May long weekend. This past May long weekend, six campgrounds were declared as liquor free. We had a liquor ban in effect. The department assessments indicate that the initiative was successful in bringing families back to the parks on the May long weekend. There were 105 families at Falcon Beach and Falcon Lake shore on the May long weekend. This compares with only five families in these facilities during the May long weekend a year previous. Our parks have more than five million visitors a year and the liquor-free May long weekend was an important step in ensuring that the visitors feel safe and can enjoy their stay in our campgrounds.

As an aside, I just want to tell you, Mr. Chairman, that previous to this year and the two previous years to that, we had tremendous rowdyism going on in our parks, and we ran as much as \$80,000 worth of damage. It was frightful what was happening. Government was debating should we go with liquor free or not, and I know there are pros and cons to it. I just want to say that we have hired an independent

individual to do an assessment of it, because the business community in Falcon feel that maybe they lost money on it. We think that ultimately maybe we can overcome that, that they will probably be making more money having good campers out there instead of the gangs that were coming out.

\* (1610)

I am pleased with the work of the Special Conservation and Endangered Species Fund. This program assists nongovernment organizations and groups by providing funding for projects that foster and promote the principles of sustainable development and support and preservation of wildlife populations and habitat. A very important aspect of this fund is that the projects are initiated at the local level. Usually we do it on a cost-shared basis. They have been identified within the community as projects that are important to the area. It is the local citizens who are the driving force behind them.

The department is continuing to urge the federal government to intensify its efforts in promoting Manitoba's fur market interests with the European Union, a significant increasing strength in the international fur market, which is of significant importance to our economy and the people of the North.

Mr. Chairman, this is a brief summary of issues within the Department of Natural Resources. There are many, many others, of course, some of which I am sure we will discuss during the Estimates process.

I would like to invite my staff to join me and, if we can, proceed with the departmental Estimates.

**Mr. Assistant Deputy Chairperson:** We thank the Minister of Natural Resources for those comments.

Does the official opposition critic, the honourable member for Dauphin, have any opening comments?

**Mr. Stan Struthers (Dauphin):** Yes, I do, Mr. Chair.

I have been looking forward to the start of Natural Resources' Estimates for quite a while. I have had

quite a two months over the last little while knocking on about a gazillion doors through the provincial election and attending meetings and debates and one thing and another.

When a supporter of mine, two days after the provincial election was over, asked me what job I would like to be appointed to, I had not really spent much time thinking about the critic position that I would like to be part of.

Two days before that I was asked what minister's position I would like. I did not jump into that question too quickly, and now, looking back, I am kind of glad that I did not. Then I started to think about what critic position I would prefer of all the various and interesting critic portfolios there are. Again I did not jump too quickly. My response was that I will fulfill whatever responsibility my Leader, the member for Concordia (Mr. Doer), would ask me to do.

In the back of my mind I had it in there that natural resources would be one of the ones that I would like to be involved in, because I have been involved in natural resources activities for quite some time.

A lot of this was due to the influence of my dad and my grandfather, who were very much outdoorsmen, who very much liked hunting and fishing and all the things that this province has to offer in terms of natural resources. Whether it is the experience of growing up with those two men or whether they just passed it down through their genes, somehow I have picked up on that. I was really very pleased when I was asked to perform the duties as the Natural Resources critic.

Now that I am in as the critic I am finding it to be quite a learning experience. The one thing that has occurred to me is that maybe this spring it should not be called natural resources so much as natural disasters. In a strange kind of way I have not so much a feeling of sympathy but maybe empathy with the minister. I think he summed it up one day in the House very well when I asked a question and his remark was that he had been fighting forest fires all day in his hip waders.

Given what has gone on this spring, I sympathize with the task facing the minister and his officials in his

department. It is certainly a challenge when you have half the province on fire and the other half flooding. So much of this has to do with Mother Nature. We know that we have to work with Mother Nature, and we do ultimately realize that Mother Nature is a lot stronger probably than what we will ever be. So many times you are left to the whims of her moods.

I wanted to thank the minister for the information that he has been giving me so far in my job as the critic for Natural Resources. I have found that whenever I have asked for anything, policies and whatnot, the minister has complied promptly with any request that I have had. Certainly, even as I ask questions, I do not even have to solicit some of the information he has given to me, and I appreciate that very much.

I want to say, too, this has really been a learning experience. As I have gone through the Estimates book that was made available to me, I have learned a lot about Natural Resources. I am certainly no expert as I suppose no one can really claim to be.

**An Honourable Member:** Albert is.

**Mr. Driedger:** No, nobody is.

**Mr. Struthers:** Exactly.

I am willing though to work towards learning as much as I can about the Department of Natural Resources and the programs that the officials in the resources department are involved with. I offer that co-operation because I think this province has a lot to offer in terms of a wealth of natural resources.

Certainly through our history we have taken advantage of the resources to build a province that is attractive to people to come and live in. We have built a province on our natural resources that has been successful.

I do not quite agree with the people out there who claim that we are strictly a have-not province, because I think we have a lot of things in this province to offer. Many of those are the natural resources that we have within the boundaries of Manitoba. Certainly our history has developed on the basis of our natural

resources, agriculture and other such resources that we have. We have built a strong province that way. I think we can use the resources that we have to build an equally strong future if we manage in an intelligent progressive way, if we take into account the environmental pressures that are put on our natural resources, if we take account of the needs of all the people in the province, including in that group I would put farmers, ranchers and the whole agricultural community and their needs for our natural resources.

I would encourage the minister and his officials in his department to work together with the Agriculture, the Environment departments, the Energy and Mines, and Northern Affairs and make sure that all of the activities of the entire government are focused in such a way that the sustainable development aspect of our natural resources is not something that is forgotten about.

Of course I think we have made some good strides over the years in the area of recreation and leisure and taking advantage of the natural beauties, the areas of our province that can attract tourists to our area and provide recreation and leisure for our own citizens here in Manitoba. Of course, we use our natural resources to build a strong economy, and I think we can do it to build an even stronger economy in the future.

The minister went through, in his opening remarks, a long list of activities that the department is working at presently and has worked on over the last number of years. I want to assure the minister that he can look forward to the co-operation of the member for Dauphin in the programs that are providing benefits to all Manitobans.

I sympathize with what he says about restrictions on capital. I understand that the capital needed, the dollars that are needed to manage this province's resources, are many. I know that they come from various sources, not the least of which is the federal government, which is something that we have to work in co-operation with as well.

I would encourage the minister to stand up and fight with the federal government whenever there are questions of funding that may be restricted from the federal government's side. I would also encourage the

minister to be a strong advocate for natural resources, which I am sure he is, within his own caucus. I support the moves that I have seen in terms of sport fishing and fish habitat, stocking of lakes, the examples that I have seen across the province. I would certainly encourage the minister to continue with the policy of strong penalties for those who are not willing to follow the regulations concerning hunting and fishing and extraction of any other natural resources from within the boundaries of Manitoba.

With that, I think I will end my opening comments. I look forward to the Estimates process, and I look forward to learning more about the Department of Natural Resources from the minister and the people who work for him, and that is about it.

**Mr. Assistant Deputy Chairperson:** We thank the critic of the official opposition for those opening comments.

Under Manitoba practice, debate of the Minister's Salary is traditionally the last item considered for the Estimates of the department, and accordingly we shall defer consideration of this item and now proceed with the consideration of the next line.

Before we do, we invite the minister's staff to join us at the table, and we ask that the minister introduce his staff present.

**Mr. Driedger:** Mr. Chairman, before I introduce the two people I have with me here, in conjunction with what the member for Dauphin, the critic, has said, I want to take this opportunity, and I forgot it before, a very important thing to say.

I want to thank all, basically the staff people that have been working both with the floods and fire end of it. They have been very challenged this year, and I want to take this opportunity to extend a special gratitude for them.

With me here today I have, on my immediate left, my Deputy Minister of the Department of Natural Resources, David Tomasson, and across from him is my Executive Director of Management Services, Bill Podolski.

**Mr. Assistant Deputy Chairperson:** We thank the minister for that information and the introductions.

We will now proceed to line 1. Administration and Finance (b) Executive Support (1) Salaries and Employee Benefits, on page 115 of the main Estimates book.

Before we proceed into the Estimates, I would like to clarify from the committee what is the wish of the committee. We normally proceed line by line in the Estimates process. What is the will of the committee?

\* (1620)

**Mr. Driedger:** Mr. Chairman, I will make a comment to that right away.

I just want to announce at this time, though, I just got this note handed to me that we are evacuating Leaf Rapids. The wind has picked up and the fire has jumped the lines and we have a major problem there. Just for the record, another evacuation taking place. Gods Lake Narrows is starting to look a little bit better but problems continue.

Mr. Chairman, in terms of making a comment as to how we proceed, I personally—I know it goes against the grain of staff and the Chairman as a rule, but I do not care how we do it. I will leave it up to the critic.

I will operate whichever way he wants on a line by line basis or across the whole thing. I know there is only so much time that we have with this department, and I will deal with it whichever way I can and try and be as accommodating in terms of getting information as I can.

**Mr. Struthers:** Mr. Chair, I appreciate the minister's statement and my intention was to begin and go line by line. I think that is the easiest way for me to do it this time. I have a number of issues that I want to work in, and I will do that line by line.

**Mr. Assistant Deputy Chairperson:** For the benefit of the committee, we will proceed line by line. Is that agreed? Agreed and so ordered.

**Mr. Struthers:** Mr. Chair, in the first line under Executive Support I want to use some time here to get the minister to walk with me through the organizational chart for the Department of Natural Resources. My feeling is, as I feel my way through the Department of Natural Resources, it is going to be of immeasurable assistance for me to get a good overall view of the department that I am working with, and I want to start with the organizational chart.

For the most part the chart is pretty well straightforward from the minister to the deputy minister and then the four areas below the deputy minister. The part that I am initially interested in is the myriad of boxes just above the deputy minister and between the Minister of Natural Resources. I suppose a gazillion questions could come out of this. I do not intend to beat this section to death but I have sort of grouped them into—the first area that I would like to deal with are those boxes on that chart that deal with advisory boards.

**Mr. Driedger:** Mr. Chairman, I wonder if I could be of some assistance to the member for Dauphin. I know the block that he is referring to, and there are three categories of organizations, one that we call the active ones and one group that is called "as necessary" and then we have three that are inactive.

If the member would want to, I can maybe tick them off. I have them colour marked here but he will not have them colour marked. Let us assume they are all active, and I will give him the ones that we call as necessary and that is on the first line the Greater Winnipeg Dyking Board and right below that the Arbitration Board of Forestry Branch. Those two are called as necessary.

If he moves further on that top line, the Manitoba Water Commission, and underneath that the Manitoba-Ontario Boundary Commission, and to the right of that the Manitoba-Saskatchewan Boundary Commission and to the right of that the Manitoba-Northwest Territories Boundary Commission.

These are all basically the ones I have said. These five are called as necessary. My deputy tells me the last three that I have there, the Ontario, Saskatchewan,

Northwest Territories, they deal with anything that happens with the boundaries between the provinces and the Northwest Territories.

There are three that are inactive. In the third line, the Assiniboine Delta Advisory Board is inactive and the Souris River Water Commission is inactive, and in the top right-hand corner on the first line the Lower Red River Valley Water Commission is inactive. Those are the ones that are inactive just so that the member has a bit of an idea as to what is happening with some of these because the ones that I gave him prior to that are the ones that are called only as necessary. Now the rest of them are active boards.

I am just wondering how the member would want to do this because we start off with Venture Manitoba Tours Limited; the Manitoba Habitat Heritage Corporation which is a very active one; Lake of the Woods Control Board which basically controls the flow of the water along the Winnipeg River into Lake Winnipeg; and then we have the Prairie Provinces Water Board and the Ecological Reserve Advisory Committee which is an active board which basically makes recommendations on ecological reserves.

Then we have the Canadian Permanent Commission on Geographic Names which has been a very, very popular thing because this is where the program was started. I do not know how many years ago, quite a number of years ago after the Second World War, where names of people who were in war, were killed in the line of duty, and we started naming lakes or locations in Manitoba for these people.

We escalated that program dramatically this year. We were hoping to have it completed by the middle of May. We have not quite done that because more people's names keep coming forward. It has been extremely popular in terms of people having now a lake or something named after the dead heroes that basically fought for the country. There are certain things you get accolades from, some you do not, but in this one we certainly have been getting a lot of accolades, and it has been a very popular one.

**Mr. Struthers:** Does that one meet on a regular basis then as opposed to, as necessary?

**Mr. Driedger:** Yes, that Canadian Permanent Commission on Geographic Names is an ongoing group. We have appointees in there plus some staff people. That is an ongoing thing, and we have really, really escalated that in the last six months. They have been meeting very regularly.

**Mr. Struthers:** With the boundary commissions, the three blocks involved there, who calls the meeting if it is as necessary, and how is that all initiated?

**Mr. Driedger:** Mr. Chairman, I have not had the occasion to call any one of those three that he is making reference to, but it is the prerogative of the Minister of Natural Resources to call them. There has not been occasion to do that, so I have not had the privilege of going through that.

**Mr. Struthers:** Maybe if we could just keep going the way the minister has started here, and I can just indicate when I want more of an explanation. I think that will work well.

**Mr. Driedger:** That is fine, Mr. Chairman, because like I mentioned before, Venture Tours, Manitoba Habitat Heritage Corporation, some of these, there is a lot that we can cover later on as we go through them. The Saskeram Management Area Advisory Commission, that is on the third line on the left-hand side. The Oak/Plum Lakes Management Board and the Lake Dauphin Advisory Board are on the same line at the far end. The Assiniboine River Management Board is in the fourth line.

\* (1630)

Those four are sort of dealing with specific problems. For example, the member is probably aware of the Lake Dauphin Advisory Board. We have the same kind of a board for the Oak/Plum Lakes and the Saskeram thing, Assiniboine River Management Board.

There is another one here that I want to make reference to, and that is the Endangered Species Advisory Board. This is a board of staff people as well as professionals and individuals in the private sector that basically go through the list of—when we talk of endangered species it is not only animals or birds, it is

also dealing with flowers, with fauna, the whole ball of wax. They come, a very intense group that basically then tries to identify areas or species that should be protected. We have an act that basically does that.

I have to tell the member that aside from the boards that are mentioned here we have two that are not on here. One is the Assiniboine River Advisory Board, which basically is a committee that I set up last year. They have been operating now for a little over a year. It has to do with the whole Assiniboine River water requirements. It came to a head at the time when the Pembina Valley group basically applied to take water out of the Assiniboine to take and bring it into the Pembina Valley. Environmental hearings took place at that time. There was a lot of resistance to it. As a result of that a lot of controversy developed, and my predecessor had started the initiating, the setting up of an advisory committee, and I followed through with that.

We have stakeholders all along from Winnipeg all the way down to the Shellmouth Dam that are involved, including the cities of Portage and Brandon. I have very, very high expectations from this group. They have been going out there having their hearings and their meetings, having input, and because we have all the stakeholders involved, it has really made it a lot easier for myself. Instead of fighting with individual groups they basically go out and deal with them. They will be making their final reports to me I expect within the next month or two. They have made some interim recommendations related to water licensing and some irrigation applications that have been pending for a while and then they will be making their final recommendations.

Further to that, I also have some of those members on a compensation board, because downstream from the Shellmouth Dam we have approximately 16 miles that as we operate the control structure, a certain amount of that land gets flooded every year—well, not every year, but it has been flooded at various times. These people feel that it is not that they do not have buildings down there, but the land they have out there. They feel that because they are, sort of, not the benefactors, you know, get the raw end of the deal because we control it as a flood-control structure, that they basically end up

with the brunt end of it and cannot seed. I think they got flooded approximately eight out of the last 24 years.

Now because we have been trying to deal with it and we are not quite sure how to do it, we have set up a five-person group that basically is going to be working with the municipalities, with individuals, and hopefully come forward with some kind of a recommendation as to how we will deal with that for the future. The five people on there are Tim Ball, who is the chairman of that group; Ian Dickson, who is acting as secretary; and we have Clay Gilson, who is also a professor at the university; we have Sid Reimer, who is the director of Manitoba Disaster Assistance Board; and Terry Johnson, who is the CEO for Manitoba Crop Insurance. So these five are, hopefully, going to be coming forward and coming up with some recommendations.

Those are the two commissions or groups that basically are not on here. [interjection] The Assiniboine River, that is the one on there. So that other one, that five-man board has been set up there to see whether we can somehow address it. It has been an ongoing sore spot, I guess, with the people in the area for a long time, and with the municipalities, and hopefully we can address it.

I sort of tried to float over some of these things to some degree and am prepared to answer more detailed questions.

**Mr. Struthers:** I am interested in knowing, with the Assiniboine River Advisory committee, you mentioned that they would make recommendations to you. Is that just in this advisory board committee's specific case, or is that the case with all the advisory boards?

**Mr. Driedger:** In all cases the groups that are set here would be making recommendations to the minister, and in all cases, I believe, the minister still has the final authority and makes the decisions. They are all appointed basically by the Minister of Natural Resources.

**Mr. Struthers:** I am quite well informed when it comes to the Lake Dauphin Advisory Board. I have attended a number of their meetings and I know some

of the people very well on the Lake Dauphin Advisory Board. I know the issues that they are working towards, and I want to make it clear that I support the establishment of these advisory boards, at least at Dauphin Lake. If the other boards are set up in the same manner, then I support them as well. I am not as familiar with the others as I am with Dauphin Lake.

One of the things that I am learning is that there are all kinds of competing interests when it comes to water in this province and the one thing that we always have to remember is that there is always somebody who lives downstream. The decisions that we make at one end of the lake have some drastic effects sometimes downstream. So I support the method of receiving input that the minister has developed here. Are the others, say, the Souris River advisory board, is it set up the same way as the Lake Dauphin Advisory Board?

**Mr. Driedger:** Mr. Chairman, first of all let me say that the member assesses the point well about many complications about the water system, and I personally feel very strongly that, you know, very often there is a distrust of the general public out there of the bureaucracy of government as to whether they always make the right decisions. By having these kinds of advisory boards we have the input of it, and the Lake Dauphin one is, I guess, one of the best examples really of where I think there were something like 23 or 25 different interest groups, and having them work together on an advisory board ultimately overcame all the mistrust with each other and stuff of that nature, and came forward with a solid recommendation. It is my intention to take and expand in other areas using that approach in terms of dealing with the many outstanding issues.

I can tell you I was sort of almost shocked at the amount of water issues that are still out there that, you know, because people cannot agree they sit there and just fester away. I am not one to necessarily just sit there and let it happen. I would just as soon get at it and see whether we can resolve it. But there is a lot of emotion involved in some of these things.

The member asks specifically about the Souris River Water Commission. I am sorry, just for clarification, I wonder if the member could say—were you asking

about the Souris River Water Commission, or was that just a misconception of mine?

**Mr. Struthers:** No, that was a mistake on my part. I have it marked inactive, and then asked about it. What I want to get is an idea of how the other advisory boards are set up. Maybe one that is active now would be at the Lake of the Woods.

**Mr. Driedger:** Yes, Mr. Chairman, the Lake of the Woods Control Board is active, because they are the ones that basically get together and establish—there is representation there from Manitoba, from Ontario, from Hydro, I believe. They meet to establish the levels at which the water will be maintained into the Winnipeg River and the level of Lake of the Woods which is a very big lake as well. You have the American exposure there as well. So, no, they are pretty active, because depending on the environment, we have had dry years where it was a problem, it was getting too low. The board itself, when they make the recommendations as to the level of what water should be being drained out of the Lake of the Woods along the Winnipeg River, if it is not done well you end up flooding all the docks and the cabins along the Winnipeg River system where there are all kinds of little lakes. Then the fur starts flying there. [interjection] Yes, real fast. So they are active, yes.

\* (1640)

**Mr. Struthers:** I noticed that the Lake of the Woods is a control board; the word advisory is not in there. Does that mean that they can do more than just advise to the minister? Do they have any kind of powers different than, say, an advisory board would?

**Mr. Driedger:** Mr. Chairman, there is an act, The Lake of the Woods Control Board Act. If the member looks at Schedule 1, there is an act there that dictates all the things that they can do. It is on the same page where the organizational chart is; on the left side, there is Statutory Responsibilities of the Minister of Natural Resources.

There are various acts and things that dictate some of the things that happen, and that board operates under the act. If I do not like the way they operate, I change

the act or the board. They do the control according to the act, and if they do not operate according to the wishes of the government, so to speak, then either you change the board or you change the act.

**Mr. Struthers:** Does that mean, then, that they still go straight to you, they report straight to you, or do they report somewhere through your department?

**Mr. Driedger:** They basically have the authority to operate within those guidelines that are set out in the act. So I do not become aware of it unless there is some difficulty. I become aware of it when the people start phoning me from down in Winnipeg River, saying: My dock is flooding. What are you going to do about it? That is when I start getting back to the board and say: What are you doing? Then they clarify their position to me, but they have the right to operate at a certain point.

**Mr. Struthers:** I would be interested in knowing how a group of people living in a certain part of the province, wherever that may be, would go about setting up an advisory board. Is it an ad hoc kind of thing? Where there are big problems going on in a certain area, the minister would say, how about an advisory board here? Or is there a set of criteria that you have got to go through and a process to establish an advisory board?

**Mr. Driedger:** Mr. Chairman, I am going to use the example of the Assiniboine River Advisory Board, which is one of the latest ones that, at least, I was involved in establishing.

Basically, the groundwork was done, or the concept of getting a group together like the Lake Dauphin group, the concept was there. Then we sat down among ourselves within the department and decided: How big a group should we have? The representation, the terms of reference, we worked them out and, at that point, went forward to my colleagues in cabinet, asked for their blessing and approval to proceed on that basis.

We then went ahead and appointed these people on the board, because you pay them a certain indemnity on a daily basis. You cannot expect them to travel or to attend meetings without getting some of the money. So

all that gets sort of packaged, but, basically, it develops from the initiative of the minister and his department. If it is felt that we cannot maybe adequately deal with some of the concerns and problems out there, because of the controversy involved, it is a prerogative of the minister and the government that they can set up an advisory board of whatever size, magnitude, or you could be a one-man commission, if you wanted to. So there is a lot of power with the minister to move in these directions.

The minister could take it on himself to make decisions on it, but very often that is not wise, especially when you have diversified views and there is not necessarily a comfort level with the bureaucracy. It works a lot better, and I point again to the Lake Dauphin advisory group, which, basically, decided what they thought was best.

They are now making recommendations. You see, that is the other side that sometimes gives some complications. They are making recommendations for a structure. Build us a structure so that we can control this and that, but it is still the minister and my department that has to decide: Is there the money, and can we prioritize it, and when can we do it? That is the other side of the coin.

They can come up with all kinds of suggestions. Build me a dam. I am not being facetious, but, for example, it could be: Put another dam on the Assiniboine River, maybe \$300 million. It cannot be done. But in most cases they are very reasonable in terms of the approach they use, and we work with them in terms of trying to get an understanding of the things that can be done, and I am impressed with that approach.

**Mr. Struthers:** I agree that at least from the Lake Dauphin Advisory Board stance that they have been very reasonable. I would suggest that one of the reasons for their reasonableness is the broad range of interests that are represented on the advisory board.

Is that the approach that is taken with other boards around the province? I know there are tons of groups involved in Dauphin Lake. There is every interest you can imagine being represented and they meet on a

regular basis. Are the other advisory groups as wide-ranging as the one in Dauphin?

**Mr. Driedger:** In the Lake Dauphin case I do not know of one other group that has that many diverse people involved, like I say, 23 or 25 organizations, depending on the size of the problem.

For example, at the Oak Lake-Plum Lake one, actually you have maybe three or four municipalities and certain individual interest groups, farm groups, whatever the case may be. What we try and do is set it up so that all the interest groups have representation on these so that there is not somebody left out because then it is counterproductive right away. So depending on the size of the problem or the project, everybody has a say in the matter.

**Mr. Struthers:** I want to move over a little bit over in the chart to the Flood Forecasting Committee. Both the minister and I in our opening statements made reference to Mother Nature, I believe, and I think we have conceded that Mother Nature is a lot more powerful than we can ever be. We can still protect ourselves somewhat when it comes to floods by forecasting accurately the amount of water we can expect. What is the make-up of the Flood Forecasting Committee? What kind of parameters does it have, what kind of authority does it have, and what does it consist of?

**Mr. Driedger:** I am going to try and have staff give me the composition of the Flood Forecasting Committee, but basically, in terms of authority, they have none. Their responsibility is basically to do assessments in terms of what the moisture conditions are in fall, winter, depending on the snow. That can vary from month to month the same thing as the rainfall can from time to time depending on certain areas, even during the drought years. But in the last few years we have had rainfalls up to five and six inches at a crack in some areas where everything was under water and then ten miles down the road you had virtually no water. I do not know whether there is any specific art in terms of doing the forecasting.

My deputy tells me that my department takes the lead in terms of representation on the Flood Forecasting

Committee. We also have the feds involved. We have North Dakota involved. We have Saskatchewan, I believe, involved. I do not know whether we specifically say Joe Blow and John Smith are the ones, it is basically the provinces that co-ordinate the information within my department of Water Resources and then make the projections, and those projections are very important in terms of how we take and release, let us say, water out of the Shellmouth Dam at a certain time of year based on snowfall, moisture conditions in fall.

The projection is sort of sometimes iffy in terms of forecasting how much rain we will get, but they work it over a period of time. You have people that have a pretty good feel for exactly what we should do in terms of the control structures, and that is where the importance comes in when we project, so that we can position ourselves. It is not 100 percent science at best, you know.

\* (1650)

**Mr. Struthers:** I would be interested in knowing just how the committee goes about collecting its data.

**Mr. Driedger:** I will have to undertake to get the sort of maybe a written criteria as to—because you have so much technical information that is being used through the climatology, federal, provincial, it is a complex science. I will try and maybe give a written undertaking on sort of just how they basically do that for the member. But I have not got that here right now.

**Mr. Struthers:** I would also be interested in knowing, since it has not got any authority itself, who exactly do they report to, and do they have any assurance that their recommendations will be acted upon?

**Mr. Driedger:** They report to moi, right here, and then we direct, make decisions based on that in terms of water resources. Let me just get away from the Assiniboine a little bit. On the Red River, for example, we get information from Minnesota and North Dakota and even further south in terms of the moisture conditions out there—they have many retention projects out there where there is an understanding that we have with them that they will release or hold back so and so

much water at certain times and release it at certain times so we have a pretty constant flow, and it is sort of a flood protection for them, as well.

So you know, there are so many elements to this in terms of how basically decisions get made, but in the less than two years that I have been here with the department, I have a comfort level that we have professional people in there that know what they are doing, because if they do not, then, you know, I find out real fast, because then I start having problems.

**Mr. Struthers:** Since they are reporting directly to the minister, I would imagine then that the chance of their recommendations being approved are very good.

I want to ask about some aquifers. When we talk about advisory boards, are aquifers seen as part of the system, or are there separate advisory boards dealing with aquifers on their own?

**Mr. Driedger:** First of all, maybe I can clarify to the member that really almost anything to do with water comes under my department of Water Resources, and that has to do with whether it is rivers, whether it is aquifers, and one of the challenges that the department has been facing over a period of time is to identify aquifer sources, to what extent we have water there.

The Carberry aquifer is one that has—the colleague from Neepawa is sitting here and well knows the sensitivity when it comes to irrigation or trying to move water from that aquifer into Gladstone at one time. Things hit the rhubarb pretty heavy at that time. You have the people that basically feel, that have lived their all their life, they know exactly what is down below there even though they do not have the technical ability to assess that. We are trying to be more definitive and do a better job in terms of identifying exactly the aquifers that we have, the amount of water that we have and how do they replenish themselves.

I know I mentioned this just a little while ago, that we have certain aquifers in the southeast area that are just—there is tremendous potential there. I think the colleagues or our neighbours to the south have a better feeling of exactly how much water is there than we do. We have this year budgeted a certain amount of money

specifically to identify what we have in terms of water aquifers in the southeast portion of the province.

The Americans would very much like to take and use as much of our water as they could at opportune times. When it floods they want to send it to us for free. Other than that, when it comes for other purpose they certainly would like to take and make use of it, and are very envious, I have to say, of the good water that we have in Manitoba.

I think it is important, first of all, before we can make decisions on irrigation in some areas or any other projects that we undertake that we have to have a good understanding of exactly what is our resource. We are trying to do that on a progressive basis now.

**Mr. Struthers:** I do not think I have any more questions dealing with all those boxes at the top end of this organizational chart, and I thank the minister for all the information that he has been able to give me in that area.

The only question I have left for this chart in front of me here is under the area of Resource Programs, the Forestry box, and it says it is vacant. As of April 1, I guess, there was no director there, but has that position been filled now?

**Mr. Driedger:** That position, the director's position under Forestry, has been filled. We advertised I guess nationally and we had applications and it has been filled.

Art Houle is the Director of Forestry now. Mr. Houle used to be with the Department of National Resources years ago and then went to the Ontario Department of National Resources, then he did work overseas for the Ontario government and came back and, being a Manitoba resident, saw our advertisement and made application.

During the rounds of interviews that took place it was felt that he was the most capable individual, and we feel very fortunate in having him because, of course, the issues are very sensitive to us, the whole Louisiana-Pacific issue, the Repap issue, the Abitibi people, the Spruce Products, basically our four big operators. We

have so many, many quotaholders, as my colleague from Swan River knows and I expect will probably want to talk about some of them along the line.

That position is now filled. Art Houle is the man and we are happy to have him.

**Mr. Struthers:** Mr. Chair, I have no more questions dealing with the organizational chart.

What I want to do right now is give the minister a chance to update us on the fire situation up north. I know he gave us a little bit of information before on some evacuations that are taking place in Leaf Rapids. I would like to have an update on what the fire situation is up there right now.

**Mr. Driedger:** Mr. Chairman, the latest memo I have here right now is as of two o'clock this afternoon. This is the update of the forest fires:

Evacuation of Gods Lake Narrows continues with the last three planes bringing 48 residents to Portage la Prairie this afternoon. Once complete, 950 residents will have been evacuated and 250 will remain in the community.

The 679 residents of South Indian Lake who were evacuated yesterday remain in Thompson. The total number of evacuees in Manitoba is now 1,629.

There have been approximately 20 new fires in the province since yesterday.

At the Gods Lake Narrows fire crews are working against unfavourable winds from the southeast to protect the community of Gods Lake Narrows. Irrigation sprinklers have been set up to soak the edge of the forest, and fire-retardant foam is being used to protect buildings within the community.

The member is probably aware that these fires create their own wind draft, and that it is not unusual to have sparks and flames flying half a mile through the air.

Crews working on the fire near South Indian Lake will be concentrating on the south end of the fire closest to the community. Natural Resources has

placed flight restrictions over the South Indian Lake fire area to assist with aerial fire suppression.

The fire south of Leaf Rapids is very active and there is a concern that it may cross Provincial Highway 391. However, this memo at two o'clock said, at this time, the highway was still open, but I just put on the record here, before the fact, that things have turned dramatically worse. The fire has jumped the highway and we have major problems there.

I will table this at the end. If the member wants to, I can continue. There are five other short notes here. If you want to put it on the record, I will do that.

\* (1700)

The south end of the Goldsand Lake fire north of Lynn Lake is continuing to hold, and crews and equipment working on this fire will begin moving to other fires in the region.

The east side of the fire near Creighton, Saskatchewan, is continuing to hold. However, flare-ups are continuing along the south, west and northern fire lines.

The Devils Lake fire east of Highway 6 has moved eastward towards Lake Winnipeg due to strong west winds. Crews will spend most of today checking this fire for problem areas. It is burning in swamp and lesser valued wood at this time, but it is very close to what we consider very valuable stands. The three land bombers that we basically brought in from B.C. are working on this fire trying to hold that fire there. Actually, that fire is right close to Lake Winnipeg, on the shores of Lake Winnipeg, close to Warpath River—the members maybe know where that is, in that general area.

Lightening throughout the eastern region set off seven new fires yesterday in the Whiteshell area, and the Fire Tac bombers from B.C. were used on these fires as well and had good success.

Today there are a total of 120 fires burning in Manitoba. Of this total, 56 are being controlled, 19 fires are out of control. The remainder are being

watched and are receiving limited action. To date a total of 392 fires in Manitoba have burned approximately 90,000 hectares of forest.

Mr. Chairman, I am prepared to table this memo.

**Mr. Assistant Deputy Chairperson:** I thank the honourable minister for the submission and the Clerk will copy and distribute.

**Mr. Struthers:** I have no questions at this point. I am going to defer to my colleague for Swan River.

**Ms. Rosann Wowchuk (Swan River):** Mr. Chairman, this department is a very important department, and a department that plays a very important role in the economy of the people in my constituency. I have several questions that deal with the policies of the government, and I would like to ask the minister how they are dealing with these issues. I will raise these issues as they have been brought to my attention from constituents in my area.

The area I would like to begin with is an area that has been a subject of some discussion. I would like to ask the minister what the policy of his department is or whether there has been any change of policy with respect to game farming and elk ranching. As the minister knows, this is a sensitive area and there has been a lot of interest from various groups. There have been some comments. I know there have been people lobbying the minister on this issue.

I would like to ask the minister then what work his department has done on this area. Has there been any change in policy? Is the minister intending to open up the area of elk ranching and game farming in this province?

**Mr. Driedger:** Mr. Chairman, I refuse to answer on the grounds that it can incriminate me. Seriously, the member well knows the history of elk ranching in this province and elk ranching on a pilot project basis was started in 1978, I believe, under the Sterling Lyon administration when a pilot project was established in the Minitonas area. Mr. Eisner and some other people involved with him at that time set up an experimental elk ranch where they caught animals out of the wild.

The whole process of the elk ranching did not do well. There were many difficulties with that as the member is well aware, a lot of emotion, a lot of controversy with it. Ultimately, I believe the member's brother, then Minister of Natural Resources, made a decision I believe in 1986 or was it '87 with great difficulty to abolish elk ranching. Supposedly since that time, there has been no elk ranching.

There are some difficulties out there in the area right now. Permits were issued for game farms to have a certain amount of elk for viewing purposes. We have another element that has been developing where some of our communities and the reserves' people have been shooting the mother elk and keeping the calves and feel that they have the right to raise elk in captivity. We have to deal with the issue somewhere along the line.

I personally was the critic for six and a half years when the intense debate took place in terms of elk ranching, agonized on both sides of it and have been agonizing over it for a year and a half now. So the member is basically asking, what are we going to do with it?

I can tell the member that the Minister of Agriculture (Mr. Enns), based on the fact that the Crow subsidy is being deleted, is promoting diversification for farmers because of that and has approached myself and talked about the possibility of having some discussion about elk ranching again.

At the present time I could be cute and just say we do not have elk ranching, but I have to be honest with the member and say that there is discussion. Nothing has happened, nothing has moved forward, but there has been some discussion about whether there should be another review done at this point.

**Mr. Deputy Chairperson:** I would just remind the committee at the outset of the committee of Estimates for Natural Resources we agreed to go line by line. I see in the line of questioning we have jumped several pages ahead. What is the will of the committee?

**Mr. Driedger:** It was not my choice, it was the choice of the member for Dauphin (Mr. Struthers), the critic. I told him whichever way he wanted to go, and I stick

with that. So I have no difficulty whichever way you want to go. Whatever there is to discuss I am prepared to handle it whichever way yourself, Mr. Chairman, or the critics feel comfortable with it.

**Ms. Wowchuk:** Mr. Chair, with your indulgence I would prefer that we have the opportunity to ask a few general questions on policy in a few areas and stay under the policy first line until such time as the official critic, the member for Dauphin, is able to return. I would prefer if we could do it that way.

**Mr. Deputy Chairperson:** Is it the will of the committee to have general discussion on the Estimates?

**Mr. Driedger:** Seeing as it is my Estimates, I have no difficulty with that, and I think the Minister of Environment (Mr. Cummings) will probably have to concur with it.

I think really that questions of the nature as the member for Swan River (Ms. Wowchuk) has raised basically would qualify under the policy end of it.

**Mr. Deputy Chairperson:** Is it agreed? Agreed and so ordered.

**Ms. Wowchuk:** I have a few questions that deal with this policy, and I am looking for the direction that the government is going. I would like to pursue it a little further.

The minister said that in, I believe, 1988 the elk ranching was stopped.

**Mr. Driedger:** In '86-87.

**Ms. Wowchuk:** No, later. It is a fact that it was under my brother's administration that it started, but it was your government that had to follow it through. Unfortunately, your government has not fulfilled some of the requirements that were supposed to be there. Those are the issues that I would like to pursue a little bit.

The people who were doing the elk ranching, I believe two of them were asked to disperse of their herds and could not keep them anymore, one in

particular. The others were supposed to be keeping their herds as game farms.

It is my understanding that in actual fact we do have elk ranching in Manitoba, because there are a couple of operations that are growing far beyond what is a game farm and they are selling elk. I believe there is another person under this administration, a person by the name of, I believe, Mr. Taylor who did get a licence and who is operating an elk farm of some sort.

For the minister to say that they are looking at it but have made no decision—it is true. The government has not made any decision because—or they did make a decision for some people when they had to sell their game and go out of business, and there are other people who are continuing to operate.

I would like to ask the minister how he is going to deal with that. There are, I believe, outstanding bills that have not been dealt with. One person who was supposed to have been paid, a Mr. Holland, I believe—no, just a minute, a Mr. Hart. Pardon me, it was not Mr. Holland, it was Mr. Hart who was supposed to be paid for some elk, but who still has elk. Mr. Eisner still has elk. Mr. Taylor has been able to establish elk. Mr. Nelson was told that he had to disperse of his herd, and he does not have them.

\* (1710)

What I am looking at is, what is the policy of this government, and how do they consider this to be fair? Some people are allowed to continue under the auspices of game farming, which is not really game farming. It is elk ranching. All I am asking the minister for is some clarification—how the people that are there now with these elk on their land are able to operate and other people are not. I do not think we should pretend that this is game farming, because it is not game farming.

**Mr. Driedger:** Mr. Chairman, from time to time in the department there are some issues that sort of create a little bit of sleepless nights and nightmares and stuff like that. It happened in Highways when I had to turn back highways to the municipalities. In this particular department, aside from fires and floods, the elk-

ranching issue is one of those that has given me some nightmares.

Mr. Chairman, I admit there are problems, that the department has some problems right now, and that is why the issue will be dealt with. I made that commitment to the people that are in and out of the picture. I am not going to try and belittle it. It is a real challenge. We have to deal with it somewhere along the line, and we have to try and deal with it fairly without going into all the finite details of who got paid, could cease and desist elk ranching and who did not, because there were three partners involved at one time that are fighting each other and suing each other now, or trying to.

The fact that we have some game farms that are considered viewing farms and that there has not been a limit on the amount of elk that basically could be involved in a viewing farm, these things, I wish I could tell the member that the plan is set, we know exactly what we are going to do. I do not have that. We are going to get it. I have made the commitment. I will address the issue. I will clean it up once and for all, and I am going to try and do it in a fair and equitable manner.

I can tell just by the questions, the way she has been asking them, that somebody like Mr. Nelson feels offended and done wrong by, not necessarily by government, possibly by some of the partners that he was with. He had to let his herd go. He says if anybody is going to ranch, then he wants to ranch as well, which is fair comment. So these are things, Mr. Chairman, that without getting into the finite details of the whole thing, I have a problem here. You know, I ask the member, maybe she can give me some suggestion as to how she would deal with it. I am agonizing over how we should do it.

**Ms. Wowchuk:** Mr. Chair, the minister does indeed have a problem that he is going to have to sort out. I do not expect the minister to have all the information at his fingertips, but I would like to know at some point, if the minister could provide me with the information, as to when Mr. Taylor got a licence and why he got a licence to set up an operation when the whole issue was supposed to be—there were not supposed to be any more

licences issued, and how is it that he is able to operate? I can appreciate the minister is trying to deal with the situation, and the minister I believe did meet with the people in Swan River just quite recently or in March or April or—in his office, he indicates.

I hope the minister will not take offence to this question, but I want to ask the minister if at that point he did tell the people that there would be elk ranching in Manitoba at that meeting, because that is the information that was given to me, and I would just like to clarify the record.

**Mr. Driedger:** Mr. Chairman, I want to be very honest with the member. First I will try, because she raises the issue of Mr. Taylor, my understanding is that Mr. Taylor received a game licence, you know, for viewing purposes and with no limitation as to how many elk were considered game farm for viewing. That is one of the problems we have to address.

The same thing when you look at Mr. Eisner at Minitonas—when I drove by there you know, the times when I visited the friendly riding of Swan, and certain times saw a whole raft of elk running around on Mr. Eisner's area, the man that supposedly was compensated for getting out of it, or one of them. So these are the problems that are out there. I do not know. I do not have the specific answer for it right now.

I met with those people that basically have elk right now that could be perceived as maybe elk ranching instead of just a game farm. We do not have that many game farms, but we have some. I met with a group, I think there were five or six of them, and at that time they were pushing for me to take and, you know, make some statement related to elk ranching, and I refused to make a statement. What I told them I would do during the course of the next couple of months.

The time when I met with him I told him that I felt responsible to deal with the issue but I did not make a commitment that we were going to have elk ranching. Since that time I have had people that basically have phoned and said, we know you have made a decision, I want to be one of the guys on the list now. Well, that is definitely not factual. The best thing I can do is

again repeat the fact that the Minister of Agriculture (Mr. Enns) has been talking to me about the possibility of moving something forward. Nothing has happened to date and no commitment has been made other than that we are talking.

Unfortunately, at this time I cannot tell the member that we are going to go back into it or that we are not going into it. Certainly I can tell the member though that from the wildlife perspective and from the Department of Natural Resources that I am not supportive under this area here. If it comes forward as an agricultural initiative, that would have to be debated in public too, and the member full well knows that this is not a very easy question.

I could probably encourage her to sort of stand shoulder to shoulder with me as we walk through this challenging time related to elk ranching.

**Ms. Wowchuk:** Mr. Chairman, I am pleased that the minister is setting the record straight because it is the impression and the message has been given to me that the minister did make a commitment that there would be elk ranching and now has backed off and said, well, now we have to study it. If that is not accurate, I am pleased that the minister did set the record straight because there are—

**Mr. Driedger:** Sorry, Mr. Chairman, I did not mean to interrupt, but my deputy was at that same meeting and he can confirm the fact that there was no commitment made towards elk ranching. It was going to be an item for discussion, and that basically is still the case.

**Ms. Wowchuk:** Mr. Chairman, I appreciate that answer. The minister indicates that it is going to be a difficult discussion and it will. I encourage the minister if he takes this issue on and decides to move in the direction that it be studied very thoroughly and that there be input from the public.

I want to ask the minister whether he has also been contacted by any bands who are interested in setting up an elk ranch. What would be the policy there? What requirements, what restrictions—we hear the government say many times, well, we do not have any responsibility for the bands, we do not have to do

different things with the bands. Does the provincial government have any responsibility, or can the provincial government have any ability to restrict if the bands were wanting to start elk ranching? What is the policy in this area?

**Mr. Driedger:** First of all, I will try to get back to the question that the member raised initially as to whether there have been requests from bands to get into elk ranching. The member asked whether there were bands who had requested to get into elk ranching, and yes, we have had requests along that line. The member asked also who would have the authority. The government, the Department of Natural Resources, under The Wildlife Act, would have the authority to dictate as to what happened with wildlife.

\* (1720)

(Mr. Peter Dyck, Acting Chairperson, in the Chair)

The member is probably aware of the wood bison herd that we have at Waterhen. We are having great difficulty there right now, you know, but that was a project that was done jointly between the provincial, federal and the Waterhen Band, and so if it is going to be the intention to move into elk ranching, that portion of it would have to be addressed as well as to, you know, dealing with—we could not take and discriminate against bands. The rules would have to be applied, I guess, and we would have to sort that out as to how we do that and how we control that.

The member is probably aware that other provinces have game ranching, elk ranching, and some of the provinces, Saskatchewan and Alberta, it is quite an economic industry. The thing that makes it sensitive here is that the Manitoba elk that we have are genetically the most desired elk and, together with the disease factors, we try and keep our wild herds as pure as possible.

There are many implications, the member is aware of it, the velvet aspect of it, you know, the sale of sperm, the meat end of it, the inspection end of it. Other provinces that are in it, we can look to them, but it still has to be ultimately a political decision here by the government of the day as to whether we are going to

get into it. And that is the thing that I am agonizing over at the present time and cannot give any more of a direct answer than I have given to this point. The decision is going to be made to change and reverse the decision that was made by her brothers specifically not to continue elk ranching. I mean, this is a thing that has to be made, and I will not make it by myself, I can tell the member that. But it is going to be a very emotional debate.

**Ms. Wowchuk:** Just getting back to if bands were wanting to establish elk ranching, what I am asking the minister is, if bands were deciding that they were getting into this elk ranching, would they fall under the same guidelines? I am looking to see, because of treaty status and reserve land, whether there is anything different that would apply to people on a reserve who were interested versus someone who was not on a reserve.

**Mr. Driedger:** I want to tell the member that it would make no difference whether it was a band or the Prime Minister. It does not make any difference. The Wildlife Act would apply to whoever so that there would be no variances that could take place.

**Ms. Wowchuk:** I guess the minister does have a major decision on his hands as to what is going to happen with this, and I would ask him that he look very seriously, should he decide to pursue this, and allow, along with the Minister of Agriculture, allow this to become an industry in this province, to look very carefully at what is happening in other provinces and what the implications are on the herds that are there, what the implications will be on recreational hunting and, in particular, what the implication will be on our breeding stock here in Manitoba which, as the minister indicated, is quite unique, and we would have to consider that if this becomes an industry what the implications are of bringing in new stock, because that will happen once you have an industry established.

You are going to see elk not only leaving the province, but I am sure that you will see elk coming into the province, breeding stock, and I would hope that the minister would look very carefully at what all of those implications would be on the resource that we have here in this province.

**Mr. Driedger:** I almost got the sense of feeling that the member for Swan River was helping me dictate policy here already to some degree on elk ranching.

Seriously though, these are the kinds of questions that are part of the decision-making process if the government would decide to move in that direction. My challenge would be, from my perspective as Minister of Natural Resources, is to make sure that the wildlife species of elk that we have, which is the most desired in the world I believe, that we would make sure that we protect that, that we do not jeopardize that.

I have to say, for example, in Saskatchewan it is considered a \$60-million industry already. They have auction sales where they sell female elk for anywhere from \$7,000 to \$10,000 for an elk. I know that even in some of the marginal things that have happened in Manitoba, that some of the young elk have been sold abroad, to New Zealand and places like that, for tremendous money, which makes the whole thing so sensitive.

Once again, I think, the member by some of the questions she has asked realizes the problems that are related to this and the difficulties that I will be facing or the government will be facing in terms of making ultimately a decision. The status quo is not acceptable the way we have it right now; I can assure the member of that. So either one way or another it will be dealt with, it will be cleaned up, and I will try and make it as open and fair as possible.

**Ms. Wowchuk:** I appreciate the minister's comments on that and I want to say that I concur, that it has to be dealt with fairly. We have an unfair system here. We have people who for some time were supposed to get rid of their herds, people who have collected money from the government and not dispersed of their herds, an additional person who has gotten a licence for a game farm who is not operating a game farm. We have other people who have been told to disperse their herds and now are operating in Saskatchewan.

The minister has a responsibility to clean this up one way or another and treat everybody fairly on it. I look forward to it and I hope it is in the near future that the minister does address this and bring fairness because

the minister has heard about this before and there are people who feel they are being treated very unfairly by this government. I look forward to the minister's addressing that issue very soon.

I have another area that I want to move on to dealing with wildlife as well. I wonder if the minister can indicate what the policy is on protection of endangered species. Can the minister indicate whether there is any legislation that protects wildlife or birds or any animals in this province, or whether all of that comes under federal jurisdiction?

**Mr. Driedger:** It is unfortunate possibly that the member was sort of preoccupied when the member for Dauphin (Mr. Struthers) was going through this. We just went through this whole thing with The Endangered Species Act. We have an act that basically dictates that.

We also have, if the member looks on the organizational chart, we have The Endangered Species Advisory Board. That board meets and they basically deal not only with animals or with birds, they deal with flowers, they deal with weeds for that matter—well, I should not say weeds—but pretty well all fauna and everything. They cover the whole gamut in terms of what is considered endangered. We have a group that basically meets and makes recommendations to myself. The act basically allows us to do that. That is why we have raised some concerns with the federal minister, stating that we have our own act. Do not play with it, allow us to do our thing here.

\* (1730)

Maybe I can just say that, if the member will bear with me a little bit, six endangered species were designated by regulation in April of 1992. These are the burrowing owl, Baird's sparrow, loggerhead shrike, piping plover, peregrine falcon, and small white lady's slipper. Ferruginous hawk and western spiderwort were designated threatened by regulation in April of 1994.

To date, the status of approximately a hundred species have been reviewed. These include vertebrates, invertebrates, and plants. So there is an ongoing thing.

I have a very active group there that is very conscientious to make sure that spiders and crocuses, all the ones that are endangered, are protected.

**Ms. Wowchuk:** The reason I raised the question was there was an article, and I have it down in my office. It was in The Globe and Mail. It was an article about the lack of protection for various species, and they were discussing the number of butterflies that are taken out of this country, and that there is no protection. What they were talking about was, they talked about the federal wildlife act not being very forceful. They said that the whooping crane, which is listed on there, really has no protection.

So that is why I raised the issue with the minister, looking for clarification. If there is no strength in the federal endangered species act, I was looking for what kind of protection there is. If the minister says there is an act, I wonder whether—in this particular article, they were talking about the exploitation of butterflies, very rare butterflies that are being sold out or collected from Riding Mountain Park, Duck Mountain Park and there is no real way to pursue them. So that is what I was looking for. The minister indicates there is a board in place, and I am pleased to hear that. But that does not seem to make sense if the minister is saying that the provincial act is stronger than the federal act. Is that what he is saying, that we have more protection?

**Mr. Driedger:** Mr. Chairman, I want to tell the member, yes, our act is stronger than the federal act. In fact, we are very proud of what we are doing. The member made reference to some article, but just the other day further recommendations came forward of what we called—you see, there are certain categories; there are endangered, threatened, and protected species. It depends on—for example, the whooping crane, which we, incidentally, do not have here any more, but the whooping cranes are in Alberta. I had the occasion last winter to be out in the Padre Island, Corpus Christi area, where the whooping cranes nest in wintertime and then they come down to Alberta at that time.

There used to be whooping cranes in Manitoba, and they basically wintered in Florida. We now have our staff having discussions with the people in Florida; there is an organization in the States that is promoting

the recovery of the whooping cranes that used to come to Manitoba, and we think we have some exciting things going. The whooping crane was one of the things that was brought forward to me the other day to be designated. I have to make sure whether it was protected, endangered—there are various categories.

It is the same thing as the grizzly bear. Grizzly bears, we used to have them in the province. You do not anymore. I use that only as an example. We also have under The Wildlife Act legislation that will not allow movement of, let us say, wildlife parts, et cetera; they cannot take out of the province other than the way we have it regulated.

I am told here that the feds have no legislation; they want to. We feel that this kind of legislation should be in our own province.

**Ms. Wowchuk:** Can the minister indicate over the last couple of years—many times I have raised in the House the issue on Lake Winnipegosis and the problem with cormorants. Quite often we are told—the responses have been that that is a protected species. Can the minister indicate then if that is actual fact? Is there a federal law that is protecting these birds, or are they protected under provincial legislation? What is the actual status of these birds, and is it possible to control them?

**Mr. Driedger:** Mr. Chairman, I thought if I skated long enough, the critic from Dauphin (Mr. Struthers) would come back and I would not get into this area of the cormorants. Oh, my. All right, well, let us talk about cormorants a little bit.

The cormorants are protected under the Manitoba act. Give me half a second, Mr. Chairman. I just want to make sure that I do not put false information on the record. My understanding is it is provincial legislation that basically gives the cormorants a protected thing. I have to tell the member that it is getting to be a very emotional issue because we have certain environmental groups, and I say this with due respect, that feel that the odd time a commercial fisherman I think probably has taken advantage and abused some of the cormorants. By and large, we have a tremendous amount of these birds around. If anybody ever doubts that, let him get

up to Lake of the Woods, for example, and see the literally thousands of them.

This is not saying that I condone any illegal action to be taken, because they are protected. If we do not want them protected then we should change it, but once you have some bird or flower or animal on the protected list, you try and remove that. It is very difficult. There is a lot of emotion with that. I can recall when my predecessor, the member for Lakeside (Mr. Enns) was the Minister of Natural Resources, and the member for Swan River (Ms. Wowchuk) was continually sort of raising questions about cormorants, and then the minister would always ask, well, what do you want me to do about it? We are virtually back in that same mode again.

I have to say that I am getting pressure because people feel that they have an illegally—let me do a little clarification here. I am getting some information now. They are protected under the migratory federal game legislation because the feds—even for hunting reasons you have to have a federal stamp to be able to hunt migratory birds because they are not Manitoba birds. They are from all over the place. I am told that they are protected under the federal migratory game laws, not the provincial ones, and that is why I was a little hesitant in terms of making a statement, but this is what we have here right now.

In order to change that, you would go through quite an upheaval, I suppose, if we wanted to remove them. But it is not like in removing a duck, for example. If you remove them, these people would not necessarily go out and shoot them for food purposes or stuff like that, because anybody looking at a cormorant, I do not think, would have very much desire to—it would not do much for the appetite anyway.

There are problems out there because there are commercial fishermen, and Lake Winnipegosis attributes part of the demise of the commercial fishing industry to the tremendous amount of cormorants that are on that lake. There are pros and cons in terms of technical information as to whether they really eat just the rough fish that are closer to the surface or whether they actually maybe have an impact on the better species of pickerel, jacks, whitefish, et cetera.

Everybody has a view on that matter. I do not know what to do with it.

(Mr. Assistant Deputy Chairperson, in the Chair)

**Ms. Wowchuk:** I am not trying to put the minister on the spot on what he would do with the problem. I am looking for, what would be the process if the minister says that these birds are protected under the Migratory Birds Act? It is a federal act. What would be the process that we would have to go through if we wanted to have that bird removed? Would somebody from the provincial government have to lobby the federal government, or how would this come about?

**Mr. Driedger:** Mr. Chairman, there is some effort being made by some of the member's constituents to try and meet with federal people in terms of asking what the process would be. I suppose, you know, if the initiative is being driven by people from your constituency, for example, and if we would maybe get a bit of an idea as to what is happening in other provinces as well, whether there would be a desire to move forward to ask the federal government to take and just remove them, but the problem I have, even let us assume that this process would move forward, that from local pressure that we would take and move as provincial governments to lobby the federal government to remove them from the protected species, from the list under the migratory game thing, which I think could probably happen.

But that still would not do anything really. I mean, would that mean that there would be a control program on it? You know, I am having some difficulty as to how we would deal with that at that point. I can tell the member, and the member is fully aware of this, that to move in that direction is going to be one big fight because there are people that feel very strongly that there should not be anything. Here is the man that is responsible for it, he is the one that basically said, you know, let them fly.

\* (1740)

**Ms. Wowchuk:** Mr. Chairman, I appreciate what the minister is saying, but it is my understanding that in some provinces, and I think on the east coast, that it has

become such a nuisance that they do have control programs. I would ask that the minister—and I am not lobbying for a control program right now. I want to set the record straight. I am looking for what can be done and whether the minister has looked at what has happened in other provinces should the situation arise where it becomes so difficult that we cannot deal with it. The minister knows, he has heard from many people on it.

So, I guess what I am looking for is, has the minister looked at what is happening in other provinces, particularly on the east coast, how it was they were able to design a control program without causing many people to be very disturbed by what they were doing?

**Mr. Driedger:** Mr. Chairman, I am going to make a commitment to the member to find out exactly what has happened in other areas specifically on that and to get a better understanding of the full implications of how this would have to be, you know, whether these could be removed. The undertaking I give is only to get that information. That is not an undertaking that I will do anything with it, but certainly I will get that information and find out what is involved. At that point, I guess, somewhere along the line, depending on public input into the matter, some decision could ultimately be made.

But for the benefit of the member for Lakeside (Mr. Enns), we are into the cormorant debate, and we are trying to establish whether, you know, we have established that they are protected under the federal Migratory Birds Act, and there is some desire by some people that are pushing to have us move in that direction so that they can have that removed.

I will get that information and I can tell the member that I will, once I have that information, correspond directly with you on that.

**Ms. Wowchuk:** Mr. Chair, earlier on the minister and my colleague from Dauphin (Mr. Struthers) were going through this chart, the organizational chart, and the various boards that are under the government. There is another board that I do not see on this chart and that is the Elk Management Board. Is that board still in existence? I believe it is, and if so, why is it not on this

chart? Where would it fall under, if the minister could clarify that?

**Mr. Driedger:** Not to try and deviate, the member would want to check the record as it went through with all these boards because the member for Dauphin (Mr. Struthers) felt very keen in terms of finding out what the responsibilities of the various boards were. I gave him the ones that were nonactive and I gave him the ones that were based on demand and the ones that were active. With the exception of one board that basically is not on here, which is the compensation board for the Shellmouth Dam for that group. My understanding is there is no Elk Management Board at the present time. Whether it has been done away with, I am not aware. We do not know of a management board.

**Ms. Wowchuk:** Is there an elk advisory board? There is some board that is active in the Swan River area because there are people that have an elk problem—and I have a big long letter here that the minister has a copy of—people have been referred from the Department of National Resources to go to the Elk Management Board. It is the Elk Management Board that is supposed to deal with problems of elk in the area. There is a board or an advisory board—Ken Fulford.

**Mr. Driedger:** The member had me sort of uncertain there for a minute. There is a board, but it is a private-sector board. It is not funded and they do not report to me. We have not done any funding for them. It is a private group out there, by and large, that—and the member mentioned Ken Fulford—I know there is a group out there that has a very keen interest in terms of what happens with the out-groups. My information tells me it is a private-sector group; it does not report to the minister.

**Ms. Wowchuk:** I will look a little more deeply into it and come back to the minister later because it is my understanding that this board is called the Elk Management Board. It seems that they do have involvement and that they do play a role in how the elk should be managed and people are referred to them by the Department of National Resources. So I will get a little bit more information on it and I will come back because it is our impression that this a board that comes under the jurisdiction of this department. What I was

looking for was I wanted to know what kind of funds were provided for them. If the minister could get that information for me, I would appreciate it.

**Mr. Driedger:** I still feel that it is not a government board. We will do some checking and see whether through direct or indirect sources that we have done some funding for various projects or stuff like that. I will get more detail on it.

**Mr. Tim Sale (Crescentwood):** I would like to ask the minister a somewhat related question in an area related to the Freshwater Institute and the funding for freshwater research which, according to my sources within the federal research establishment, is being virtually eliminated by the minister responsible, Mr. Tobin, who is apparently meeting his quota cuts for federal reductions by focusing the entire cut on the freshwater side of his department.

Does the minister have any information to shed on that story?

**Mr. Driedger:** Mr. Chairman, first of all, my department has not done any funding. They have not been funding any portion of that. The federal government in their wisdom, or lack of it, have virtually cut all the money that has to do with my Department of Natural Resources. Whether it is forestry, whether it is any joint program that we have had, they have virtually cut it. There are maybe a few programs that have not been terminated. Other than that, there has been nothing renewed. It is virtually wiped out. I feel it is very sad and tragic.

We expect even further damaging things to happen. When we had the minister's conference in Victoria, the federal minister at that time indicated that they were going to be pretty tough. Further offloading that is coming down, aside from the freshwater research thing there, the member is probably aware the decisions that the federal minister is making related to exempting the Island Lakes. Other changes that the federal government is basically looking at doing is offloading all their docks and wharfs throughout the province on the municipalities or private corporations or communities. So we are in for some very difficult times.

I think it is most unfortunate because our natural resources are the ones that have never really been that costly, and I think it is very important that if we want to retain those resources that we keep funding into there. I have to say that we have not from the provincial perspective funded this, and I do not know whether we are in a position where we can. We cannot pick up all the slack that the feds are dumping on us.

**Mr. Sale:** I thank the minister for that response.

My concern and the concern that was expressed to me by people who work within the federal research establishment is this. It is that fundamentally it appears that there will be nobody doing freshwater research in Canada, essentially, when these cuts are over. Now this has enormous impacts for the people of Ontario, for example, with the Great Lakes being the source of water for a huge number of places.

It has very large impacts on us in Manitoba given our fisheries, given our drinking water questions, especially ones that cross borders. It impacts on the proposed storage of nuclear wastes at Pinawa because a great deal of the research that supports whether that is a good thing or a bad thing has to do with water flows and water seepage and emissions of gases from some of the rock structures.

I am not expecting and I would not advocate that the provincial government try and pick up all of that slack, but I would like to ask the minister, have you discussed with your colleagues in other provinces the mounting of a substantial protest or lobby or information that would show the risk to which Canadians who live in the freshwater parts of our country are exposed to by virtue of having no tracing of pesticide residues, no tracing of any of the polluting issues, no tracing of the degradation from, for example, any of the plant species that are finding their way across—I have forgotten—purple loosestrife for one example, zebra muscles is another example?

\* (1750)

This I think is one of those things that Canadians are not aware of in terms of the impact of these cuts, and I am not satisfied that I am hearing a clear message from

this government about the degree of, I think, hazard. It is not just a question of pure research no longer being done, but the capacity to monitor real hazards is going to be gutted by this cut as well.

So I would like to know if the province has a strategy to address this serious question.

**Mr. Driedger:** Mr. Chairman, I think the comments are relatively fair from the member. I just have to say that at the time when the federal minister outlined—this was prebudget strategy I suppose, and he sort of raised some of the warning signs of what they are probably going to be implementing and then, ultimately, implemented without any further consultation.

It was my understanding from him that prior to some of these things happening that there would be an opportunity for—I felt federal Minister Tobin was responsible, that he would take and give the opportunity to have further dialogue directly with him. I have had some dialogue with him, raising some of the concerns, and it is just like with the federal forestry minister. The decisions are made and we have raised our objections. We will continue to raise our objections, but it is like blowing into this wind. It does not make much difference to them, but I really appreciate the concerns that the member is raising in terms of the impact that it will have on a province like Manitoba.

All the progress that has been developed for years in terms of developing the research and bringing the concerns forward so that we can be responsible environmentally is all going to go down the can, so to speak. I do not know how we can continue to operate that way. We certainly as provincial government cannot replace that. I will deal, together with my environmental colleague the Minister of Environment (Mr. Cummings), to see whether there are some ways that we can take and tap into some of this, to do some of this. But it is virtually hopeless, I think.

**Mr. Sale:** I appreciate the minister's comments. I am asking for a strategy and a willingness to inform Manitobans very clearly of the impact of these cuts, which we also will be attempting to do.

My last question is, does the minister know at this point the actual number of jobs, the actual cuts and the phasing of these reductions over the next period of time? Does he have that information? Would he make it available, if he does have it?

**Mr. Driedger:** Mr. Chairman, my deputy tells me that we have approximations, but I am not comfortable putting the figures on without having a better view on that. I am prepared to take and by the next sitting of this committee try and have a much more definite position on that in terms of the impact that it will have had by the federal cutbacks, talking of the research end of it as well as some of the others.

The question I have of the member: You want this broken out as to on the fishery end of it and the forestry end of it or do you want a total picture of the whole thing?

**Mr. Sale:** I think the detail is always helpful, if it is not too much detail, but whatever the department has available in terms of those estimates. I am also concerned about the experimental lakes station which is not in Manitoba, as you know, but employs a good number of Manitobans at the station and brings to the University of Manitoba and the institute a reputation for world-class research which very few people in Manitoba are aware of. The ELA station hosts scientists from around the world and is probably the most widely cited location and source for this kind of research, and yet it apparently also is at risk.

**Mr. Driedger:** Mr. Chairman, I just want to say that the time when these things were coming down the pike, the federal cuts, each department was sort of summarizing the impact that the federal budget had on them and was being co-ordinated through the premiers opposite at the time.

I will try and give as much detailed information by the next time as we can in terms of the impact that it basically has had on us job-wise, and maybe we can even try and get the financial figure impact of the dollar value itself of the changes that have taken place. It makes it very awkward, especially in this department, having been here less than two years.

I have a very, very strong affiliation to this department and the importance of the resource aspect of it to all Manitobans. I always say, there is not a person in the world or in this province that is not affected by what happens in this department, either through whatever it is, whether it is forestry, trees, animal wildlife, fisheries, birds, grass or flowers, it is all impacted to some degree by here.

I sometimes feel that we do not treat it with enough financial respect so some of these things can take place, but that is my own view on it. I will try and get what information I can.

**Ms. Wowchuk:** Mr. Chairman, there are several more issues that I want to raise. The minister has given us a lot of liberty in moving throughout the department, but I have some questions with regard to policy and, particularly, with staff that is travelling.

I want to ask the minister, when his staff is on the road is there a designated list of hotels that people have to stay at, or do they have a choice of where they can stay?

**Mr. Driedger:** Mr. Chairman, my director here tells me that there is a suggested list of where they should stay. They do not demand them to stay there but they have a suggested list. I assume that if they stayed too many times in the Ritz when they should be staying at the Concord, and there is a big difference in price, that ultimately the suggestions might get a little stronger. But my understanding is, by and large, I believe the majority of employees go by the preferred list and adhere to that.

If the member has some information, I will try and get some of it.

**Mr. Assistant Deputy Chairperson:** The honourable member for Swan River for a very short comment.

**Ms. Wowchuk:** I was looking for clarification on whether the people had to stay at those particular hotels, and what I am—

**Mr. Assistant Deputy Chairperson:** Order, please. The hour being six o'clock, committee rise.

## JUSTICE

**Mr. Chairperson (Marcel Laurendeau):** Will the Committee of Supply come to order, please. This section of the Committee of Supply has been dealing with the Estimates of the Department of Justice. Would the minister's staff please enter the Chamber at this time?

We are on Resolution 4.2 (a) Public Prosecutions (1) Salaries and Employee Benefits.

(Mr. David Newman, Acting Chairperson, in the Chair)

**Hon. Rosemary Vodrey (Minister of Justice and Attorney General):** Mr. Chair, the committee has begun, so I would just like to take a moment to introduce a member of the staff to the Chamber, Mr. Les Kee, Director of Special Prosecutions, who is joining us for this session.

\* (1500)

**Mr. Gord Mackintosh (St. Johns):** During Question Period again today we pursued the issue of the inquest into the Health Sciences Centre infant deaths and the role of the government. The minister apparently is taking the position, based on an appellate court decision, that independent counsel cannot be retained to conduct the inquest. Is that a fair summary of the minister's position?

**Mrs. Vodrey:** Mr. Chairman, the position is one in which the court has said really what is the purpose, because whoever is retained, whether it is our Crown attorneys or whether it is an outside counsel, they all function under the direction of the Attorney General.

**Mr. Mackintosh:** I understand that decision involved a prosecution and whether the Attorney General could ever relinquish her role as the person responsible for prosecutions under our system of government and in our judicial system.

I wonder if the minister has an opinion as to whether that decision is applicable to the issue of inquests, which, under The Fatality Inquiries Act, appear to put

the Attorney General in quite a different role, both under the legislation and historically.

**Mrs. Vodrey:** Mr. Chair, I think that is precisely what the judgment is speaking about. The judgment speaks about the different role that the Attorney General plays, the number of different roles that the Attorney General plays. For example, the Attorney General is an employer. The Attorney General has a role in the House. The Attorney General has a role in criminal proceedings and civil proceedings and at an inquest. The Attorney General plays a number of different roles.

Their emphasis is that the Attorney General plays whichever of those roles and must discharge that responsibility according to law. That is done through the Crowns. The Crowns must discharge their responsibility in their independent way.

Mr. Chair, I continue to believe that the Crowns who have been appointed to assist the judge in the fact-finding of this inquest are in fact going to do a job that will serve the interests of the people of Manitoba. The member continues to suggest that they will not. I disagree.

**Mr. Mackintosh:** The minister, I suggest, should be careful in how she is characterizing the conflict of interest. Conflict of interest arises on two dimensions. One is a perception of a conflict of interest, and the other is a real conflict of interest.

However, the concerns raised in Question Period today, particularly regarding the likelihood of a civil suit against the government and given concerns that will likely be the subject of the inquest which revolve around the operations of the Chief Medical Examiner's office, the perception certainly is a heightened one.

I think the minister has just made the best case possible for why an inquest is the inappropriate vehicle to deal with this issue. The appropriate vehicle is an independent inquiry.

If the minister feels that she is constrained now the decisions have been made by her government and constrained to an inquest, I suggest that the minister has several routes that she can follow if she wants to ensure

public confidence in this inquest, which, I hope, the minister indeed sees as her main objective.

One is to review the legislation and satisfy herself that counsel, nongovernmental counsel, can indeed be contracted with which will act as quasi-independent agents or as independent agents for the inquest; and, No. 2, that the legislation be amended as recommended by the Aboriginal Justice Inquiry to ensure that nongovernmental counsel has conduct of the inquest.

As well, there are other alternatives, I think, that are available to the government. One is to review the role of the interveners, assuming there will be some at the inquest, and to ensure that there will be the full participation of interveners. That may require some public funding, I do not know. I will have to consider that. So I will leave that with the minister.

I wonder if she has any response to those suggestions.

**Mrs. Vodrey:** Mr. Chairman, the member raises the issue of conflict, perception or reality, and I will tell him now, as I have told him each time I have answered the question, I am satisfied that there is neither the reality nor perception of conflict of interest. In fact, he continues to push a point which the Court of Appeal has described as a window dressing for whatever purposes.

Mr. Chairman, my answer is the same. I have confidence in the ability of our Crowns to discharge their work in an independent way in the way in which they have in the past. This is not a new idea that our Crowns would act in an inquest. Secondly, the question of inquest versus inquiry. We are satisfied that the judge has enough power under the existing legislation to look into this matter through an inquest. Past practice of the court has shown that the judge can discharge his duties in this way.

So we are satisfied at this time that our Crown attorneys will do the right job and that the inquest is the way to go.

**Mr. Mackintosh:** Well, I regret the minister's view of this.

History repeats itself, and not long ago in the report of the honourable Archie Dewar into the Ticketgate affair, he reviewed the point at which the internal conflicts arose within the minister's department and at which the independence of the prosecutorial role broke down. He made his conclusions and then said the above conclusion is about organizational fault and failure to understand it; it is not a reflection on motives.

Of course, that report then went on—and this was regarding a prosecution, and I recognize the seriousness, a very important distinction here. I am talking, though, about recognizing a conflict of interest when it is staring the government in the face. He then went on to conclude as recommendation 2.(e) that the government establish criteria for and method of selection of a special prosecutor in appropriate cases where internal interests of the Department of the Attorney General conflict or appear to be in conflict.

\* (1510)

Then, of course, we had the Aboriginal Justice Inquiry report, and we had the inquiry into the Helen Betty Osborne death and the murder and the Harper matter.

There the AJI, on page 85, went on in detail to discuss the role of the Crown. The inquiry notes, and I quote: "Inquests, . . . are conducted by Crown attorneys as a matter of convention. However, The Fatality Inquiries Act does not direct Crown attorneys to be involved, nor does it explain fully the role of the Crown attorney." Then they go on to cite section—I believe from memory it is 27.

He went on to explain, then, that Crown attorneys have been assumed to have conduct of inquest. The inquiry then moves towards a recommendation, and it looks at the issue of ensuring independence. The inquiry states, and I quote: "The Act does not anticipate the possibility of a conflict arising between the party conducting the inquest and the one who is the subject of the inquest. No rules about how to challenge the conduct of Crown attorneys are set out. No rules of disclosure exist requiring the Crown attorney to disclose to other parties all the evidence available to the Crown attorney."

The report went on to say: "The government definitely should be in a position to argue its account of events and defend its actions, but in such a situation a completely independent person should conduct the inquest and have access to all relevant files. The government cannot defend its actions and present a 'version,' while at the same time purporting to assess independently and present all the available information. The two activities constitute a conflict. At the very least, there is a perception of a conflict."

"Families of deceased persons should not be put in the position of having to challenge and rebut the 'official version' when the death involves a public agency. Crown attorneys should not be able to decide unilaterally what is and is not relevant information for an inquest. The approach of the person calling the evidence at the inquest must be that there is no 'version.' Therefore, whenever a government agency or department's actions are to be scrutinized at an inquest, counsel conducting the inquest should be independent of government."

Then they went on with the formal recommendation and indeed recommended that The Fatality Inquiries Act be amended to provide that where an inquest involves a government agency, a nongovernment lawyer be retained to conduct the inquest.

Now is the minister rejecting the rationale and the recommendation of the Aboriginal Justice Inquiry there?

**Mrs. Vodrey:** Let me go through the issues that the member has raised. First of all, he raises an issue from the Dewar review. That was a prosecution against judges, defence lawyers, magistrates and others who are involved on a regular basis in the administration of justice. In that case we have followed that advice. We have at times in a situation like that gone to outside counsel.

The member speaks about the AJI. The AJI was an inquiry looking specifically at the justice system and how the justice system related to aboriginal people, particularly in Manitoba. In the AJI there was a preference stated that perhaps we should not use Crown attorneys and perhaps we should in fact use outside

counsel even from outside of our province. However, what we are dealing with here and what we have used as our guidance is recent case law in Manitoba from our highest court, the Court of Appeal. In that recent decision, 1994, the Court of Appeal gives the opinion that I have stated in Question Period, and I am happy to state it again for the record. We have been discussing it this afternoon.

I quote: The Attorney General is in a unique position quite unlike that of a member of the private bar. It is no answer beyond the political window dressing to retain outside counsel. Whoever her agents may be, whether her permanent staff or outside special appointments, they must function under the Attorney General's direction.

So we have taken direction from that most recent case of our Court of Appeal, and I believe I have given him an answer to the two other cases that he has brought forward.

**Mr. Mackintosh:** I am not going to get into a legal argument. I wonder if the minister can provide the cite for that case. Is it the Queen versus Doucet?

**Mrs. Vodrey:** Yes, that is correct.

**Mr. Mackintosh:** Well, I urge the minister, I urge the government, in the interests particularly of the families of the infants involved and of all parents past and future in Manitoba that she ensure public confidence in this inquest and she very carefully review the prerogatives, the abilities of this government to better ensure a perception that there is impartiality, fairness.

Well, Mr. Kee is shaking his head. Perhaps he would like to make some comments through the minister.

**Mrs. Vodrey:** Mr. Chair, as the member well knows, the minister is the one who speaks on behalf of the department. Whether or not the member is being somewhat overly sensitive to any gestures or movements which are being made on this very, very hot day in Manitoba, I cannot answer for that. The member is obviously extremely sensitive about what has taken place over the course of Estimates. He is now trying to suggest that members of the Department

of Justice, by becoming comfortable on this hot day, have some message for him.

Well, the message of this government, the position of this government is the one that I have given to him, the one that I have been putting forward over the past two days. I understand that the member sees this as the government does, as a very important inquest. I am pleased that he sees this in the same light as the government, that this is an important issue, a very emotional issue on behalf of the people who are involved.

I have assured him on several occasions that my main concern is that there is fact-finding within the range of the inquest which is quite broad. We are satisfied that it can be quite broad. We also have confidence in the Crown attorneys and in the associate chief judge who is conducting this, and I think the points have been made over and over.

\* (1520)

**Mr. Mackintosh:** This matter is on all fours with the concerns raised in the AJI report and, in fact, concerns raised by the very judge who will hear the inquest. I do not know what Judge Sinclair thinks of the appointment of two Crown attorneys, but in light of his remarks in the AJI report I suspect that he is uncomfortable.

I think the critical question is the discomfort of those who are most affected by the inquest. I note, although I have not spoken directly to the family, but I saw a quote of a grandmother of one of the deceased infants in the paper who expressed her perception. It was that she thought the inquest would cover things up. If that is the perception that is gaining circulation, then I think the point is proven.

I ask the minister again to reconsider this and not dig in to a position. This inquest will take a lot of work, a lot of effort, and there are hopes being pinned on the impartiality and the thoroughness of this inquest. We do not need any perception that it will be inadequately aggressive. So I ask the minister to again look at this issue. I am confident she will see quite clearly that the case she cites in Doucet is distinguishable.

I have some further questions. The other day or last night we spoke about the Community Advocacy Response Team for Domestic Violence recommendation of the Pedlar report, known as the CART recommendation. Pedlar recommends that CART be created to provide advocacy support and assistance to women and their children immediately after police have responded to a situation of domestic violence. I am wondering what action the minister has taken with regard to that recommendation.

**Mrs. Vodrey:** Mr. Chair, I know we have spoken about this over, I guess, the past year. The member knows that there is an implementation committee for the Domestic Violence Court. The Chief Judge is the chair of that committee. I understand that the group from the Pedlar implementation committee made a presentation to the Domestic Violence Court implementation committee chaired by the Chief Judge, and they did speak about the CART program.

However, I have certainly had no recommendation yet from the implementation committee—that is the one chaired by the Chief Judge—to move in any particular direction in relation to the CART program, or, on the other side, the program that deals with intervention with the offender. As the member knows, there are two models. People who believe that the CART model is the way to go present information on behalf of the CART model, but there are others who believe we should be dealing at the other end with the offender and some do not agree with that either.

So we have a committee. It is not my committee, by the way. It is the committee of the Chief Judge, who is looking at this and from whom, I expect, I will receive some information and some direction, but I have not had it yet. I do not want the member to think that nothing has been done, because, though the Pedlar committee has expressed interest in the CART program, many other things have happened in this province as well. I think that it is important just to go over some of those initiatives.

Really one of the biggest initiatives, one of the most important initiatives, is one that I spoke about last night, and that is the establishing of Canada's first specialized Family Violence Court in Winnipeg. We

have a Family Violence Court in Brandon, and we are looking at how we can provide family violence courts in other areas of the province. That is a big step. That is one which, as I said yesterday, has brought people from all across Canada to look at the system that we have in Manitoba. We have developed very aggressive police and prosecutorial and correctional protocols, and they are designed to respond to domestic violence.

We have expanded the victim services, and I think that is a very important issue that we were able to expand those victim services, including Women's Advocacy. We have them operating in Winnipeg, also in Brandon, in Thompson and The Pas. I have also spoken about the fact that we are looking at an overall strategy for victims around this province. So a great deal has been done.

In addition, the other area of concern I remember in Estimates last year was the correctional programming for offenders, because we have to look at somehow dealing with the person who was the offender and how that person is going to return to the community. Is there some way that individual can either gain some insight into their behaviour to stop them doing it or at least change their behaviour even without the insight? So we do have programs within Corrections that are aimed at offenders both in the institutions and outside.

So I would not want the member to think that, because a decision on CART has not yet been forthcoming, a decision one way or the other or because a request, a recommendation one way or the other on CART has not been forthcoming from the implementation committee, nothing has been done or we have been waiting on that alone. That is simply not correct. What is correct is this government's action, which, I can tell you, I present over and over again when I go to not only Ministers of Justice meetings but Ministers responsible for the Status of Women ones, because Ministers responsible for the Status of Women across Canada are looking at how issues of domestic violence are being dealt with in every province, and Manitoba continues to have the model.

**Mr. Mackintosh:** My question was about CART. Has the minister assured herself that the implementation committee is reviewing the CART model?

**Mrs. Vodrey:** As I said to the member in my answer, but he might have been busy while I was giving it, there was a very extensive presentation to the implementation committee by, I believe, members of the Pedlar group on the CART program, but we have not received a recommendation from the implementation committee chaired by the Chief Judge.

It is my understanding that that committee is looking at which of the intervention models would be the best or is there another intervention model that may be more suitable. The two intervention models, as I have said, are the CART intervention, which is an intervention with the victim right at the charging time, or intervention with the offender in terms of looking at how to change that person's behaviour or give them some insight into what their behaviour means.

\* (1530)

**Mr. Mackintosh:** It is four years now almost since Pedlar made the recommendation, and I am just concerned that the minister might be relinquishing the initiative to this implementation committee, which may or may not currently be reviewing the CART model. I wonder if the minister would be prepared to ask the implementation committee to make a recommendation one way or another on the matter.

**Mrs. Vodrey:** First of all, let me make it clear again that this minister and this government are not relinquishing opportunities to act, and I have just gone through a list of the actions that this government has been doing in the area of domestic violence. The member has looked at one particular initiative, and what I have explained to him is that a committee—not my committee, but I have representatives on that committee—has been reviewing it. I certainly can ask for an update from the people who sit on that committee who are my representatives, but I would remind him that this committee is chaired by the Chief Judge.

**Mr. Mackintosh:** I wonder if the minister would report to this side as to whether or not the committee is currently reviewing CART or alternative models and whether it is now in a position or when it will be in a position to make a recommendation.

**Mrs. Vodrey:** As I said to the member, the presentation occurred. I am not sure, and it is by memory, my memory, if this presentation occurred before Christmas or just after, but it has been fairly recently and the Chief Judge's committee, the implementation committee has to look at it.

I am interested, though, that the member seems to be so—and I cannot tell, is he supportive of the CART model or not? It seems to me that he is supportive of the CART model. I cannot quite tell what he is getting at, but it seems to me he is supportive of that model, which surprises me because the CART model comes from the United States. It was very interesting to listen to members opposite spend a great deal of time being very concerned about anything that came from the United States into Canada, particularly, into Manitoba. Now here we have the member for St. Johns (Mr. Mackintosh) of the NDP party expressing great interest, wanting the government to find out and get a move on in this CART area, which came from the United States. It is quite a turnaround that we see from the opposition party.

**Mr. Mackintosh:** The minister, I hope she comes back into the Estimates process here. I certainly never put any position on the record. If she heard one, I do not know whom she heard it from. My concern is that I have some concerns about the CART model, quite frankly, and although I do accept the recommendation of Pedlar that a pilot project be established in at least two centres in Manitoba to allow for the evaluation of such a model, I think we better get going on this because nothing is happening.

I am glad to hear the minister clarify that the presentation has been made relatively recently, perhaps after Christmas, so I hope that some recommendation will be coming forward.

I do not know if I even want to bother responding to her thing about ideas from the U.S. It was just gibberish as far as I was concerned.

Now the minister had said that there were two points of view she was aware of: one was intervention for victims, and the other one was intervention for offenders. She said, those seemed to be competing

points of view. I am wondering what point of view the minister shares.

**Mrs. Vodrey:** Mr. Chairman, yes, I am very happy to tell him I am aware of both possible types of information. We discussed it last year in the Estimates process. However, we have not had any recommendation yet that has given us information that says which will be the most effective, the most efficient, or perhaps to the interests and the liking of people in Manitoba. We understand that we are working with people; we want to make a difference in terms of working with people. I will be very interested to hear which of those is seen by victims or various groups to be the most effective and the most efficient. We have not had that information back.

The member characterizes them as a somewhat competing points of view. I am not sure that is accurate. However, the focus of them is both different. One focuses on the victim, and one focuses on the offender, to my knowledge. That is why I said those are the two that I have heard the most about, but maybe there is a third.

Maybe there is something which will come from the implementation committee that has been working with this. Maybe something will come from people who have been interested in working in this area that will provide us with another model that will be the one that will be the most helpful to Manitobans. So, Mr. Chairman, I have to say to him that I wait for some further information.

**Mr. Mackintosh:** I certainly do not share the view that they are competing, although I took that from the minister's comments that she was being led to believe they were. In fact, I entirely reject that. There should be services no doubt in intervention both for victims and for offenders if we are going to change behaviour and deal with the needs that are out there.

The other critical series of recommendations in Pedlar, under the umbrella of response to victims, included the recommendation "that ongoing support groups and counselling services be made available for abused women and their children" and that such supports go beyond the time that victim must spend in

the justice system.

I am wondering if the minister can report now on that unfulfilled recommendation and what the status is of ongoing support services.

**Mrs. Vodrey:** I am concerned about the member's phrasing of his question of an unfulfilled something he said, an unfilled action, or I am not sure what word he used. He is quite wrong. It amazes me sometimes how he has missed the point of several initiatives which have already been spoken about in terms of support to women who have been victims. He is well aware of our Women's Advocacy Program which is a support to women.

When he speaks about counselling, I believe he is aware that our Criminal Injuries Compensation will now see for counselling those people who have been victims of abuse, including sexual abuse. I believe that we spoke about that last year. I think that coverage is very important, and people are able to access that.

I have spoken about an overall victims strategy, which we are currently developing. I am not sure if the member knew about those two or three initiatives which are currently ongoing within the Department of Justice.

\* (1540)

**Mr. Mackintosh:** Can the minister tell the committee what program is currently in place that is provided by the government, either directly or indirectly through funding, so that there is ongoing counselling for victims of abuse?

**Mrs. Vodrey:** In my last answer I spoke about funding which is available from the Criminal Injuries Compensation Board which provides funding to victims who wish to seek counselling from a psychologist. Those people who wish to seek counselling because they have been victims in such things as sexual abuse or domestic assault, that is available.

The member knows when somebody seeks the support of a psychiatrist, that is covered under

medicare, but we have looked at how then to provide support to individuals who wish to seek counselling from someone other than a psychiatrist or psychologist is an example.

**Mr. Mackintosh:** I wonder if the minister could provide, before the conclusion of the Estimates, a list of the counselling programs which the government provides directly or indirectly through funding for survivors of domestic violence, as well as the children who are either victims directly or are victims by exposure to domestic violence. I just want to make it clear—if the minister could provide a listing of those programs.

**Mrs. Vodrey:** I am sure the member knows, as I have talked about one of the counselling programs where funding is provided through the Department of Justice and the Women's Advocacy Program, funding provided through the Department of Justice, but there are also programs which, I believe, are offered in the area of Health and also through Family Services and perhaps also through Education.

It will require an opportunity to survey and the member sort of looks about Education, but though this is perhaps an indirect through funding to the public school system, there is funding to the Child Guidance Clinic. The people that work at the Child Guidance Clinic provide that direct counselling to children, whether they are victims themselves or within a family where this event has occurred. I am not able to promise that I can provide that by the end of this Estimates; however, I will survey the departments and provide him with the information. I think it is really an important list of information.

I would also remind him and, for the record, just speak very briefly about the children's secretariat, Child and Youth Secretariat, which actually is being managed under my colleague the Minister of Family Services' (Mrs. Mitchelson) department, but which is funded and participated in by the Department of Justice, the Department of Health, the Department of Education and the Department of Family Services.

Through the Child and Youth Secretariat, we are making every attempt to put the child first, that child's

needs first and whether the child's needs are best serviced through school, and then we will try and get the resources into the school. We need to look at how we are able to break down some of the barriers between departments to make sure the service is received. So that would be another area that I would like to survey to see what is available currently through our Child and Youth Secretariat or what may be planned.

**Mr. Mackintosh:** Just to restrict, then, the scope of the undertaking, if the minister could provide a list of the programs funded directly or indirectly by the Department of Justice and if she could provide information that is funded through the Youth Secretariat?

**Mrs. Vodrey:** I am certainly able to provide what comes through Justice and through my representative in the Child and Youth Secretariat. I will be happy to provide information from the Child and Youth Secretariat which was developed and announced, as the member knows, in early March of this year, and which is continuing to develop its mandate to serve children and to serve children first and in a very holistic way.

The other areas, I presume then he is satisfied that he has been able to identify through Estimates of other departments. I am not sure whether he has asked those questions to other departments, but I would want to make it clear to him, if he is looking at an exhaustive list or a more exhaustive list from this department, then he will have to look at other departments of government who are providing direct or indirect service to Manitobans.

**Mr. Mackintosh:** I thank the minister for that, and I trust it is not an overly demanding undertaking. I will be cautious in asking for such undertakings, but I think it is important that I be familiar with what programs are being supported by the Department of Justice in particular.

Moving on to another recommendation of Pedlar, and that was that a victim impact statement program be instituted in Manitoba on a permanent basis. When we last canvassed this issue, I believe that there was no permanent program in place, although I understand that there had been pilot projects in the past in Manitoba. I

am wondering if the minister can tell the committee what is being done with the victim impact statement program. This is, of course, for victims of domestic violence.

\* (1550)

**Mrs. Vodrey:** At the moment we do not have an official victim impact statement program. However, Corrections will include comments from the victim in their predisposition report. A victim also can make a presentation through Crown counsel and sentencing or can also be called as a witness on sentencing.

However, I have told the member several times that we as a government are undertaking now a look at victims across the province. What are the needs of victims? The issue of victim impact statements is certainly one of the areas that we are examining.

**Mr. Mackintosh:** The Pedlar report recommended that a legal advocacy office be established and that was envisioned to be separate from the Women's Advocacy Program. It was recommended that the office have a toll-free telephone line and essentially provide services to women in abusive relationships. I am wondering if the minister has given further consideration to that recommendation.

**Mrs. Vodrey:** Maybe the time has come to sort of broaden the discussion a little bit, because I see the member is going through the Pedlar report and choosing sort of a recommendation here, a recommendation there and wanting to know exactly the status. So let me just tell him that the department is preparing a comprehensive report in response to the Pedlar report.

I know last year when we were discussing the Pedlar report, I pointed out to him—and I think it is in the introduction part of the Pedlar report—that it was never prepared with the view that it was going to be specifically implemented point by point or issue by issue. Instead there was the intention that it be implemented in a comprehensive kind of way. So what the Department of Justice is doing at the moment is reviewing the report, reviewing our response to it and making it a comprehensive report.

I can tell the member that in some cases we have even gone further than what is requested within the Pedlar report. I do not have that response at the moment. I am looking forward to receiving it, and certainly when we receive it, then that will be something that I will be happy to talk with him about.

**Mr. Mackintosh:** I take it, then, there is some ongoing review of Pedlar outside of the implementation committee. Is that right?

**Mrs. Vodrey:** Just for the record I want to be careful that, when we are using the term "implementation committee," we know which committee the member is actually referring to. There has been a committee that has been looking at the Pedlar report and presenting as they did the CART model to the implementation committee of the Family Violence Court, and that is the one chaired by the Chief Judge. So I am not clear which committee the member is speaking about when he speaks about an implementation committee.

I think the answer to his question is not in the name of a committee but rather that the Department of Justice is looking carefully at the Pedlar report. We have understood what has been asked of us and we are preparing a comprehensive response and that is what Pedlar asked for in her report. As I have said, I have not seen that yet but that is being done through the Department of Justice.

**Mr. Mackintosh:** What is the position of the minister as to whether a legal advocacy office to provide general information would be valuable or not and is she prepared to implement the recommendation?

**Mrs. Vodrey:** I have to go back to the response I gave to the member one question earlier, and that is that the department is looking at a comprehensive response. The member has in his question taken out of context, out of the context of where this legal advocacy office is placed and asks, does that sound like a good idea?

I think there are a number of questions that have to be answered: when would that advice be given, at what point in the process would that advice be given, who would give it? That is why I refer him to the comprehensive response which is being developed by

my department, in which, with some background information, there will be developed within the context that I believe is important to developing a very comprehensive response to the very real concern of the area of domestic violence.

**Mr. Mackintosh:** I fail to understand the minister's wording of a comprehensive approach. That is exactly what Pedlar was or attempted to be, and part of a comprehensive approach was an advocacy office.

There are recommendations in Pedlar regarding The Family Maintenance Act. I am wondering if the minister has familiarized herself with those recommendations before introducing Bill 3.

\* (1600)

**Mrs. Vodrey:** Certainly, in reviewing the report, I am very well aware of the recommendations. However, if the member is interested in talking about changes that we are making in the area of maintenance enforcement and which will affect any number of other acts, I think it would best be placed in the discussion on the line that relates to Family Law, where I can provide additional background to the member in terms of how we arrived at the details of the act which we brought forward.

**Mr. Mackintosh:** Does the court now provide a certified copy of orders of prohibition and nonmolestation to an applicant once the order has been granted, because that was one of the recommendations from Pedlar?

**Mrs. Vodrey:** The Courts Division arranges for certification and so if we could discuss that question when Courts Division are here.

**Mr. Mackintosh:** Pedlar also recommended that regional justice committees be established throughout the province. I understand that there are Justice committees in some communities. I am wondering what the minister has concluded as to the effectiveness and the future of such committees.

**Mrs. Vodrey:** I will certainly try and provide a more full answer to the member, but I am still finding it somewhat difficult to answer isolated questions that he

is bringing forward from the report which he has in front of him at the moment. I have provided him with the answer in the approach that this government is taking to the Pedlar report and that is a comprehensive response.

The member said he does not quite understand comprehensive. I wonder what part he does not understand. Pedlar made the recommendations but said there was not an expectation that the recommendations would be ticked off as seven of 10 recommendations had been fulfilled and so on.

Pedlar understood in making the recommendations that there would need to be a comprehensive look at these recommendations within a system. We had to look at how we could—in some cases recommendations might go together because they would be serving a certain group of people. So I am having a little trouble with individual questions when I have said to him that I have not yet seen the comprehensive report which has been prepared in response to Pedlar; that is coming.

I have said that most certainly when I receive it, and how this government will continue to approach the Pedlar report, I will be more than happy to talk with him about it.

Mr. Chair, I just want to make sure that, though I have been speaking very frequently about the comprehensive report or the comprehensive response which we will be making, let us not ever forget that a lot has been done so far. There seems to be a sense coming from across the way that maybe nothing has been done, and so I want to assure the member and the people of Manitoba who will be looking at this that in fact a great deal has been done.

This government's record, Mr. Chair, in the area of concern about domestic violence, dealing with domestic violence offenders, dealing with the victims of domestic violence, is really a standard across Canada. I understand the member's interest in wanting to look point by point at the Pedlar report, and I have told him that response is coming, but let us not ever forget the big picture here. There is a big picture and the big picture is the establishment of a specialized court to deal with domestic violence.

Within that court the training of Crown attorneys and now that training for Crown attorneys has not just occurred for the few Crown attorneys who operate within the Domestic Violence Court in the city of Winnipeg or the city of Brandon but there has been training for Crown attorneys across the province, and the judiciary has taken the issue very seriously and has looked at training of their own. So this is certainly not a stand-still government, this is a government that has moved aggressively and first, let us not forget first, across this country in dealing with areas of domestic violence.

I also spoke about not only the formation of the Domestic Violence Court, not only the training of the Crown attorneys who work within it, not only the training of the judiciary, but also about work which we have done in the area of Corrections. In the area of Corrections, as I said, we have been looking at programs which deal with offenders in the area of domestic violence. There are programs which are available within our institutions, programs which are available through Community Corrections, and we really have, I believe, been looking to make sure that we are providing on the offenders side some support which we hope will change the behaviour of the offender or change the insight.

I go back to an earlier question that the member said, where he said, well, he supports both. He supports intervention of the CART model to support the victim and he supports intervention with the offender. I just do not want him to think that that intervention is not happening now, though he has given a name to a program, an American program, the CART model, which he is interested in and this intervention program.

In fact, there are currently treatment programs within Corrections which are dealing with offenders. There is support for women who are victims, and I have undertaken to provide the member with the programs which are provided through the Department of Justice, Women's Advocacy Program is one.

I have also said that there are programs available to victims and victims' families, children very specifically, which are available through other departments of government.

I just want to make it clear to the member that, though he is choosing to go point by point through the report, I have described how we are doing it. Do not ever lose sight of the big picture here. Do not ever lose sight of the fact that this government has moved ahead and paid significant attention in the area of domestic violence.

\* (1610)

Not perfect yet. We understand that there is always more that can be done, and we certainly are always looking for ways to develop improvements. That is why we are looking at the Pedlar report and how this government can respond and can continue to respond. Maybe that is really what we have to look at, is our continued response in the area of domestic violence, and I would say that there are many individuals and many groups within the system who are working carefully and thoughtfully in the area of domestic violence.

One is the implementation committee of the Family Violence Court. Perhaps, as I said last year, that name "implementation committee" has become kind of a misnomer now. It has hung on to that committee. It was the accurate name when the committee first began its work, but it is continued, so it perhaps needs to have another kind of name.

I would just refer him again to Roman numeral, page viii in the Pedlar report, and I will just quote how Pedlar saw this report: "The final report and recommendations are not intended to single out any particular area of response, but instead should be viewed as a comprehensive proposal to effect real change in the way that domestic violence is viewed and responded to in Manitoba."

The member said he did not quite understand how I used comprehensive. Well, the word "comprehensive" came from the Pedlar report itself. I think we have been over this ground enough that he understands comprehensive now.

**Mr. Mackintosh:** Well, that was quite a lesson. I do not know what that was about. The minister, I suppose, wants to avoid answering certain questions on specific

recommendations in Pedlar, which is part of a comprehensive approach, by talking about what is comprehensive or what is not.

There is a point of order here, Mr. Chair.

**The Acting Chairperson (Mr. Newman):** A point of order has been raised.

#### Point of Order

**Mrs. Vodrey:** Mr. Chair, the member is wrong using the term "avoid." I have, in fact, given him a full answer and explained to him further details that he is asking will be forthcoming when the comprehensive report is delivered.

**The Acting Chairperson (Mr. Newman):** I think there is a disagreement as to the facts. Please continue, member for St. Johns.

\* \* \*

**Mr. Mackintosh:** Would the minister tell the committee whether the Community Advisory Committee, which is monitoring the implementation of the Pedlar report, is active and when it last met?

**Mrs. Vodrey:** We spoke yesterday about the Community Advisory Committee. As I said at that time, I do not know the exact date when they last met, but I can tell the member that they have done quite a lot of work. They made representation to the Parliament of Canada on antistalking, and I have spoken this afternoon about the fact that members of that committee made a presentation to the Chief Judge's implementation committee. They made a presentation to that committee on CART, and yesterday, when we talked about this committee, I told the member it was my view that they had done quite a lot of work, much of it very effective work.

**Mr. Mackintosh:** Has the minister been advised when the committee will present the so-called comprehensive response to Pedlar?

**Mrs. Vodrey:** It is the Department of Justice which is preparing this report, and because in our discussion we

have been using the term committee and implementation committee and so on, I just want to make sure on the record that we have the right group that is preparing the report.

As I said, I have not seen the report yet. I certainly will be interested to see it. I am expecting that I will receive the report sometime in the fall. A time will be arranged after that, when I have received it, to have a discussion with the Pedlar implementation committee, the community advisory committee.

**Mr. Mackintosh:** Just to make it clear then, the minister is expecting a report from her departmental officials on the issues touched on or the recommendations set out in Pedlar. Is that understanding correct?

**Mrs. Vodrey:** Yes, that is correct. The department is developing its comprehensive response to the recommendations listed in Pedlar. However, I will remind the member that we took the word "comprehensive" to mean comprehensive, so we are really looking at what is it that we are doing and we can do.

I think we may find that, in fact, this government has made movements that have even added to recommendations which may have been contained in the Pedlar report.

**Mr. Mackintosh:** The challenge of violence, particularly youth violence, that is increasingly a concern to Manitobans requires a comprehensive approach in the sense that many government departments have to get their heads together to deal with the challenge. There is, as the minister recognizes, I am sure, a significant role for schools. I know that an antiviolence co-ordinator is in place in the Department of Education to look at this issue.

I am wondering if the minister is aware of any ongoing interdepartmental initiatives to deal with violence as a cross-departmental issue.

**Mrs. Vodrey:** Certainly all of the initiatives which I have brought forward are approved by government as a whole, and so it is certainly government's support and

view that all of these initiatives—they do require various levels of co-operation with other departments.

The member did reference some co-operation where the Department of Education recognized the importance of the violence co-ordinator, has recognized in funding the needs of emotionally and behaviourally disordered young people through the funding formula. That was a very big step in recognition of that behaviour and making funding available, because what happens then is there is support, counselling, behaviour modification. Whatever is required can then be accessed because of that change in the funding model.

That is comprehensive action on behalf of a government who is able to say that we recognize there is a problem of youth crime and violence and how can we deal with it, not only through the Department of Justice but through the Department of Education.

Through the Department of Family Services, the minister and I have discussed a number of initiatives, and I think even as recently as yesterday in Estimates, we discussed some of the joint work which is required between government departments, and I think we were speaking about parental responsibility and some of the supports necessary from the Department of Family Services. So government does work together in these areas. We work together in the planning, and we work together in co-operating to deliver the program, though someone will take a lead responsibility.

Then I spoke a little bit earlier about the Child and Youth Secretariat which falls to the lead responsibility of my colleague the Minister of Family Services (Mrs. Mitchelson), but four departments participate within that Secretariat: Education, Health, Justice and Family Services.

It is through that model that initiatives can be examined on behalf of a child or a young person and the resources, whatever those resources might be—sometimes it is the resources of people who have a particular training. Sometimes it is to move money from line to line. A perfect example is where money was moved from the Department of Health to the Department of Education in the treatment of medically fragile children, so that those medically fragile children

who are currently in school will receive the medical attention that they require from a nurse, from somebody medically trained. That is the importance of the Child and Youth Secretariat, and Justice has a part in that. We have talked about a few areas in which Justice might participate.

\* (1620)

I should also mention, too, that the initiatives which have been brought forward by this government, which have been announced by the Department of Justice, not only have had co-operation and support from other departments within government but certainly from other groups outside of government. Police have been very supportive and then the divisions within the Department of Justice, because a number of the initiatives have required co-operation between prosecutions, between courts and between corrections and policing.

The member is right if he is suggesting that the solutions are not single. They do not come from one particular place and all of the answers found with that one particular initiative. They are co-operative. They must be.

We look for that continued co-operation with people outside of government and certainly with our Child and Youth Secretariat. The member can see that we have set up a concrete vehicle within government to make sure that co-operation happens.

**Mr. Mackintosh:** Is the minister involved with the Minister of Family Services (Mrs. Mitchelson) in any cross-departmental committee or review of shelters and safe home policy in Manitoba?

**Mrs. Vodrey:** The member is right in that we as ministers do work co-operatively and closely. Where we have initiatives which we are interested in exploring, we do make sure that our colleagues are aware, particularly those which may have a particular interest in some of the initiatives which we are bringing forward. The member is referring to a very specific study. That is what I cannot tell if he is. Maybe he could make himself clear about what he may be referring to.

**Mr. Mackintosh:** There are two things driving my question. First, the NDP caucus task force found out first-hand of the challenges of establishing safe houses, particularly in remote communities. We heard from representatives of remote and northern aboriginal communities where it is very difficult to have a place where a woman can go and not be recognized going there. We heard from some people who came over to Flin Flon from Saskatchewan that the Saskatchewan government was undertaking some study or some needs assessment to determine how best to establish safe houses in those remote communities.

As well, we heard from representatives of shelters of the concerns that they were dealing with on a daily basis, particularly regarding the kinds of services that are offered, the growing professionalization of shelters, and, of course, we heard and visited the Flin Flon Crisis Centre which this government shut down, and which, by the way, the Saskatchewan government continues to fund on a per diem basis.

So that is one foundation for the question. The other is, we have heard a lot about the federal legislation which was passed last week and which will very seriously affect transfer payments to the province of Manitoba over the next number of years. We have often heard people express concerns about the impact on health care and education.

I am also very concerned about any possible impact on the funding of women's shelters. So with those express concerns, I wonder if the minister has been reviewing the issues affecting women's shelters and the need for safe homes, particularly in remote communities, with her colleague the Minister of Family Services (Mrs. Mitchelson) or any other colleague in her cabinet.

**Mrs. Vodrey:** First of all, let me start with the concerns about federal cuts. That has been a great concern of this government. We have continued to make those points, and we still are looking at what the effect of the cuts from the federal government will mean to the people of Manitoba. We are forecasting what the effect will be. We are forecasting what the number will be, but we still have yet to know exactly what other changes, even including the reductions

which we have been told to expect, are going to be made.

We do not know what the federal Minister of Human Resources is going to do when he makes his changes in the area of the social safety net and social services. We are really unclear about that. We see now that it is a report which is now going to be delayed again, so we know that there are some changes which are coming as a result of the federal government. But to my knowledge we do not know certainly from the federal Minister of Human Resources what his changes are going to be and exactly the dollar amount that will be changed for our transfer payments.

However, my colleague the Minister of Family Services (Mrs. Mitchelson) is working very closely with this issue and certainly works very closely with the federal Minister of Human Resources. She has had a number of meetings with him, I understand. Sometimes she asks for meetings; they do not always happen.

I am surprised and I would be interested if the member had raised this during the Estimates of the Department of Family Services so that a more detailed answer could be provided to him from the minister who is directly involved in this issue. But certainly—if the member asks, do we talk about issues—we talk frequently, and our concerns are expressed as a government and as a group of ministers to the federal government.

**Mr. Mackintosh:** Has the minister informed herself as to what the likely effect will be on the funding of women's shelters by changes to CAP?

\* (1630)

**Mrs. Vodrey:** The member asks me very specific questions about another department, and I have to say the other department may still be gathering further information. The concerns have been expressed; I have told the member, to my knowledge, that I do not have the exact details certainly at my fingertips now. The member is asking questions of the Minister of Justice which most properly would be asked of the Minister of Family Services (Mrs. Mitchelson) who can give

details about the work that is her direct responsibility. So I am left to wonder why you did not do that.

**Mr. Mackintosh:** My understanding is that questions were asked of the Minister of Family Services by our critic, but I am specifically concerned about the impact on the administration of justice by changes to federal funding, and one of the changes that will impact on justice is the provision of safe places for women. If there are to be significantly reduced funding levels then I will be looking to this government to see how they are going to respond. If they have any way of responding I trust they will respond by making sure that the funding will not be decreased in any way for abused women in Manitoba.

I would ask the minister to inform herself of any other possible impacts on provincial programs in her department as a result of changes to the EPF or CAP.

**Mrs. Vodrey:** Mr. Chairman, the member is asking if there will be any effect on the Department of Justice by changes that the federal government has said that they will be making in terms of transfer payments and budget, and so I will answer really in a broader sense in terms of saying that we are aware that we can expect some changes in the area of Legal Aid and YOA. The federal government has indicated that they would like to renegotiate the contracts there and so obviously we are going to have to work very carefully and any changes will certainly be evident then in next year's budget.

**Mr. Mackintosh:** I take it, then, that the federal government has indicated they wanted to renegotiate the contracts with a view to decreased federal funding.

**Mrs. Vodrey:** Mr. Chairman, we have an indication that the federal government would like to reduce their contributions in any renegotiation but the negotiations have not started yet, and we have some negotiating positions as well which we would like to bring forward and so we will be looking at that in a very detailed way.

**Mr. Mackintosh:** We earlier talked about the programs for survivors of domestic violence. I know in the Lavoie matter, the issue arose as to whether treatment or intervention programs should be available

to offenders before a trial, and there were some expressions from the counselling community or from one individual in the counselling community that it would be inappropriate to provide intervention, before sentencing at least, because enrollment in the program might be used as a way to obtain a reduced sentence. I believe that was the rationale.

I am wondering what the minister's view is of that kind of programming before sentencing.

(Mr. Mike Radcliffe, Acting Chairperson, in the Chair)

**Mrs. Vodrey:** I believe the member is speaking about possible interventions, and I will remove this to a general discussion and away from a specific case, which might take place before—I guess there have been suggestions some might take place before trial, some might take place before sentencing, but the purpose of such intervention with the accused person is that perhaps the accused person then could begin some process of rehabilitation and on certain conditions return to the family.

There are some people who are very supportive of that, because they believe that one of the difficulties in the domestic violence system is that most often the man is removed from the family. His presence is removed from the family, and there is also an economic hardship. So there is a group of people who would speak up on that side.

There are, however, as he has noted, others who do not support that. They believe that this may, in fact, be an easy way out for an offender, to avoid time within the institution and sentencing which they believe the offender should actually participate in. So others are not supportive of that particular position.

I have to say that right now I am concerned where there would be any situation undertaken where there has not been a true rehabilitation to the offender. However, I can just say to him that at the moment there really seem to be two quite distinct opinions, two completely different schools of thought on this and there is not agreement on how effective this is, or whether or not it should take place.

**Mr. Mackintosh:** I am wondering what the minister's view is.

**Mrs. Vodrey:** Mr. Chair, I gave it. He was not listening. I said to him that I am very concerned about any situation which may lead to a reduction in sentencing where there is perhaps no true rehabilitation, and so I would want to be convinced that any intervention provided a true rehabilitation. Otherwise, I would look for the individual to participate fully in the rehabilitation which would be offered following sentencing.

\* (1640)

**Mr. Mackintosh:** Does the Department of Justice fund any intervention programs for offenders before sentencing?

**Mrs. Vodrey:** Mr. Chair, I can tell the member that the Winnipeg Remand Centre offers a program in domestic violence, a short-term program, and also a program in anger management.

**Mr. Mackintosh:** I think I have some further questions but we will pursue those I guess under Community Corrections. It would be more appropriate.

I would like to look at the prosecutions now in the different courts. First, the Youth Court, does the minister have a breakdown of the staff years of prosecutors in that court? Could she tell the committee what the total staff years are?

**Mrs. Vodrey:** Mr. Chairman, the staff years in terms of Crown attorneys, I believe that is what the member is looking at, is in Winnipeg, two permanent Crown attorneys and three term positions. In rural Manitoba, I believe he asked for all of Manitoba, all Crowns in the rural areas do both youth and adult work.

**Mr. Mackintosh:** Would the minister clarify that the two permanent Crowns in Winnipeg youth court are Don Slough and Cathy Everett?

**Mrs. Vodrey:** Yes, I can confirm those are the two permanent positions. As the member knows, two Crowns are going to be working with the inquest into

the child deaths, so we will be back-filling those positions on a term basis.

**Mr. Mackintosh:** Can the minister tell the committee how long the three term employees have been on staff?

**Mrs. Vodrey:** I will have to get that information for the member.

**Mr. Mackintosh:** Does the minister not recognize a problem of staffing in the youth court, when we have serious concerns expressed by the defence bar about delays, turnaround, and we only have two permanent staff in there, recognizing that term staff often are looking for other full-time permanent employment and may not be committed to fully developing their careers in the youth court? I wonder if the minister could comment on that.

(Mr. Chairperson in the Chair)

**Mrs. Vodrey:** Mr. Chairman, in trying to answer the member's question, he refers to the issue of delay and concerns about delay, and as I explained yesterday, and perhaps he has forgotten between then and now, in youth court, the time frame of court dates available are, in-custody between two and a half months and three and a half months, out-of-custody four months. So this time frame is, in fact, I believe, quite a good one, especially when we look across Canada.

I made it clear yesterday we are always looking for ways that we can, in fact, improve how timely court dates can be set, but this time frame that I explained to him yesterday is one which I think is quite helpful, and I believe I even said yesterday that I do not have that information in front of me at the moment, that there are some dates that are available even as early as July and that others are available, certainly by August.

The member seems to be trying to keep going some idea that there is a delay in the court system and right now he is talking about the youth court system. I would ask him, really, is he finding two and a half months to three and a half months a delay?—because it seems to me a good record across the country, though I have made it clear we are always looking for ways to improve.

\* (1650)

**Mr. Mackintosh:** Would the minister tell the committee how many staff years are in the Family Violence Court in Winnipeg?

**Mrs. Vodrey:** Mr. Chairman, the number of staff years in the Family Violence Court in Winnipeg is five staff years.

**Mr. Mackintosh:** How many of the five are permanent and how many are term?

**Mrs. Vodrey:** I am told all five are permanent.

**Mr. Mackintosh:** Can the minister explain why in the Youth Court there are three term positions being maintained rather than permanent positions?

**Mrs. Vodrey:** Mr. Chairman, I appreciate the patience of the committee. I would like to just take a moment to introduce Mr. Rob Finlayson, who is the acting Director of Winnipeg Prosecutions.

The answer to the question of why some positions are term is that we did have two Crowns; we do have two Crowns who are permanent, and, in an effort to continually increase the efficiency of the youth court, we continue to bring in additional Crowns. Those Crowns would come in on term positions.

**Mr. Mackintosh:** With the secondment of Mr. Slough to the inquest, will there be additional term positions and what will be the cost of those?

**Mrs. Vodrey:** Mr. Chair, I did answer in an earlier answer, yes, we will be back filling. No new monies are required. We will find from within the Prosecutions budget. I am told that one of the Crowns who is taking a position is a very experienced Crown with at least 10 years experience.

**Mr. Mackintosh:** Is the minister prepared to deal with the night court under this item, under Public Prosecutions?

**Mrs. Vodrey:** Night court would be best dealt with in the Courts Division.

**Mr. Mackintosh:** Where should we deal with the Women's Advocacy Program?

**Mrs. Vodrey:** Mr. Chairman, it is best dealt with under the line of Victims Assistance. The number is 4.2.(e).

**Mr. Mackintosh:** In the Family Violence Court, is there a particular Crown attorney who is assigned to child abuse cases?

**Mrs. Vodrey:** In the Family Violence Court all of the prosecutors are trained to deal with child abuse cases.

**Mr. Mackintosh:** I wonder where we should deal with the Victims Assistance Programs. That would be under section (e) on the next page, top of page 105?

**Mrs. Vodrey:** Mr. Chair, again, under that same section of 2.(e).

**Mr. Mackintosh:** The recommendations in the Dewar report predated my time here, and I am just wondering if the minister is aware as to whether there has been a thorough audit of those recommendations and an implementation of them, at least in general.

**Mrs. Vodrey:** Mr. Chair, that predates me as minister and predates my election, so I will have to take that question under advisement, and I will get back to the member with the information.

**Mr. Mackintosh:** I wonder if the minister would also undertake to advise whether there has been a thorough audit and an implementation of the recommendations of the Hughes inquiry.

**Mrs. Vodrey:** Yes, I would be pleased to look into what steps have been taken regarding an audit of the Hughes inquiry, as well.

\* (1700)

**Mr. Mackintosh:** The northern justice initiative, I understand, comes under this item. Since over the past several months I have received a number of anecdotes of excessive delay in the prosecution of some offences in the North, I am wondering what the northern justice

initiative is about in general terms and whether there are any initiatives being pursued right now, particularly following the recommendations of the AJI report on the timely prosecution of offences in northern Manitoba.

**Mrs. Vodrey:** Mr. Chair, again, this is an initiative that is being led by Courts and the Courts Division, so we may get into some more of the detail when Courts comes, but just to give the member a little bit of information about it, a plan has been developed.

We have worked with Courts leading the initiative, but Prosecutions has been involved. The Chief Judge has been involved. There have been visits to the community. A plan is now underway, and I am told that representatives of the Department of Justice were in the northern communities approximately a week to 10 days ago. The communities are supportive of the plan that we have in place in order to deal with the situation that we have now.

Part of the solution is to make more effective as quickly as possible court time available because, as the member knows, some of the northern communities are somewhat isolated. We fly into those communities, and weather sometimes has prohibited our flying in, so we have taken, again, a cross-departmental approach to the problem-solving, and I am pleased to say that it seems to have met with certainly support from the communities.

**Mr. Mackintosh:** I will pursue that matter further in Estimates, I think under Aboriginal Justice Initiatives.

I understand that the law requires that Crown attorneys be present at every bail application hearing. Is it the minister's understanding that, in fact, Crown attorneys have been present at all bail applications under her tenure?

**Mrs. Vodrey:** It is our view that the law does permit the police to deal with this, however we have in Manitoba the belief that Crown attorneys should be available.

We have a mixed practice in that Crown attorneys are physically present in many cases; however, Crown attorneys can also be available by phone to the police,

and that practice is one which we have wanted to make sure was available to accused persons.

**Mr. Mackintosh:** So is it the minister's understanding that Crown attorneys need not be present, but that it is the policy of the government that they be present?

**Mrs. Vodrey:** Mr. Chairman, it is our view that Crown attorneys must be available. They need not be present in all circumstances, but they must be available. They can be contacted by phone, as I have said.

**Mr. Chairperson:** Item 2.(a) Public Prosecutions (1) Salaries and Employee Benefits \$5,722,000—pass; (2) Other Expenditures \$1,051,400—pass; (3) Witness Programs \$582,000—pass.

2.(b) Office of the Chief Medical Examiner (1) Salaries and Employee Benefits \$385,400.

\* (1710)

**Mrs. Vodrey:** Mr. Chair, I just would like to take a moment to introduce again Mr. Ron Perozzo, the Associate Deputy Minister of Justice, and Dr. Peter Markesteyn, who is the Chief Medical Examiner for Manitoba.

**Mr. Mackintosh:** I just want to welcome Dr. Markesteyn here. We know each other from another movie. I know last year at this time things were rather hot on the issue of the Medical Examiner's office, but I appreciate his contribution to public life and the difficult challenges that he has to deal with on a daily basis.

During the media investigations, I guess we call it, into the issue of the Health Sciences' infant deaths, a remark was attributed to Dr. Markesteyn. Of course, I do not know if it is accurate or out of context or what but that the Medical Examiner's office was suffering from a lack of resources. I believe that was in the context of explaining why there had not been some earlier responses to the infant deaths at the Health Sciences Centre. I am wondering if the minister is aware of the nature of such resource problems in the office and what, if anything, the government is attempting to do to rectify the problem.

**Mrs. Vodrey:** The member has alluded to some remarks. I think it is important that they appear in some context. The context, I understand, is around the issue of a central facility.

I would just like to make it clear to the member that we in Justice and the Chief Medical Examiner are working with Health, and we are looking to address any issues or concerns which would come from such a centralized facility. However, it is a complex issue. There are many professional people who are involved, so right now it is at a committee stage where we are examining the issues.

However, in terms of the Chief Medical Examiner's office itself, the Department of Justice has for some time been involved in modernization of the Medical Examiner's system and also its legislative underpinnings. For example, the Chief Medical Examiner's administrative offices were moved to Eaton Place and staff medical examiners were replaced by fee-for-service examiners.

The Fatality Inquiries Act was enacted in March of 1990 and increased resources have been provided to the Chief Medical Examiner's office to deal with issues surrounding toxicology testing. In addition to that we are looking at a new computer system and process improvements for the Chief Medical Examiner's office so that we can look at any trends which might be developing.

**Mr. Mackintosh:** Could the minister tell the committee what the committee is that she referred to that is looking at the central facility issue?

**Mrs. Vodrey:** Mr. Chair, the committee that I referred to is chaired by the associate deputy minister. Represented on the committee are the Department of Justice, the Department of Health, the Chief Medical Examiner and officials from other departments which obviously would have an interest, and I look at Finance.

**Mr. Mackintosh:** Well, on the expressed need or desire for a central facility, is it the minister's position that the Chief Medical Examiner's office has sufficient resources to carry out its mandate?

**Mrs. Vodrey:** Mr. Chair, yes, I am satisfied in discussions that the resourcing is adequate, but as I have said this afternoon, we are always looking at ways to improve it.

I am told that the issue around toxicology testing arose, and as a way to deal with that, we did put more money in the budget to try and deal with that. We are also negotiating with St. Boniface Hospital to deal with the toxicology testing issue, as well. Where issues arise, we attempt to deal with them. We are always looking for improvements, but, yes, I am satisfied with the resourcing at this time, with the information I have received.

**Mr. Mackintosh:** I note that the Child Death Inquest Review Committee was established, I take it, back in 1993 under the chair of the Chief Medical Examiner, and that was to review every child death in Manitoba.

I am wondering if the minister can explain why no inquest was ordered into the infant deaths at Health Sciences Centre until the last few months, in light of the establishment of that review committee.

\* (1720)

**Mrs. Vodrey:** I am told that the review committee looked at the first death. They had concerns about it, and they referred it to the College of Physicians and Surgeons. It was, however, the numbers and the pattern of the child deaths which led to the calling of the inquest, but the pattern was not evident until about a year later.

**Mr. Mackintosh:** I am wondering then why the annual report says that the review committee reviews every child death if, in fact, it only reviewed the first death.

**Mrs. Vodrey:** I am told that the other deaths were not reviewed because they were considered natural and not unexpected. The review committee looks at deaths where there is a concern.

**Mr. Mackintosh:** Who makes the decision as to whether a death fits the definition of natural and not unexpected?

**Mrs. Vodrey:** The Chief Medical Examiner makes that decision.

**Mr. Mackintosh:** Well, then, is the description of the mandate of the Child Death Inquest Review Committee wrong in the annual report, where it says that it will "review every child death in Manitoba," or are, in fact, the deaths that are reviewed first screened by the Chief Medical Examiner?

**Mrs. Vodrey:** I would just like to ask the honourable member if he could give us the page number that he is referring to. He is referring to a very specific statement, and I would like to locate it within the report.

**Mr. Mackintosh:** Page 10.

**Mrs. Vodrey:** I am told that it is every child death, in the opinion of the Chief Medical Examiner, that he considers he requires the advice of the review committee. The committee is an advisory committee available to the Chief Medical Examiner, where he considers that he requires that extra opinion. He has provided an example where he said that the committee does not review a death, for instance, a leukemia death, where the death is clear.

**Mr. Mackintosh:** Did the Chief Medical Examiner review the circumstances surrounding all 12 of the infant deaths at Health Sciences Centre?

**Mrs. Vodrey:** I am told yes.

**Mr. Mackintosh:** Is the minister or the Chief Medical Examiner of the view that funding should be provided for interested parties to take part in the inquest regarding the Health Sciences Centre infant deaths and the role of the government?

**Mrs. Vodrey:** Mr. Chair, as the member knows, those other interested parties would have to get standing from the court, from the judge, and we have no idea of whether or not that standing will be granted and how many the standing may be granted to, if granted at all.

**Mr. Mackintosh:** Assuming that the families of the deceased infants have standing, is it the position of the

minister that there should be some funding for their representation costs at the inquest?

**Mrs. Vodrey:** Mr. Chair, the question is very hypothetical at this point, very speculative. I can refer him to the overwhelming practice across Canada, and that is not to fund interveners at inquests.

**Mr. Mackintosh:** I am not sure what my view on the issue will be, but I am wondering if there is any precedent in Manitoba for funding interveners at inquests.

**Mrs. Vodrey:** Not to my knowledge, none that the people here are aware of.

\* (1730)

**Mr. Mackintosh:** Can the minister advise whether the department or the Chief Medical Examiner's office has reviewed the recommendation set out in the inquiry into the deaths of Helen Betty Osborne and John Joseph Harper contained in the AJI report, particularly as the recommendations affect The Fatality Inquiries Act?

**Mrs. Vodrey:** In canvassing the memories of the members here, we do not have the information available at this time, and we will have to get back to the member with that information.

**Mr. Mackintosh:** Well, for what it is worth, I want to urge the minister to review Chapter 8 of Volume 2 of the AJI report and, as we debated earlier this afternoon, it is particularly instructive to look at those recommendations now as the inquest begins into the Health Sciences infant deaths and the role of the government. I take it that no amendments have been made to The Fatality Inquiries Act following on the recommendations of the AJI report then.

**Mrs. Vodrey:** Mr. Chair, in order to be correct on the record without just trying to deal with the memories of individuals here when we do bring forward a lot of amendments year over year to a number of bills, we will look into whether or not there have been amendments and get back to the member. That, as I said, is just to avoid any impression that we might give.

It would be better to put on the record the appropriate answer.

**Mr. Mackintosh:** I wrote to the minister, and I believe I copied the Chief Medical Examiner, inquiring as to whether an inquest has been or will be recommended and set up to deal with the Lavoie murder-suicide. I am wondering if the minister is in a position to respond now.

**Mrs. Vodrey:** Mr. Chairman, I am told that no decision has been made yet and that issue will still be discussed with the committee.

**Mr. Mackintosh:** Can the minister tell the committee when she expects a decision to be made?

**Mrs. Vodrey:** I am told that the discussion will take place in approximately three weeks. I cannot tell the member if the committee will come to a decision on that day, but the issue will be raised in three weeks' time.

**Mr. Mackintosh:** I understand that a fair number of staff changes have been made at the office, and I just wanted to review some of those. I understand that in the last three or four months the office manager has resigned. I am wondering if the minister can confirm whether that is accurate or not.

**Mrs. Vodrey:** I have just confirmed that that individual retired.

**Mr. Mackintosh:** I understand that another staff member, I believe it is an examiner, has been seconded. I am wondering if that is accurate, and, if so, seconded where?

**Mrs. Vodrey:** I am told one investigator has been seconded to the inquest.

**Mr. Mackintosh:** Can the minister tell the committee whether there are any other investigators independent of the Chief Medical Examiner's office who have been retained to put together evidence for the inquest?

**Mrs. Vodrey:** I am told, no, not at this time.

**Mr. Mackintosh:** Well, would the minister then confirm that there are three staff people in total assigned to the inquest, that being the two Crown attorneys and the examiner?

**Mrs. Vodrey:** Mr. Chair, there is one other individual who has been seconded. That is a secretary. The secretary has been seconded to assist with the input of data.

**Mr. Mackintosh:** Has a date been set for the inquest? What is the length of time of the secondment?

**Mrs. Vodrey:** Mr. Chair, I am told that there is no date set yet for the inquest though we are working with the Chief Judge to look at setting that date. The secondments are open ended.

I would like to go back to the secretary. I am told now that the secretary would not be considered in a secondment. The secretary has a three-month term with the inquest, and we will have a look at how that in fact works. So those seconded that the member spoke about, three of them, there is an additional fourth person, a secretary who is on a three-month term.

\* (1740)

**Mr. Mackintosh:** I understand that the Chief Medical Examiner's office provides a service to assist families and relatives in coping with grief. I was not aware of that service earlier. I noticed it in the Supplementary Estimates.

Would the minister confirm that that is in fact one of the services provided by that office? How is that service provided? I mean are there people that—perhaps explain, is there a SY for that purpose and, if so, what is the background of the individual and the job description?

**Mrs. Vodrey:** Mr. Chairman, I am told that the investigators do a preliminary contact. They do not do a specific grief counselling, but they have a contact around the issue of grieving and then individuals or families are referred to qualified grief counsellors by the investigators.

**Mr. Gary Doer (Leader of the Opposition):** I believe the critic will be here in a second, and I have some questions that I just want to raise about a constituent, and I probably would give some advance warning to the staff, that Mr. Hatch is a person who is a constituent about whom I have written to the minister before. I have recent correspondence from the minister, and I will be asking questions in a moment about his situation.

I could ask one question now, though, which would be fairly routine. The last correspondence we had from the minister about the case I wrote to her about Mr. Hatch and his concerns with the Justice department, the minister wrote back on March 30—well, perhaps I could wait and let the member for St. Johns—I think he is going to pass that line.

**Mr. Chairperson:** Item 4.2(b) Office of the Chief Medical Examiner (1) Salaries and Employee Benefits \$385,400—pass; (2) Other Expenditures \$859,800—pass.

Item 4.2(c) Provincial Policing \$52,299,200.

**Mr. Doer:** I can deal with this item under Policing, because it deals with the administration of justice.

The minister indicated that Mr. Hatch, in response to a letter I wrote to her, that Mr. Hatch's case would be dealt with by Mr. Whitley. Can the minister indicate to me just the exact date that Mr. Whitley left the Justice department?

**Mrs. Vodrey:** Mr. Whitley, who was the ADM, AG in Prosecutions, left in mid-May. I believe the date is in and around the 15th of May. I would need to check the exact date, but mid-May was the time frame.

**Mr. Doer:** In the letter sent to my attention on March 30, 1995, dealing with Mr. Hatch—now this is a case I have raised in Estimates right back to 1993, and let me, just by way of background, indicate that he is a person who, I feel, has not been treated very well by the Justice department in terms of follow-up on a case where his family was the victim.

He had a number of concerns along the way in terms of the administration of justice. He had a number of

legitimate concerns, I feel, about the contact between the Crown attorneys department and his own family. He had a number of concerns dealing with legitimate issues of plea bargaining and other issues, which I think deal with the greater frustration that may be in the public about the administration of justice and the credibility of the Justice department and its role to legitimately be effective on behalf of the public that may become victims of crimes.

His daughter was involved with an individual who ended up robbing their home. He felt his daughter was in quite a bit of risk. He felt he was in quite a bit of risk. He kept finding out that the person who was alleged to have committed the crime was released and charges were reduced. Matters were not communicated to him. I think that he has a number of legitimate concerns which I have written over and over again to the Department of Justice.

So I would like to ask, the minister writes that Stu Whitley, Q.C. is reviewing the concerns of Mr. Hatch. They remain outstanding after Mr. Miller's handling of the complaints, and he has received an informal interim briefing and will be getting a report soon. That is signed by the minister's office. I would like to ask, have they received the interim briefing and have they received the report on the matters raised?

**Mrs. Vodrey:** I would like to just take a moment to introduce again Mr. Les Kee, who is the Director of Special Prosecutions, and Mr. Bob Chamberlain, who is the Director of Law Enforcement Services.

The Leader of the Opposition (Mr. Doer) has raised the matter of a constituent who has had frequent discussions and letter writing with the Department of Justice. I know that a great deal of time has been spent in trying to answer the inquiries of this particular individual and in trying to provide him with the answers that are available to us to satisfy his questions. The Leader of the Opposition has asked around some very specific information, have we got it yet and so on, and I would need to take his questions, and I will get back to him tomorrow.

I am more than happy to provide the information, but the individuals here do not necessarily have all of the

information available to them right now. So if the Leader of the Opposition has some questions, I will be happy to take those questions as notice and when Estimates begin tomorrow, provide the information to him.

\* (1750)

**Mr. Doer:** I will start with the letter that the minister wrote on March 30, that he has received an informal interim briefing and will be getting a report soon. It starts off that Mr. Whitley is reviewing the concerns after Mr. Miller—I guess Mr. Miller has left, and Mr. Whitley has left the department recently, so the question is, who is following up on behalf of Mr. Whitley? Is it Mr. Kee?

Has he completed his briefing, and has the report been provided to Mr. Hatch? Will it be provided to Mr. Hatch, and if it has not, when can we expect it?

Second, the matter I raised with the minister on March 20, 1995, is a question that Mr. Hatch was informed by Mr. Miller in a letter that files pertaining to the person who has been convicted in the charge with Mr. Hatch—and I think the government has the name of the individual—that this file contained notices to the Crown attorney's office to apprise Mr. Hatch of any and all developments. However, upon reviewing the file, Mr. Hatch discovered that they contained no such notices as described by Mr. Miller.

Mr. Hatch states clearly, and we also raise this with your office, that there is a serious discrepancy in the facts, which we ask you to review, and, again, this issue of the Crown attorneys keeping Mr. Hatch apprised is an issue we raised right back to 1993.

So I would like to start with those two questions. I am sure the department will have the opportunity to review their files on this matter.

But I guess it is not only Mr. Hatch I am concerned about. I am very concerned about his belief, his strongly held beliefs, that his Justice department let him down, and, Mr. Chairman, I am also concerned that other people may feel the same way. Mr. Hatch is, obviously, articulate, persistent and quite well written,

and he documents very, very factually all his concerns in a very, very effective way, but not everybody who comes to us as MLAs is able to follow up in the same kind of persistent manner.

What I am concerned about is not only about Mr. Hatch's case and his feeling that the Justice department must have some sensitivity and accountability to his family and himself, but that other people whom we have listened to from time to time feel the same thing and that they feel the Justice department is—what I am concerned about is the Justice department in dealing with cases.

I know it is a large responsibility. You have so many cases on the docket, and you have so many matters to deal with, and you are plea bargaining here and you are plea bargaining there, and you are reducing charges here and you are doing something else over there, and at the end of the day, some people feel that they are not looking at the whole docket, but that they are looking at the one case and the one family and the one reality of their contact with an individual in the justice system that has caused them quite a lot of pain and grief and concern.

We, of course, raise the issue of backlogs, and I know the government has to deal with that, but every case, I believe, must be dealt with with the utmost sensitivity to the victims or the alleged victims and to the community, because it is, after all, a justice system for the whole community.

I raise those specific questions with the minister in light of this individual who has the skills to raise these issues and the determination to keep these issues before both myself and the government, that we not lose sight of some of the things that are happening. We are not just rationalizing them away or justifying them away, but we listen to people who are coming in contact with our justice system and feel that it was wanting, that our system was wanting in their time of need.

**Mrs. Vodrey:** Mr. Chair, as I said to the member, we will certainly follow up on the questions that he has brought forward on behalf of his constituent. But he said a number of things which I think are important, and his words were, when he referred to Mr. Hatch, he

said, his feeling. I think that is really a very telling phrase in discussion of any individual and particularly this individual, a case I am familiar with.

I understand that it is very difficult sometimes in that people do not always receive from the justice system the answer that they would like to have. They do not always receive the judgment in court that they would like to have, and they take it onward where possible, continue to take it onward. It is their feeling, as the member has very accurately identified, that causes them to continue to believe that there is something further.

I can tell the member that certainly the Department of Justice has, over some time, made a great deal of effort to assist Mr. Hatch and provide information to him, and we will provide the update to the member now regarding the latest inquiry from Mr. Hatch, but I think it is important to recognize that many individuals hold a point of view that relates very specifically to their feeling about how they would have liked an outcome to be and are not satisfied because it is their feeling the outcome should have been different.

Mr. Chair, the Leader of the Opposition (Mr. Doer) also speaks about sensitivity, and he believes that the Department of Justice should proceed with sensitivity. I can tell him I believe that is the case. We deal with sensitive cases on an ongoing basis. We have specially trained Crowns who deal with very sensitive cases. If he has a very specific example in the area of sensitivity where he feels that has not been the case—and understand that I suppose there are thresholds that people believe they would need more or less.

Sometimes it is very hard to judge, but I believe that the people within the system, within the Department of Justice do proceed with sensitivity. Perhaps some people need even more, even greater, and we try to provide it to them. I would not ever like to have remain on the record a comment that the Department of Justice does not have sensitivity to people's concerns.

The Leader of the Opposition also says he brings forward a very specific case, the case of Mr. Hatch. He says there are other individuals that he knows about. If he knows about them, I wish he would tell me. I think

it would be important for us to know rather than to leave a vague sense of people who are somehow dissatisfied and that we can actually do something to change their feelings, because that is really what the member is asking, the Leader of the Opposition is asking. He is asking for a way for us to change people's feelings about certain outcomes. Sometimes it is going to be very difficult. We can continue to review with them the process that they have been through, but it is not always possible, Mr. Chair, to provide them exactly what they need.

The member also made a suggestion of not proceeding carefully. That was the third point that I noted. I am just asking that if he has information regarding places where he feels we have not proceeded carefully, then I hope he will also raise those with me. As Minister of Justice it would be important for me to know that.

**Mr. Doer:** Well, the minister is smirking and I think that—I really—

#### Point of Order

**Mrs. Vodrey:** Point of order, Mr. Chair, I do not believe it is at all parliamentary to comment on any expression that the member is attempting to characterize or cast. I have been in Estimates this afternoon for three and a half hours answering questions very diligently. If the member has some problem with the answers, perhaps he should raise that rather than a characterization.

**Mr. Chairperson:** The honourable minister did not have a point of order. It is a dispute.

\* \* \*

**Mr. Doer:** I have looked through this file since 1993, and I can name dates, times and places where the Justice department has not fulfilled what they committed to fulfill to the person and the individual that I am describing.

To take one or two words and take them out of context and to lecture us about a citizen who has not yet received a response on specific questions that he

has raised in this House through us since 1993, I find quite disappointing. I was quite willing for the minister—

**Mr. Chairperson:** Order, please. The honourable minister did not have a point of order. A point of order is to be raised when there is a breach of the rules.

**Point of Order**

\* \* \*

**Mrs. Vodrey:** Point of order, Mr. Chair, about giving a lecture. The member, I believe, asked a question. Within his single question were contained—I had four subquestions. I understand that he wanted to put more information on the record before the time that this committee would rise this evening, so I did not answer the fourth question. To somehow call the answers to legitimate questions a lecture—

**Mr. Chairperson:** The hour being 6 p.m., committee rise. Call in the Speaker.

**IN SESSION**

**Mr. Deputy Speaker:** The hour being 6 p.m., this House now stands adjourned until 1:30 tomorrow (Wednesday).

# LEGISLATIVE ASSEMBLY OF MANITOBA

Tuesday, June 20, 1995

## CONTENTS

<b>ROUTINE PROCEEDINGS</b>		
<b>Presenting Reports by Standing and Special Committees</b>		Winnipeg Development Agreement Barrett; Reimer 2116
Committee of Supply Laurendeau	2109	Gaming Commission Lamoureux; Filmon 2116
<b>Ministerial Statements</b>		Winnipeg Jets/Arena Sale; Stefanson 2117
TR Labs		Lockport, Manitoba Dewar; Driedger 2118
Downey	2109	Red River Dewar; Cummings 2118
Sale	2109	Selkirk Water Project Dewar; Derkach 2119
<b>Tabling of Reports</b>		University of Manitoba McGifford; McIntosh 2119
Annual Report, Crown Corporations Council Stefanson	2110	<b>Matter of Urgent Public Importance</b>
Annual Report: Housing, Manitoba Housing and Renewal Corporation, Manitoba Housing Authority Reimer	2110	Gambling Help Line and VLT Revenue Lamoureux 2120
<b>Oral Questions</b>		Ashton 2121
Winnipeg Arena Doer; Filmon	2110	Ernst 2122
Winnipeg Jets Doer; Filmon	2111	Speaker's Ruling 2123
Pediatric Cardiac Care Program Mackintosh; Vodrey	2111	
<b>ORDERS OF THE DAY</b>		
Forest Fires Struthers; Driedger	2112	<b>Debate on Government Motion</b>
Railway Industry Jennissen; Findlay	2113	Rules 69(4) and 69(5) Ashton 2124 Lamoureux 2125
Rail Line Abandonment Jennissen; Findlay	2114	<b>Second Readings</b>
Railway Industry Jennissen; Findlay	2114	Bill 4, Real Property Amendment Act Ernst 2126
Canada-U.S. Commission on Grains Wowchuk; Enns	2114	<b>Committee of Supply</b>
Canadian Wheat Board Wowchuk; Enns	2115	Highways and Transportation 2128 Northern Affairs 2152 Natural Resources 2163 Justice 2188