



Fifth Session - Thirty-Sixth Legislature

of the

Legislative Assembly of Manitoba

**DEBATES
and
PROCEEDINGS**

**Official Report
(Hansard)**

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Speaker*



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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Sixth Legislature

Member	Constituency	Political Affiliation
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.
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DOER, Gary	Concordia	N.D.P.
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DRIEDGER, Myrna	Charleswood	P.C.
DYCK, Peter	Pembina	P.C.
ENNS, Harry, Hon.	Lakeside	P.C.
EVANS, Clif	Interlake	N.D.P.
EVANS, Leonard S.	Brandon East	N.D.P.
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FILMON, Gary, Hon.	Tuxedo	P.C.
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HELWER, Edward	Gimli	P.C.
HICKES, George	Point Douglas	N.D.P.
JENNISSON, 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.
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NEWMAN, David, Hon.	Riel	P.C.
PENNER, Jack	Emerson	P.C.
PITURA, Frank, Hon.	Morris	P.C.
PRAZNIK, Darren, Hon.	Lac du Bonnet	P.C.
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WOWCHUK, Rosann	Swan River	N.D.P.
<i>Vacant</i>	St. Boniface	

LEGISLATIVE ASSEMBLY OF MANITOBA

Monday, July 5, 1999

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): 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 Emerson (Mr. Penner), that the report of the committee be received.

Motion agreed to.

INTRODUCTION OF BILLS

Bill 41—The Professional Corporations (Various Acts Amendment) Act, 1999

Hon. Harold Gilleshammer (Minister of Finance): I move, seconded by the Minister of Justice (Mr. Toews), that leave be given to introduce Bill 41, The Professional Corporations (Various Acts Amendment) Act, 1999 (Loi de 1999 sur les corporations professionnelles (modification de diverses dispositions législatives), and that the same be now received and read a first time.

The Administrator, having been advised of the contents of this bill, recommends it to the House, and I am tabling the message from the Administrator.

Motion agreed to.

Bill 42—The Community Protection and Liquor Control Amendment Act

Hon. Vic Toews (Minister of Justice and Attorney General): Madam Speaker, I move,

seconded by the Minister of Finance (Mr. Gilleshammer), that leave be given to introduce Bill 42, The Community Protection and Liquor Control Amendment Act (Loi sur la protection des collectivités et modifiant la Loi sur la réglementation des alcools), and that the same now be received and read a first time.

I have here a message from the Administrator indicating that the Administrator recommends the bill to the House, and I would like to table the Administrator's message.

Motion agreed to.

Bill 44—The Gaming Control Local Option (VLT) Act

Hon. Shirley Render (Minister of Consumer and Corporate Affairs): Madam Speaker, I move, seconded by the Minister of Culture, Heritage and Citizenship (Mrs. Vodrey), that leave be given to introduce Bill 44, The Gaming Control Local Option (VLT) Act (Loi sur les options locales en matière de jeu (appareils de loterie vidéo).

The Administrator, having been advised of the contents of this bill, recommends it to the House. I would like to table the Administrator's message.

Motion agreed to.

* (1335)

ORAL QUESTION PERIOD

Winnipeg Child and Family Services Temporary Placements—Hotels

Mr. Gary Doer (Leader of the Opposition): Madam Speaker, my question is to the First Minister (Mr. Filmon). In June of 1998, the Premier stated that a system dealing with the care of children needs to put the children's care and services first. This was dealing with the high unacceptable numbers of children in care

under the responsibility of the Province of Manitoba through the Winnipeg Child and Family Services branch and the high numbers of kids in hotels.

I would like to ask the Premier: has the number of children staying in hotels under the guardianship of the provincial government, through the Child and Family Services branch of Winnipeg, been reduced consistent with the talk of the government last year, or has it gone up?

Hon. Bonnie Mitchelson (Minister of Family Services): Madam Speaker, I thank my honourable friend for the question. We have been working really aggressively with the Winnipeg Child and Family Services agency to try to ensure that hotels are not the first option for children. We have had some success in, at times—and I have to say at times, because it depends on the weather and the circumstances—the numbers decline or increase from time to time. I can indicate that the stays in hotels are considerably shorter.

When this issue was raised when the problems existed last year, children were staying in hotels for long, extended periods of time. There always will be need for short-term placement of children if they are being neglected, and there needs to be a safe place for those children. But we are moving aggressively, if hotels are the only option at that point in time, to ensure that children do not stay there for any prolonged period of time.

Mr. Doer: Madam Speaker, it sounded like a recorded announcement of last year.

I would like to ask the Premier (Mr. Filmon): why has the number of kids gone up in hotels, from 21 in April of 1998 to 28 in April of 1999, per day, a 33 percent increase, after the Premier promised to put the needs of kids first? Does the Premier not get listened to by his cabinet ministers? Can he explain why this increase has gone up, and what is he doing about it?

Mrs. Mitchelson: Madam Speaker, again, I will indicate that when children are in need of being protected because of abuse or neglect, we have to find a safe place to put them. I indicated in

my first answer that a year ago there were children who were being lodged in hotels for extended periods of time, up to six months or a year, and that was unacceptable.

What is happening today is that children are still in hotels if there is no other option and they need to be protected, but it is not for extended periods of time. We are working aggressively with the Winnipeg Child and Family Services agency to ensure that the appropriate accommodation is found as quickly as possible.

Mr. Doer: Madam Speaker, maybe the safe places could have been foster parents in homes that this government, this Premier, this heartless Premier cut a number of years ago, his short-sighted kind of decision making full of rhetoric, full of sound and fury, signifying nothing.

Can the Premier explain why the Winnipeg Child and Family Services budget includes five children per night in hotels, and regrettably they are averaging 28 per evening? The cost is \$231 per day per child, and they have gone over budget by \$200,000 in April alone, \$160,000 over budget. Surely we can find safer and warmer places for our kids than the Filmon hotel placements of Winnipeg Child and Family Services.

Hon. Gary Filmon (Premier): I recall that one of the first challenges that faced us when we took office in 1988 was the fact that our foster parents were the lowest paid in Canada. That was a legacy that was left for us by the New Democratic Party, and we significantly increased the funding to the foster parents because they were in dire straits as a result of the New Democratic priorities. That very significant increase put us into a position in which we were better off than we had been left by the New Democratic government, of which he was a part.

But I can say this, that one of the things that he too will recall is that while the New Democrats were in office, because there were so many significant cases of abuse and even death of children in care under the New Democrats, we had to have a review that became known as the Reid-Sigurdson Report to look into why things were going so badly under the New Democrats, in which the Leader of the Opposition was a

cabinet minister, and of course the member for Wellington (Ms. Barrett) was a social worker in those days, part of the system.

Those are the things that we had to work with. Those were the things that had to be done under New Democrats. So, if he wants us to go back to the bad old ways that he is an example of, in which children were put at risk by the policies of the New Democrats, in which children were being injured and dying because of the policies of the New Democrats, I tell him the people of this province do not want us to go back to that.

* (1340)

Winnipeg Child and Family Services Temporary Placements—Hotels

Mr. Doug Martindale (Burrows): On May 18 of this year Winnipeg Child and Family Services said that placing them in hotels is too much like warehousing them, and it is the agency's responsibility to ensure that these children are receiving essential services. It was agreed it would be beneficial for the board to approach government now to try and advocate for resources to address this issue.

I would like to ask the Minister of Family Services: why is she waiting for the bureaucratic reorganization of the agency instead of putting the needs of children first and getting the number of children down who are in temporary placements which we know is up this year against last year? When is she going to put the needs of children ahead of the reorganization of the agency?

Hon. Bonnie Mitchelson (Minister of Family Services): I thank my honourable friend for that question, but I would like to remind him that we do not want to approach our Child and Family Services system like the New Democratic Party in British Columbia has. There are articles in the newspaper that talk about a New Democratic administration in British Columbia and how it is miserably failing the children in that province. The Child Advocate has written damning reports about the care of children there. So we do not want to look to British Columbia and the New Democratic Party for the solutions and the answers.

I have indicated very clearly that the difference between hotel placements for children this year is in fact a significant difference. The stays last year were long-term stays in hotel accommodation. If in fact children need to be protected, it is our responsibility to ensure that they are safe and secure and look at a long-range plan. We will continue to put the needs of children first.

Mr. Martindale: I would like to ask the Minister of Family Services when she is going to put the needs of children first, given that the number of days in care was 60,964 in April 1998 and has risen to 62,434 in April 1999. When is the minister going to do something, anything proactive to get the number of children in temporary care down and to have the number of children coming into care reduced? What announcements does she have, and why is she waiting for the reorganization when she promised that she was going to do something a year ago?

Madam Speaker: Order, please. The question has been put.

Mrs. Mitchelson: Madam Speaker, I wish I could indicate to all honourable friends in this Chamber and to all Manitobans that there was some quick-fix solution to children needing protection and support through the Child and Family Services system because there is not. And anyone who thinks there might be, like my honourable friend in the kind of question he asks, is burying their head in the sand.

The approach that we have taken as a government is to look at long-term solutions, long-term early intervention solutions that may not impact this year or next, but we know that children who are being born today are having programs put in place today so they will be more loved and nurtured and adapted, ready to go to school and to learn. We know those will have long-term impacts on children and families into the future. But if my honourable friend thinks he can promise a quick fix, I think Manitobans should be very wary.

Mr. Martindale: I would like to ask the Minister of Family Services how she can justify her department's failure to deal with ware-

housing children in Manitoba. Instead of talking about a quick fix, she said, a year ago: Just wait until the strategic planning process, and we will take care of that. We are not talking about a quick fix; we are talking about a year's time. The problem is getting worse. What is the minister doing?

Mrs. Mitchelson: Madam Speaker, I will indicate that there are no easy answers in the Child and Family Services system. I know that there are many that are committed to working to try to find the answers. We are going to have to try to ensure that when children do come into care, because they are being abused and neglected—and I do not think my honourable friend wants to blame me or our government for children being abused. We cannot accept that kind of responsibility as a government. What we have to do—

Some Honourable Members: Oh, oh.

* (1345)

Madam Speaker: Order, please. The honourable Minister of Family Services, to complete her response.

Mrs. Mitchelson: Thank you very much, Madam Speaker. As I was indicating, I think that parental responsibility is certainly the first and foremost issue that we need to look at and attempt to deal with, and that is exactly what we are doing by putting in place programs that work with young parents, with children, that provide early intervention and assessment of every baby at birth to see whether they are born to a family that may be at some risk and put those supports in place so we will not see the kinds of abuse and neglect into the future. All of those things will have a positive impact, and I indicated they are not going to fix things overnight. We have to continue to work at it.

Victoria Park Lodge Closure

Mr. Dave Chomiak (Kildonan): Madam Speaker, about a year and a half ago, the government made a decision to close down Levels 1 and 2 personal care homes, and as a result places like the Odd Fellows, which the

previous minister now said was a mistake to close, closed down. The Victoria Park Lodge in Souris is an excellent facility, housing individuals, and the government, by its policy, is choosing to close down those Levels 1 and 2 care. I would like to ask the minister: in light of the terrible decision to close down places like the Odd Fellows, in light of the fact that we have difficulty placing people, will the minister commit today to keep Victoria Park Lodge open for the residents that exist there, providing the amenities and the facilities that they provide?

Hon. Eric Stefanson (Minister of Health): Madam Speaker, when it comes to the whole issue of personal care home beds in Manitoba, as the member for Kildonan knows, we have committed to the addition of some 850 new personal care home beds right across our province through not only this 1999 budget but previous capital budgets in the Department of Health. When it comes to the issue of personal care home beds in that region of our province, Hartney is acquiring new personal care home beds; Souris is getting an addition of personal care home beds, and I know the RHA in the community is working with that facility, Victoria Park Lodge, in terms of potentially providing something like supportive housing. We are seeing more and more supportive housing projects right across Manitoba, in Winnipeg and outside of Winnipeg, and again, that is meeting a specific need in many communities right across our province.

Mr. Chomiak: Can the minister explain how it is that admissions to Victoria Park Lodge, which had 20 beds occupied, now only has 12, have been closed by the government when there are people waiting in the hospital in Souris to get home care and cannot get home care, when there are people waiting for respite care and cannot get respite care? Again, it is an example of abysmal planning by the government.

Mr. Stefanson: Again, Madam Speaker, I do not accept any of the preamble on that second question from the member for Kildonan. When you look at waiting lists for personal care home beds in our province, they are down significantly right across the province. Here in Winnipeg alone, they are down to a level today of about 50, whereas if you go back a couple of years

ago, they were up at 150 or 200. That again is because we are building more personal care home beds, we are opening more personal care home beds. To meet some of the immediate needs, we are putting in place interim personal care home beds, and we are dedicating significant resources for that very important service.

As I have said, to date, we are committed to 850 net new personal care home beds in the province of Manitoba. The actual number is well over a thousand that will be put in place because some beds are in fact being replaced in Manitoba. So, again, in that quadrant of the province, in that region of the province, there are new personal care home bed additions in Souris, in Hartney and in other regions of our province to meet the needs of people in our province for that service.

* (1350)

Mr. Chomiak: Madam Speaker, can the minister explain to me what he would say or what I should say to the 95-year-old resident of Victoria Park Lodge who I spoke to on Saturday or the 85-year-old resident who has lived there for years, who have recovered their health there, who are uncertain where they are going, who think this policy is wrong, who do not want to shift their home because of some grand government scheme? What would he say to those people who live there productively and now have to move because of their hard-headed policy that is wrong?

Mr. Stefanson: Madam Speaker, I remind the member, when we work on the capital projects across the province, we not only do it as a government, we work with communities and we work with the regional health authorities in terms of what are the priorities to meet the needs of those regions of our province. And again, I think that is an issue that members opposite have supported in the past, the concept of regionalization, the concept of that regional outlook for the services that are being provided, the opportunity for communities and individuals to have input into the capital plans. So the capital plan that we bring forward as a government is done with the input, with the consultation, with the prioritizing of the RHAs right across

Manitoba when it comes to meeting our needs. That is why today we are building a net, new 850 personal care home beds right across the province of Manitoba. We are providing supportive housing in many areas of the province of Manitoba, all to meet the needs of our aging population.

Brandon Regional Health Centre Maintenance/Equipment Repairs

Mr. Leonard Evans (Brandon East): Madam Speaker, I have a question for the Minister of Health. Between 9:30 and 10 a.m. last Friday, the Brandon general hospital had an air conditioning valve that broke, causing water to flood two offices on the fourth floor and then leaked into a wall in the ceiling of the emergency room. The place has since been cleaned up and the air conditioning system has been repaired.

My question to the minister is: will the minister admit that this deficiency in this old building could have caused a more serious problem, such as the collapse of the emergency room ceiling and resulted in certain injuries and other dire consequences as a result of the neglect by this government of the Brandon general hospital for the past 11 years?

Hon. Eric Stefanson (Minister of Health): Again, I do not agree with the preamble from the member for Brandon East. He comes asking a hypothetical question—wondering what his objective is by asking that kind of a hypothetical question. He knows the commitment that this government has made to the Brandon Regional Health Centre on a number of fronts, many millions of dollars dedicated to the whole redesign, reconfiguration of that very important facility, not only to Brandon but to that entire region of the province of Manitoba. Obviously, the health authority in Brandon was able to take action to deal with that particular need, and that is exactly what they should be doing. But, again, we made commitments on a number of projects. I have reminded the member for Brandon East of those projects. I am certainly prepared to pull them out again and remind him of all of the commitments we have made to health care in Brandon and that community, and

particularly to the Brandon Regional Health Centre.

Mr. L. Evans: Well, Madam Speaker, will the minister acknowledge that we can have additional serious problems because of the age of the building, and that renovations and needed repairs were put off by the administration because that administration had been promised a new building over a decade ago? It has been put off and put off. They have put the repairs aside, and now this is what we are getting: serious problems.

Mr. Stefanson: I agree with no such thing. Again, when we have buildings right across our province, on occasion buildings are going to have some maintenance issues that have to be dealt with. Brandon has done just that. The RHA dealt with that issue, and they put the repairs in place. I remind the member for Brandon East that, just in the last few years alone, there is \$65 million in capital commitments to the city of Brandon and their health care facilities, most significantly the Brandon Regional Health Centre that has a commitment of approximately \$40 million for a major capital project, a major redevelopment for that facility.

Those are commitments that this government is making. Those are commitments for putting the money in place to provide those very important services for the people of Brandon and the surrounding area. I would hope that the member for Brandon East would support that kind of commitment from our government.

*(1355)

Mr. L. Evans: Madam Speaker, three or four years ago, the honourable former Minister of Health had a beautiful model of a building, and we were promised it then, and you are still promising. That is all we have had is promises. Nothing but promises, wilting promises.

Madam Speaker: Order, please. The honourable member for Brandon East was recognized for a final supplementary question.

Mr. L. Evans: Will the minister acknowledge and recognize that the Brandon general hospital

has experienced a rash of structural problems? This is not the first. We have had elevators that have not been working, there have been leaky windows, and many other problems.

Madam Speaker, my question to the minister is: will this minister put up additional dollars right now for badly needed repairs so the place will not fall apart while we are waiting for a new building?

Mr. Stefanson: Madam Speaker, I assure the member for Brandon East that the Brandon Regional Health Centre is in good hands, and will continue to be in a good state of repair. I remind the member for Brandon East just some examples of what has happened at the Brandon Regional Health Centre: \$4.4 million completed for a new 25-bed adult acute psychiatric unit; \$3.2 million completed for the Western Child and Adolescent Treatment Centre; \$135,000 for roof repairs; \$665,000 for a hemodialysis unit, completed in August of '96; the scheduled opening of the energy centre, \$14.7 million to open in October of this year; currently, \$38 million in design for the Brandon Regional Health Centre. That is just a sample of the significant capital commitments that our government has made to the Brandon Regional Health Centre, to the city of Brandon and the people of that part of our province.

Garment Industry Employment Opportunities

Mr. Kevin Lamoureux (Inkster): Madam Speaker, my question is for the Premier. The garment industry over the years has gone through a chronic shortage of skilled workforce. In fact, it is highlighted to the extent that we have a prominent businessman who is suggesting that he might have to have production now moved over, at least in part, to Mexico. These are jobs that are in fact potentially being lost, and I would argue we have lost jobs because of our inability to get the skilled workforce necessary to fill them.

My question to the Premier is: what is the Premier prepared to do to ensure that those jobs within the garment industry are in fact going to be filled so that we are not going to permanently lose more and more jobs?

Hon. Gary Filmon (Premier): I thank my honourable friend for the question. He may know that the individual that he has referenced, Mr. Silver, is chairman of our Economic Innovation and Technology Council for the provincial government, and we have had numerous discussions with him in ensuring that we were working towards just precisely the solution of that problem. As he may well know, the growth of the fashion industry in our province over the last couple of decades has been largely fuelled by having skilled immigrants come and take the jobs. Mr. Silver has been a great advocate of our initiatives to urge the federal government to open up immigration for skilled people who could fill many of the skill shortages that have been listed in stories very recently, even over the last few days in the front pages of our newspapers.

The reality is that the federal government is setting immigration policy. He knows full well because he fought, I know, his own federal Liberal government against the head tax. He fought them for setting quotas on immigration and limiting the immigrants to our country because the policy is set based on the strong feelings of people in Vancouver and Toronto and not for the needs of a province like Manitoba who can use more skilled immigrants. I urge him to join with us to perhaps even propose a joint resolution in this House to urge Ottawa to open up immigration in our province so that we can get more skilled workers to fill the needs of a burgeoning, growing economy.

* (1400)

Mr. Lamoureux: Is the Premier prepared then to reconvene a committee which we had established a few years back to deal with the garment worker shortage in order to try to work with Ottawa in resolving this very serious problem?

Mr. Filmon: The member probably knows that the shortages are not just in the area of the garment industry or the fashion industry. Indeed, the list of skilled people that was contained in, I guess, a front page article today says accountants, composite technicians, computer-controlled machine tool operators, computer programmers, computer systems

analysts, early childhood educators, daycare managers, electrical technicians and technologists, electrical and electronics engineers, heavy equipment managers, hog barn managers, machinists, mechanical engineers, sheet metal workers, tool and die makers, welders.

Really, the tremendous opportunities that are here in this province because of our growing, burgeoning economy require us, I believe, to have a program that opens up our doors to many more immigrants. We need the co-operation, the support and the commitment of the federal Liberal government, and he as a Liberal in this Legislature I think is well positioned to be a bridge between the views of those in this Legislature. I believe that members opposite would join us, members of the New Democratic Party, in a joint resolution to urge Ottawa to change its perspective on this particular issue.

I say to him having a committee reconstructed is not the best answer if we do not have Ottawa's attention, and I would urge him to join with us in getting Ottawa's attention on this matter.

Education System Standards Testing Breach—Report

Mr. Kevin Lamoureux (Inkster): On a different issue, I ask the Minister of Education: will the minister give us equal access to what I have been told the NDP likely have from their friends in Seven Oaks, access to the report so that all members of this Chamber know what is the content of that report?

Hon. James McCrae (Minister of Education and Training): Madam Speaker, the Leader of the Opposition (Mr. Doer) has not been clear with us as to whether he has been briefed on that report or whether he has actually seen a copy of the report prepared by the Seven Oaks School Division. It would be nice if the Leader of the Opposition would be a little bit more open with this House and with the people of Manitoba about what he knows about what is in that report, such as it is.

I am not very happy with the report, to say the least, because, in order to release it, the honourable Leader of the Opposition calls for its

release, I suspect, knowing full well that there are aspects of this report that tend towards defamation of people's characters and requires that it be very carefully gone over by Freedom of Information people so that we can release something, but unfortunately, in an incomplete form. But again, the Leader of the Opposition has not shared with anyone how much about that report he knows.

Simplot Plant—Brandon Explosions

Hon. Mike Radcliffe (Minister of Labour): Madam Speaker, I would like to respond to questions that were raised by the member for Brandon East (Mr. L. Evans) with regard to the Simplot experience in Brandon recently which were taken as notice.

I am prepared today to advise this Chamber that Workplace Safety and Health and Mechanical Engineering branches have jointly conducted and completed their investigation and are in the process of finalizing a report on this incident. I can confirm that repairs and modifications to the processing equipment have been completed and inspected by Mechanical Engineering branch inspectors and, bottom line, the plant is back in operation.

The department has verified that the desulfurizer feed preheater involved in the incident is safe for use, all safety controls have been tested and proven in the presence of our inspector, and five new gas shutoff valves have been installed, one for each of the burners. I am told that we have had two mechanical engineers, one chemist and a Ph.D. in metallurgical engineering, plus a number of hygienists, all of whom have been involved in the research and renovations, and the mechanical engineering boiler inspector has also inspected the areas for the repair work.

Point of Order

Mr. Leonard Evans (Brandon East): Madam Speaker, on a very serious point of order.

The minister responsible for Workplace Safety and Health is giving us vital information affecting the safety of a community of 40,000 people, and the Minister of Environment (Mrs.

McIntosh) keeps on nattering from her seat. I simply cannot hear the answer, which is very important.

I would ask you to call this member to order, and ask her to give us a little decorum in this place.

Madam Speaker: The honourable government House leader, on the same point of order.

Hon. Darren Praznik (Government House Leader): Madam Speaker, on the same point of order. Day after day after day, we hear members opposite making comments from their seats, not putting accurate information forward on the record, and a host of things that invite response.

I would suggest that you advise all honourable members about the need to ensure that members can hear what is going on in the Assembly.

Madam Speaker: Order, please. On the point of order raised by the honourable member for Brandon East, I am not convinced it was only the honourable Minister of Environment who was causing a disruption. However, I would agree that he did have a legitimate point of order. It was extremely noisy, and I, personally, was experiencing difficulty hearing the honourable Minister of Labour's response. I would ask for the co-operation of all honourable members.

* * *

Mr. Radcliffe: Thank you very much, Madam Speaker. Although a number of members of the Chamber have urged me to start again, I would conclude my response by saying that there has been intensive and far-reaching investigation. There have been significant repairs effected to the plant. The plant is back in operation. I want to assure members opposite that there is in fact no danger at all to either the workers at the Simplot plant at this present time, nor the residents of Brandon East, or for that matter Brandon West.

Estey Report Government Position

Ms. Rosann Wowchuk (Swan River): Madam Speaker, farmers have been facing serious

problems because of the weather over the last while. However, they are facing far more serious long-term problems because of high input costs and increased transportation costs. The study by the Canadian Wheat Board and Canadian Shipowners Association confirms what we have been saying for some time now. That is, farmers are paying far too much in freight costs. In fact, they are paying \$224 million annually in costs that they should not be paying.

I would like to ask this government how they can support the implementation of the Estey report without a full costing review that farmers, municipal people and other leaders have been asking for to ensure that the money goes where it should be going, and that is into the farmers' pockets. [interjection]

Hon. Darren Praznik (Minister of Highways and Transportation): Madam Speaker, I know the member for Roblin-Russell and I are very close on many issues, but this is certainly one as well.

Madam Speaker, as the lead minister on the Estey report, what I find absolutely incredible in the question from the member for Swan River is that here is every provincial government in western Canada, two Conservative and two New Democratic Party governments, struggling to find a way to ensure that we get competition into the grain transportation industry so we can see dollars go back into the pockets of farmers, and members opposite, by way of a resolution to this Assembly, said we should keep the status quo. All the status quo has done has seen the efficiencies go into the hands of the railways.

Madam Speaker, the No. 1 prerequisite of all our prairie governments to be involved in the Estey report was that whatever savings and efficiencies can be found have to go back into the hands of the producers.

* (1410)

Ms. Wowchuk: I would like to ask this minister: is his government going to continue participating in the implementation of the Estey report, given that railways are backing away from their offer to cut the total bill of moving grain, and that railways are reluctant to allow open access,

something that farmers and all other groups have been asking for? Are you going to continue to participate in that process?

Mr. Praznik: Madam Speaker, let us remember the Estey report is a federal initiative because most of these issues, if not all, are in federal jurisdiction. What members opposite have said is we should bury our head in the sand and walk away and not be involved in the process to try to steer it in a manner that is most advantageous to Manitoba producers. That is a total abrogation of responsibility. Yet they come to the House now saying: well, we are concerned. Just a few weeks ago in this Chamber, they said we should not be involved.

Madam Speaker, things like open access, things like ensuring that savings find their way into the hands of producers are the reason why we are at the table to fight for those, rather than run away like New Democrats opposite.

Ms. Wowchuk: We will see how well this government does in getting money into farmers' pockets, Madam Speaker.

Madam Speaker, given that the savings the railways have realized are because of rail line abandonment and shifting costs to farmers, why is this government not insistent that these savings be passed on to farmers, such as the productive gain sharings which Estey did not recommend, insistence that no more lines be abandoned in this province? Why is this government not insistent that some of those things happen to ensure that money gets into the farmers' pockets?

Mr. Praznik: Madam Speaker, for the third time, I tell the member that all three prairie provinces, two Conservative and one New Democrat, have all taken that same position. We have all been at the table, continuing to advance that position in what is a federal process. But let us remember the advice that the New Democratic Party, led by the member for Concordia (Mr. Doer), gave to this government in a debate in the House a few weeks ago: Walk away from Estey. They brought a resolution to this House saying we should not be involved in the process. Well, how do you influence a federal process if you are not at the

table? They propose running away. We propose standing there to fight for farmers in Manitoba.

**Sherridon, Manitoba
Mine Tailings Control**

Mr. Gerard Jennissen (Flin Flon): Madam Speaker, my questions are for the Minister of Energy and Mines. As the minister knows, the 10-year-old limestone weir that is supposed to contain the copper tailings from the old mine site at Sherridon is collapsing. Is the minister prepared to put in place remedial work on the weir before tailings contaminate Kississing Lake, harm the drinking water and potentially injure the growing tourism industry at Sherridon?

Hon. David Newman (Minister of Energy and Mines): Madam Speaker, we discussed this issue at some length during the Estimates process, and I indicated the status report on this particular issue. I am aware that Warren Preece from Global and the honourable member were up in Sherridon viewing it together, and I saw a bit on television since then. The assurances continue. This matter is under study, and a solution for this very serious issue is under consideration. It is something that is a high priority for implementation.

Mr. Jennissen: Given the fact that there is approximately \$18 million in the Mining Reserve Fund, and given the fact that the 1996 culvert diversion project at Sherridon which cost approximately half a million dollars did not stop tailings from leeching into Kississing Lake, will the minister reconsider his time lines and fast-track phase two of the Sherridon pollution control project?

Mr. Newman: When the recommendations come in from the people who have been engaged to provide the report, this will be treated as a very serious, important matter that deserves expeditious treatment. There are all kinds of competing priorities in government when we come to these kinds of issues, and this is a very high priority issue, so he should stay tuned to the progress that is being made as we move forward with a report.

Madam Speaker: Time for Oral Questions has expired.

MEMBERS' STATEMENTS

Icelandic Museum

Mr. Edward Helwer (Gimli): Madam Speaker, on Saturday I had the pleasure of joining our Premier Filmon and the Honourable Eric Stefanson at Gimli for the kickoff for the fundraising campaign for the New Iceland Museum to be constructed at the Betel Waterfront Centre, and during this event the province was proud to announce support of \$1 million towards this initiative. The museum will replace the first New Iceland Museum which was moved due to deterioration of the original building. Once completed, it will house a collection of artifacts from the original Icelandic settlement in the Interlake region. The Betel Waterfront Centre will also include the Icelandic Cultural Centre, dedicated to preserving and enhancing Icelandic culture in North America, as well as 55 new seniors apartments.

Also taking place on Saturday was the opening of the new Lake Winnipeg Visitors Centre. Reconstructed out of an old fish processing plant that had served as a portion of the original museum, the Visitors Centre houses displays on the history of the Lake Winnipeg fishing industry and the Gimli Chamber of Commerce tourist information booth. These initiatives will no doubt contribute to the growth of tourism in the Gimli area and will ensure that Icelandic history and heritage in Manitoba are preserved for future generations. So my congratulations to all those involved.

Thank you, Madam Speaker.

Grain Transportation

Ms. Rosann Wowchuk (Swan River): Madam Speaker, we got another report, released by the Canadian Wheat Board, showing that indeed farmers are being taken advantage of by railway companies and are paying far too much in freight costs. This is confirmed with farm organizations that have been saying for some time now that the savings that the railway companies are having because of rail line abandonment are not being passed on to the farmers.

These things could have been addressed and should be addressed. Had the government listened to farmers and implemented a full costing review and looked at some of the costs, then we could have had a fairer process with the implementation of Estey under Arthur Kruger. Unfortunately, this government did not support that process, and even though it is a federal issue, we had hoped our government would have taken a much stronger position to ensure that savings would have been passed on to farmers. Madam Speaker, \$224 million taken out of the farm economy annually out of western Canada is a tremendous amount of money and would help many farmers who are facing very serious financial burdens right now.

The implementation of Estey will increase further burdens for farmers. Now the government across the way says that the implementation of Estey is going to be beneficial. However, if the whole report is implemented as Mr. Estey recommended and Mr. Kruger is saying, then farmers are going to face even further cost increases, and there will certainly not be any benefit to them. We have to look at ways to ensure that farmers get a fair return for their product and are not burdened with all the costs. So, Madam Speaker, I think that this report is very important and one which the government should—

Madam Speaker: Order, please. Time has expired.

Heritage Days

Mr. David Faurshou (Portage la Prairie): Recently I had the pleasure of attending the third annual Heritage Days at the Fort la Reine Museum in Pioneer Village in Portage la Prairie, and I had the opportunity of bringing greetings on behalf of my colleague the Honourable Rosemary Vodrey, Minister of Culture, Heritage and Citizenship. This was a lively weekend that featured a variety of entertainment, including a parade, children's activities, flea market and of course events that recognize Manitoba's historical development. Volunteers representing heritage characters were in costume in 23 heritage venues and helped guests remember the ways of our forefathers, such as how to cook in a clay oven and how to make a rope.

* (1420)

The event was a great success, with visitors and attendants from as far away as Australia. Heritage Days is a unique event that provides an opportunity for visitors to go back in time and experience a life in the early settler days. By understanding the challenges faced by our ancestors and how they overcame them, we can gain insight into the way we live today and a path that we can take in the future.

I would like to take this opportunity to recognize the secretary-manager, Mr. Vic Edwards, and the rest of the museum staff and volunteers for successfully providing the opportunity to learn about our past through celebration. It is important that we educate people about the province's past and to respect the achievements of our ancestors. Thank you, Madam Speaker.

Home Inspection Industry

Ms. Marianne Cerilli (Radisson): Madam Speaker, in 1996 I began meeting with professionals in the housing sector who were alerting anyone who cared to listen, I believe, to problems that were arising in the home inspection field in our province. There was concern that members of the public may be hiring people to do home inspections prior and as a condition to their purchasing a home and those people had no more qualifications than, I dare say, I would to be a home inspector. In other instances, there were complaints that home inspectors were actually receiving some sort of kickbacks from some real estate agents in exchange for giving favourable home inspections, which may not be the case, and then that would jeopardize the future investment of that home purchaser.

There have been some changes related to this area, but I am concerned. In response to a letter that I sent to the current Minister of Consumer and Corporate Affairs (Mrs. Render) on April 27 of this year, I received a response from the minister basically saying that she had looked into it and her department had looked into it—I had requested that the Securities Commission investigate some of the groups involved—and she found that there was no problem and there had been no complaints.

There have been a number of news reports on this issue. The Winnipeg Real Estate Board now has a committee, and they are all recommending that the Department of Consumer and Corporate Affairs consider regulating the home inspectors' industry.

There were a few requests that I put in the letter: that all inspectors have a million dollar errors and omissions insurance coverage to be considered; they would ensure inspectors are covered by the Workers Compensation Board; they would have all inspectors have general liability insurance backing up inspectors with guarantees for payments of damages; there should be some attention to fees charged—there are some exorbitant fees charged for home inspectors; that currently there be some regulation of the association for home inspectors; and, similarly, that there be some kind of a code put in place to guarantee or govern their standards.

I hope that the minister will consider this issue again. Thank you.

Golden West Broadcasting

Mr. Jack Penner (Emerson): Madam Speaker, about a week ago I had the pleasure of attending the opening of Golden West Broadcasting facility in Altona, which is a brand-new facility taking in the second floor of the Golden West Plaza. This Golden West facility, which takes up the entire second floor of a four-storey complex, will not only serve the radio listeners of Altona, Winkler and Steinbach areas but will also serve as the head offices for the entire Golden West operation.

Golden West was formed in 1957 with one little radio station in Altona which was called Radio Southern Manitoba, CFAM, and has grown into a conglomerate of 12 stations—

Some Honourable Members: Oh, oh.

Madam Speaker: Order, please. I am experiencing a great deal of difficulty hearing the member.

Mr. Penner: Madam Speaker, I could hardly hear myself speaking.

This has turned into a conglomerate of 12 stations from Alberta to Ontario, including four AFM and one FM station right here in Manitoba.

The driving force behind Golden West Broadcasting's success has certainly been the president and CEO, Mr. Elmer Hildebrand, who has been with Golden West from day one. Elmer has not only played a very significant role in establishing Golden West Broadcasting to the kind of corporation it is today but has certainly been front and centre in many of the developments in the town of Altona and surrounding area. He continues to play a very significant role in the broadcasting industry, both in Canada and North America, having served as president of Manitoba, Western, and the Canadian Association of Broadcasters.

I would like to ask all members of this House to join me in congratulating Mr. Hildebrand and the entire Golden West Broadcasting network and staff on a job well done, and we ask them to continue the fine job of broadcasting, indicating to Manitobans what a fine job we in Manitoba have done on the economic development of our province. Thank you.

ORDERS OF THE DAY

Committee Changes

Mr. Edward Helwer (Gimli): I move, seconded by the member for Emerson (Mr. Penner), that the composition of the Standing Committee on Law Amendments for Monday, July 5, 1999, at 10 a.m. be amended as follows: the member for St. Norbert (Mr. Laurendeau) for the member for Fort Garry (Mrs. Vodrey). This substitution had been moved, by leave, during the committee held this morning and is now being moved in the House to update the official records.

I move, seconded by the member for Emerson (Mr. Penner), that the composition of the Standing Committee on Municipal Affairs (for this evening at 7 p.m.) be amended as follows: the member for Fort Garry (Mrs. Vodrey) for the member for Gimli (Mr. Helwer); the member for La Verendrye (Mr. Sveinson) for the member for Emerson (Mr. Penner).

Motions agreed to.

House Business

Hon. Darren Praznik (Government House Leader): Madam Speaker, if you would bear with me, we have quite a number of bits of House information to announce this afternoon.

First of all, I would like to ask if you could canvass the House to see if there is a will to waive private members' hour today.

Madam Speaker: Is there unanimous consent of the House to waive private members' hour today? [agreed]

Mr. Praznik: Madam Speaker, the second area in which we will seek unanimous consent of the House is to have two sections of the Committee of Supply, that being the committees sitting in Room 254 and 255, sit while the House will also continue to sit in session.

Madam Speaker: Is there unanimous consent of the House to allow two sections of Committee of Supply to sit while the House is considering bills, those committees sitting in Rooms 254 and 255? [agreed]

Mr. Praznik: I would ask that in the Committee of Supply sitting in Room 254 this afternoon it be the Department of Natural Resources and in Room 255 that it be the Department of Government Services.

Madam Speaker: Is there unanimous consent of the House to have the Estimates of the Department of Government Services considered in Room 255 and the Estimates of the Department of Natural Resources considered in Room 254? [agreed]

* (1430)

Mr. Praznik: Madam Speaker, I would also ask for leave that, following the completion of the work in the House this afternoon, the Committee of Supply for the Chamber begin to sit under the same motion that I would be reading later. I am asking for agreement of the House now because I will be moving the motion to move into Committee of Supply, that motion being, following the work of the House this afternoon, that the Chamber section of the Committee of

Supply begin its work on the Department of Justice.

Madam Speaker: Is there unanimous consent of the House for the House to move into the Committee of Supply upon completion of House business and the Estimates of the Department of Justice to be considered at that time? [agreed]

Mr. Praznik: Madam Speaker, just to recap, the Department of Natural Resources will sit concurrently with the Chamber in Room 254; the Committee of Supply will sit in session in Room 255 for the Department of Government Services. Following the business in the Chamber, the Chamber will resolve into a section of the Committee of Supply for the consideration of the Department of Justice.

Madam Speaker, with respect to business in the House this afternoon, I would ask, following the movement of the motion to resolve into Committee of Supply, if you could please call for second readings bills in the following order: 35, 43, 40, then followed by 26, 36, 37, 38 and 39.

Following that, I would ask if you could then call for continuation of debate on second readings Bills 29 and 34.

Should those debates either be adjourned or be completed this afternoon, I would then ask if you could call, for report stage, bills in the following order: 3, 4, 11, 12, 16, 18, 5, 6, 19, 7, 13, 8, 9 and 15. I am trying to batch those into ministers and critics so that we can be as convenient and I think as efficient as possible for those who have business when those are called.

Madam Speaker, I just look to you now, following the completion of that work, that the House, by agreement, will resolve itself into the proper section of the Committee of Supply. I would then move to be sitting concurrently with the House until it finishes its business, and then on its own. The Committee of Supply, I would move then, to sit concurrently with this House, that Madam Speaker do now leave the Chair concurrently with her being in the Chair for the House.

Am I doing this right, Madam Speaker?

Madam Speaker, with respect to the concurrent session or the Committee of Supply that will be sitting concurrently with the House, I would move, seconded by the honourable Minister of Justice (Mr. Toews), that Madam Speaker do now leave the Chair and that this House resolve itself into a committee to consider of the Supply to be granted to Her Most Gracious Majesty.

Motion agreed to.

SECOND READINGS

Bill 35—The Highway Traffic Amendment Act (2)

Hon. Vic Toews (Minister of Justice and Attorney General): Madam Speaker, I move, seconded by the Minister of Highways (Mr. Praznik), that Bill 35, The Highway Traffic Amendment Act (2) (Loi no 2 modifiant le Code de la route), be now read a second time and be referred to a committee of this House.

Motion presented.

Mr. Toews: Madam Speaker, for many years now this government has been a leader in the provincial fight against impaired driving. Accordingly, I consider it a great privilege to introduce this bill which continues to put Manitoba at the forefront of passing effective laws to deal with people who abuse the privilege of driving on our highways by driving drunk. Although we currently have some of the strongest driving legislation in the country, Manitobans are still falling victim to drunk drivers. We are still seeing a large number of first offenders who apparently have not yet got the message. This bill introduces two changes to further enhance Manitoba's response to the continuing problems caused by impaired driving.

In what is a first in Canada, drivers who drive over .08 and who refuse to supply a sample of their breath or blood will have their vehicles impounded for 30 days. This is in addition to the licence suspension these drivers already face, an administrative licence suspension. Moreover, if it happens twice in two years, the vehicle will be impounded for 90 days.

We want to send a very clear message that Manitobans will simply not tolerate drunk drivers who threaten the safety of others on our roads and highways. The bill would retain the existing review process relating to impoundments in order to protect innocent registered owners. A registered owner can apply to have the vehicle returned if he or she was not driving the vehicle at the time and could not reasonably have known that the vehicle would be driven by a drunk driver.

The second change relates to licence suspensions for those who refuse to provide a sample of breath or blood. For first offenders, the suspension will double from one year to two years, while the suspension for a second offender will be increased from five years to seven years.

We have already done a great deal in Manitoba to reduce the carnage on our highways that is caused by drunk drivers, but there is more that needs to be done. We hope that these new measures, combined with new federal measures, will be stronger deterrents, making it more difficult for impaired drivers to abuse the privilege of driving and thereby reducing the number of tragedies caused by drunk driving in Manitoba.

Mr. Kevin Lamoureux (Inkster): Madam Speaker, I just wanted to say a few words on this particular bill. One of the things that has become very abundantly clear, I believe, for politicians of all political stripes is the need to address our roads. I can recall being given briefings on where in any given year, in some cases in some of those years we have seen all fatalities, traffic fatalities, attributed in some fashion or another to alcohol being in someone's bloodstream.

Madam Speaker, it is a very serious issue. The billboard campaigns, TV advertisements and so forth have all played a significant role in reducing the number of individuals drinking and driving.

This particular bill is yet one of a series which we have seen in terms of trying to encourage Manitobans to recognize the importance of not driving if they have been drinking,

and, to that extent, we do support it in terms of going to committee and ultimately through its passage. Thank you.

* (1440)

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

Motion agreed to.

Bill 43—The Highway Traffic Amendment and Summary Convictions Amendment Act

Hon. Vic Toews (Minister of Justice and Attorney General): Madam Speaker, I move, seconded by the Minister of Rural Development (Mr. Derkach), that Bill 43, The Highway Traffic Amendment and Summary Convictions Amendment Act (Loi modifiant le Code de la route et la Loi sur les poursuites sommaires), be now read a second time and be referred to a committee of this House.

Motion presented.

Mr. Toews: The amendments to this act are intended to provide for the ability to refuse to renew drivers' licences as an additional enforcement tool to assist in the collection of unpaid fines and on behalf of victims' unpaid restitution.

In respect of the unpaid fines, Madam Speaker, the province has always had the ability to refuse to renew drivers' licences for unpaid highway traffic fines. These amendments will allow the province to refuse to renew drivers' licences for all unpaid provincial statute and Criminal Code fines. The tool will be used in conjunction with other collection options, including the use of collection agencies and other civil enforcement options.

Madam Speaker, as a result of amendments to the federal Criminal Code, it has become increasingly more difficult to collect on fines that have been imposed by the courts, and I think it is essential in order to maintain respect for the administration of justice that the collection of fines be continued and that every available mechanism be enforced. Past experience with

refusing to renew drivers' licences for unpaid fines would indicate that a substantial number of those who default on payment would pay if we used the refusal to renew as an enforcement tool.

The second aspect of the bill, Madam Speaker, deals with restitution. In 1996, changes to the federal Criminal Code resulted in victims who were eligible for restitution having to proceed through civil enforcement directly against the offender. Many victims, given those circumstances, choose not to collect because they want no further contact with the offender.

Madam Speaker, the ability to withhold the driver's licence will provide an additional tool to assist in forcing offenders to pay outstanding restitution to victims. The actual process of requesting the withholding of the licence and removing the hold on a licence will be administered by court staff.

We are continuing to work with the federal government. I have drawn to the federal minister's attention the difficulties that the 1996 amendments have caused in this respect. We look forward to working together with the federal government to put additional mechanisms or indeed re-establish old mechanisms in order to ensure that victims are not left out in the cold when it comes to collecting restitution orders.

Mr. Daryl Reid (Transcona): I move, seconded by the member for St. James (Ms. Mihychuk), that debate be adjourned.

Motion agreed to.

Bill 40—The Employment and Income Assistance Amendment Act

Hon. Bonnie Mitchelson (Minister of Family Services): I move, seconded by the Minister of Justice (Mr. Toews), that Bill 40, The Employment and Income Assistance Amendment Act (Loi modifiant la Loi sur l'aide à l'emploi et au revenu), be now read a second time and referred to a committee of this House.

Motion presented.

Mrs. Mitchelson: I am pleased to stand here today and make comments on Bill 40, that has

just been introduced for second reading, which amends The Employment and Income Assistance Act.

I am especially pleased to speak to this bill, which builds on our government's successful welfare reform initiatives. This proposed legislation will enable us to continue the important work of getting welfare clients the help they need to be successful and independent. These legislative amendments will promote personal responsibility, financial independence, employment and community service, while ensuring that Manitobans in need continue to receive assistance and support.

Disabled Manitobans will not be affected by the new amendments. We will be examining our income assistance program for disabled clients in the coming months through an extensive community consultation process to determine how we can improve the current program to better meet the needs of clients with disabilities.

Our government believes that participation in the workforce is the key to economic independence. Our income assistance system now promotes independence. The system now has the supports and incentives to enable clients to leave the program and prevent generation after generation of families remaining on welfare.

As we know, a lifetime on welfare is a commitment to a lifetime of poverty. We believe that most Manitobans would rather work to support families than be dependent on government assistance for survival. Thus our government is committed to a welfare system that encourages independence and self-reliance.

Madam Speaker, I am proud to be a member of a government that believes in giving families in need a hand up, not a handout. As a result of the welfare reform initiatives we have implemented, thousands of clients have made the transition from welfare to work. Although the previous reforms have been successful, more remains to be done. We know that Manitobans want to work, and we are taking additional steps to help them to achieve their goals. Income assistance is a last resort. It should not be easier to get welfare than to work.

While we believe in providing for those in need we also believe in mutual responsibility. You only take out if you put in. Every month hundreds of able-bodied people walk through the door looking for welfare assistance. We want to connect these individuals with the jobs that are available. The Manitoba economy is growing rapidly. The labour market is ripe for opportunities for both skilled and unskilled workers. Employment should be the first option for people rather than relying on welfare.

Bill 40 is consistent with our commitment to a welfare system that is designed to help people build skills and maintain a connection with the community. This proposed legislation has been developed to strengthen and reinforce the message that finding a job is the No. 1 priority. Welfare is a program of last resort and clients are personally responsible for ensuring their own health and well-being.

To build on these trends, we will be implementing new measures to help ensure young people are ready for the labour market. The amendments proposed in Bill 40 will enable us to make sure that people do not make the mistake of pursuing welfare as a lifestyle choice. As part of our Employment First strategy, we are strengthening our efforts to ensure people who are ready to work make the connection with the labour market.

When employable clients apply for assistance, they will first be referred to potential employment opportunities. We will provide employment referrals and other supports to help ensure that clients are successful in landing a job. Clients will be required to independently job search and use all available resources to help maintain their independence. During this period, assistance will be provided in emergency situations.

* (1450)

We believe that everyone capable of working must make a contribution to the community, therefore as a condition of receiving welfare, all employable welfare clients must agree to work in the community, completing up to 35 hours of community service per week. Participation will be mandatory, with contri-

butions varying on capacity to work and availability of placements. Single parents with children under six years, disabled persons and the aged will be exempted from participation.

Community organizations and municipalities will provide supervision and direction for the projects. Activities may include repairing dilapidated homes, painting over graffiti and unsightly buildings, neighbourhood crime patrols and school patrols, sidewalk and street cleaning, grass cutting and snow clearing, tree banding and trimming, riverbank cleanup, clerical tasks for nonprofit groups and services to seniors. I would like to indicate clearly, Madam Speaker, that clients will only be assigned to school and seniors projects after background checks are conducted.

I am very pleased to indicate that our Premier (Mr. Filmon) will be personally writing to community and business leaders to request a voluntary commitment from them and their staff to act as advisors and mentors to people on welfare. As mentors, they will be able to provide welfare clients with valuable advice on resume writing, interview preparation and then making business contacts. In addition, our Premier will be asking for volunteers to work on community projects along with welfare recipients.

Madam Speaker, we have over 17,300 clients who are expected to work. Many of these people will participate in community projects. The experience welfare clients gain through participation in community service will help them to connect with the community, develop positive work habits and obtain jobs. As a result, welfare caseloads and costs will continue to drop. To help people to make the transition from welfare to work, Manitoba currently offers drug, dental and optical benefits to single parents and disabled clients who leave welfare for employment. Coverage is currently available for up to one year. To make sure people can keep on working under this initiative, benefits will be extended from 12 months to 18 months.

Ensuring that people have the resources to help support themselves has been a priority for our government. We are also committed to ensuring that the assistance we provide gets to those persons in genuine need. Abuse of the

welfare system is not acceptable. The vast majority of clients abide by the rules and regulations. However, even a small amount of abuse and fraud in a large program can be costly. We have successfully reduced fraud and abuse by introducing proactive measures such as the welfare fraud line, specialized investigators, pre-intake orientation sessions and expanded information-sharing agreements.

To ensure that benefits continue to get to those in need, we will strengthen this effort by focusing on further areas requiring attention. We will be adding a housing investigator, enhanced enrollment investigations and income and asset investigators to the measures that are already in place.

One area we will be intensifying our efforts is in helping single parents get maintenance orders to support their children. Parents have a responsibility to care for their children, and a financial contribution is the critical factor in ensuring the health and well-being of kids. We will actively work with single parents to get the financial support their children deserve.

A parental support unit will be established that will help single parents get new maintenance orders or increase existing orders. The unit will help these clients find the noncustodial parent, establish a voluntary agreement or guide clients through the legal system to establish a court-ordered agreement. We will be actively assisting single parents to get this support. We will be sensitive to the potential for family violence and take steps to ensure that parents and children are not put at risk.

Madam Speaker, parenting is the most important responsibility in our society. Those parents with addictions face great challenges in meeting this responsibility. When parents on welfare have addictions, how can they support their children when they are also supporting an addiction? We want to ensure we are doing everything possible to get support and treatment services to these parents to help them to help themselves, which ultimately helps their children.

Bill 40 will enable us to make sure that welfare clients with substance dependencies

avail themselves of an appropriate treatment program. Currently, employable single adults and childless couples on welfare must go to addiction treatment programs if they want to collect benefits. If clients are frequently drunk or high during normal contact with staff, they are referred to an addiction treatment program such as the St. Norbert Foundation or the Addictions Foundation of Manitoba residential and day treatment programs. Seeking treatment for these clients is mandatory. We will be expanding this effort by making all single parents and adults in two-parent families with addictions get help. Welfare provides only temporary assistance while people prepare themselves to work. Addiction treatment is the first step in getting ready for employment.

Depending on the needs of each client and the severity of the dependency, the treatment may include residential detoxification, day programming follow-up to address the addictions and ongoing support services to help clients improve their life skills, prepare to look for a job and find work. This comprehensive approach will help ensure that these parents are able to overcome their addictions and become more fully integrated into society.

Madam Speaker, parenting is an enormous responsibility, and our government knows that being a teen parent is especially difficult. We also know that dropping out of school increases the risk of falling into the trap of welfare dependency. Youth have tremendous potential. Manitoba's youth unemployment rate is the lowest in the country and has been falling for a decade. Literacy among youth in Manitoba is the highest in Canada. More Manitobans are returning to complete high school studies. Grade 12 and university graduation rates are rising, so in order to be successful in today's world, young parents on welfare need support to gain the skills necessary to raise their children and complete their education.

Young parents 16 and 17 years of age will be required to participate in services which promote positive parenting. Those with a child over six months of age will be required to demonstrate that they are continuing their schooling. Where there are no family supports, government will provide assistance for such

things as child care and transportation. While there will be progressive sanctions for young parents who refuse to comply with the new provisions, measures will be in place to ensure that their children are not being put at risk.

The amendments we are proposing will enable welfare benefits deducted as a result of noncompliance to be placed in a special fund to be administered by a special support unit. The unit will ensure that these funds are used to the benefit of the child and will ensure that his or her needs are being met. The unit will also work with young parents to encourage continuation of their schooling. By reaching out to these young people and by putting supports in place to help them stay in school and gain an education, we believe that we can help more Manitobans stay on the road to self-sufficiency and out of the trap of welfare dependency.

Madam Speaker, the amendments we are proposing will greatly strengthen our ability to help individuals and families who depend on government assistance for support to become independent, contributing members of society. By strengthening our ability to ensure that welfare clients are doing everything they can possibly do to become self-supporting, the proposed amendments will ensure that welfare remains a temporary last-resort program for those in genuine need.

By strengthening our ability to make clients enter treatment or parenting programs, these amendments will ensure that clients get the help they need and that their children are not being placed at risk. By strengthening our ability to ensure that young people stay in school or go to work, these amendments will ensure that they are on the road to a brighter future.

Madam Speaker, I am pleased to be the Minister of Family Services sponsoring this bill. I think it builds on the important direction that we have already started to take in the area of welfare reform. I would urge that all members of this House seriously consider giving Bill 40 their full and unequivocal support. Thank you.

Mr. Doug Martindale (Burrows): Madam Speaker, I would like to briefly put some remarks on the record regarding this bill,

beginning with expressing my disappointment with the record of this government in moving people from welfare to work.

*(1500)

We know that, looking at annual reports, there were 12,000 more people on welfare in 1998 than there were in 1988, after this government had been in office for 10 years. So we think that this government waited a long time before taking some action on this problem. Also, we know that the cuts of this Conservative government have made things worse. For example, this is the government that eliminated the student social allowance program, which allowed students to stay in high school. At the time that that bill was introduced, we called it the kicking-students-out-of-school bill, which the government did not like and the Free Press had an editorial about. We do not know what happened to those students, but we do know that the more education that people have, the more likely they are to get a job. So when you eliminate supports for students to get an education, it means that they are probably less likely to get a job.

You know, students and individuals will go to great lengths in order to finish their education. Just the other day, on July 1, on my way to The Forks to listen to the Winnipeg Symphony Orchestra, I ran into a friend in a restaurant. His name is Tim Henderson. He used to work as one of the support staff at North End Community Ministry in the children's program. At that time he was attending high school and he was having an extremely difficult time even surviving on a day-to-day basis. To his credit, he continued, he persevered, he got more education. Eventually he took a training program in computers and now he is working on a contract basis for a computer company. He dropped by my office and left his business card. I commend individuals like Tim for the great lengths to which they are willing to go in order to make themselves employable. He is a success story because of his individual perseverance.

This is the government that cut the SOSAR program, which was a program for single parents who could complete post-secondary education if they were on social assistance, which I think

probably got the vast majority of them off social assistance. In fact, I probably should ask the minister for some statistics on the success of this program.

I know of an individual who lived in the constituency of The Maples who phoned me. I do not know why she phoned me and not her MLA, but sometimes that happens. She was being cut off the SOSAR program even though she was studying nursing at university. I intervened on her behalf, and, as often happens, we were successful because the government does not like stories like this on the front page of the Free Press.

In fact, I just had a call from someone today who said that the Residential Tenancies Branch made a positive decision in her favour, and she asked me: was it because you phoned them that they made a positive decision? I said of course it was, because there is going to be an election. They do not want negative stories on the front page of the Free Press. In fact, they gave her a decision sooner than what we thought they were going to make a decision. She told me that she was talking to Gordon Sinclair from the Free Press. I said, oh, you should have told me that or you should have told the department you were talking to Gordon Sinclair. They would have made the decision even faster than they did.

Anyway, because I intervened for this individual from The Maples, they continued. They actually grandfathered some individuals on the SOSAR program, and she got her university degree. I met her recently in the community at a consultation on a centre for excellence for children. She is working as a public health nurse. I am sure that the reason that she got off social assistance as a single parent was because of the SOSAR program. I am sure that all of the graduates who have got off social assistance would credit that program, but this is one of the programs the government eliminated except for one small exception, which I cannot remember.

This is the government that cut Access. This is the government that cut New Careers. This is the government that cut subsidized child care for job search from eight weeks to two. I remember that debate because I phoned the Employment Insurance program, and I said: do

you have any statistics or research on how long people are on EI before they get a job? They said, yes, we track that kind of thing. The average person is unemployed for 28 weeks before they find a job. What did this government do? They cut the subsidy for child care while people are searching for work from eight weeks to two.

What else did they do that made it harder for people to stay in the workforce? They increased the parent fee from \$1 a day to \$2.40 a day per child, which is a considerable burden for people who are working but low income. They have made it harder for these people to stay in the paid workforce.

This is the government that failed to increase the minimum wage. Of course, we know that they recently increased it because there is going to be an election. They increased it before the 1995 election, but it has not kept up with inflation. At one time, people who were working at minimum wage were above the poverty line. Now I think they are at about 46 percent of the poverty line. So certainly the minimum wage has not kept up with the cost of living. We know that if people can make decent wages that they are much more likely to get into the paid workforce. It is really kind of sad that they wait until there is going to be an election before they increase minimum wage.

This is the government that has failed to invest significantly in education and training. I believe that this government is last in Canada when it comes to per capita spending on education and training.

We are in favour of welfare to work, and we always have been. In fact, NDP governments in the '70s and '80s pioneered successful welfare to work initiatives. We helped fund programs that the City of Winnipeg ran, for example the Dutch elm disease control program. We criticized this government when they cut that. I remember reading in the media that the City of Winnipeg went through their caseload and they selected people for the Dutch Elm Disease Control Program who were heads of households. Those were the kind of people that they streamed into this program. One of the more interesting facts was that these people were actually making less

money in the Dutch Elm Disease Control Program than they were on social assistance, which suggests to me that people want to work, that they would rather work, that there are many benefits to working.

Another story that I heard from the city is a rather interesting one about an individual who was on social assistance. He got hired at the sewage treatment facility on north Main Street. His job was to go into the sewage lagoon and unplug the drains when they were plugged. Now, I cannot remember whether he had a boat and a plunger or whether he was walking around, but a rather smelly job, hip waders, I am sure, if he was walking in the sewage.

The point of the story is that this person was happy to have this job, a terrible job, but happy to be working rather than on social assistance, and he stuck it out. He got promoted, and he got a better job. He got out of the sewage lagoon, and he got into something else. But it just shows how determined many people are to be working rather than on social assistance.

We know that there are reasons why this government has embarked on this two-page amendment bill at this time. One is that the Angus Reid poll from January 1999 showed that this issue is a critical weakness for the Tories. We know what their motivation is, that there is an election coming and this is a critical issue, so they have to take care of it just like they had a whole bunch of other issues to take care of before an election. They had to take care of the boundaries issue. They had to take care of apologizing for the vote rigging scandal. There are a whole bunch of things that they have to get out of the way before they can call an election, and this is another one. Their failure to move people from welfare to work is a critical weakness for the Conservative party.

We believe in welfare to work, but we believe in welfare to work that works. You know, it is interesting. We looked up the Ontario legislation. You know, the Mike Harris government, regardless of what we might think of them, and certainly it is not very positive in some areas, but you have to give them credit for being serious about welfare to work. Here is

their bill, The Ontario Works Act, 1997. It must be 150 pages long. This is pretty detailed welfare to work. Now somewhere here I have the Manitoba bill. I think it is maybe three pages. So this is the Filmon government's photocopy of the Ontario legislation, but they shrunk it. You know, there was a movie, Honey, I Shrunk the Kids. Well, this is the Ontario legislation, honey, I shrunk the bill. They shrunk welfare to work.

Point of Order

Mr. Mitchelson: A point of order, Madam Speaker. Yes, I would certainly like some clarification from my honourable friend. When he called me honey, I was wondering whether that was a sexist comment and whether I might take some offence to that.

Some Honourable Members: Oh, oh.

Madam Speaker: Order, please. On the point of order raised by the honourable Minister of Family Services, I was not aware that the reference was made specifically to the honourable minister. Therefore, the honourable minister does not have a point of order.

* * *

* (1510)

Mr. Martindale: Thank you, Madam Speaker, for your ruling. The minister is correct, I was not referring to her. In fact, we could paraphrase this and say, voters, we shrunk the bill. We shrunk it from 150 pages to three pages. This is the xerox copy of the Harris workfare legislation. An NDP government would improve on this very thin version of welfare to work with our concrete real alternatives that would help people to truly become more productive members of society and improve their self-esteem, pride and economic reality.

What we would do is that we would shift money from welfare to work, and this is what the member for Brandon East (Mr. L. Evans) did when he was the Minister of Economic Security. He tells me that he had to get permission from the federal government—I believe he said that Flora Macdonald was the federal minister responsible at the time—to reallocate money from

welfare to work programs. I think that makes sense that we use money creatively to get people into work. [interjection] The member for Thompson (Mr. Ashton) tells me that the Conservative official opposition at the time voted for the Jobs Fund.

Madam Speaker, we think that having people contract with private-for-profit and nonprofit organizations in jobs is a good idea. Certainly, I have some experience in this. Lots of people have experience in volunteering with nonprofit organizations which inevitably is beneficial. I think the question is how we do it.

When I was at North End Community Ministry, I was responsible for getting people who were on community work orders and supervising them. We had them cutting grass and we had them washing windows. We had them mopping floors. We had them painting. We had them doing all kinds of things, and we were a nonprofit charitable organization. You know, it was really interesting to see how people responded to that.

I remember one individual who came to us. She was actually assigned to work in the used clothing store. We treated people as if they were part of the staff. They took coffee breaks with the staff, they ate lunch with the staff. This individual had a drinking problem, and, as a result of volunteering with us, she stopped drinking. The whole time she was working off her community work order. So I think there are benefits.

I think if we have some concerns here, it is that the nonprofit sector needs to be consulted. We need to know who is going to screen people. We need to know who is going to supervise them. We need to know if there is a cost and whether the cost is borne by the nonprofit agency, or whether it is going to be borne by government. I think those are important things that the nonprofit sector wants to know.

We know that this government was hastily cobbled together in the Premier's Office in one day and then sent over to the Minister of Family Services department to draft legislation, and so they did not have time to think about any of these issues. They were just concerned about

getting it out there and writing their press release, because there is an election coming. So after the fact, after they introduced the bill, then the minister says they are going to consult with the nonprofit sector and the Premier is going to write to people, so we do not really know if these 17,000 people who are deemed employable could all be put into volunteer positions for 35 hours a week, and paid jobs.

We also have concerns because we do not think that any volunteer position should replace people who are in paid employment, and I think that is only reasonable. We can learn from the experience in other provinces like Quebec where apparently people did replace paid positions, and well, sometimes, you know, governments come along with these brilliant ideas. They say to organizations, you can hire this person on a wage subsidy or you can have this person as a volunteer and, lo and behold, they lay off people and then they get people who are free labour, or they get people who are subsidized, and when the subsidy runs out, then they lay them off. So we can learn from the experience in other provinces and see what works and what does not work.

We also know that education and training must go hand in hand with good placements, that the failure of many education and training programs for welfare recipients is that there is a lack of connections to the work market. Often what keeps people from getting jobs is not lack of training, but a lack of connections that links the training to the real job market.

Another significant factor for people having a good attachment to the workforce, which I think the minister mentioned in her speech, is the length of time that people are on assistance. So it is really important that when people lose a job, and they are forced to apply for assistance because they have no other means of support, that we get them back into work as quickly as possible. For example, when the City of Winnipeg was still responsible for the employability category of assistance or of recipients, I talked to one of the directors of one of their area offices, and he told me that employers only want individuals who have been on assistance for six months or less, and that when they have been on assistance for two years or more, they are almost

unemployable because employers do not want them. So it is really important that people get into the paid workforce as quickly as possible after they lose their last job. I think we can all agree on that. I think the question is: how are we going to do that?

Well, one of the things that we need to do is to make work pay more than welfare. We need to provide some bridges for people. We need to maybe improve the work incentive. It is rather interesting that people on social assistance are the only people that have an effective tax-back rate of 100 percent because once you reach your \$90 a month of work incentive, every dollar over that is deducted dollar for dollar. Now, I do not know how much it would cost so I have to be careful here, because there would be a cost to government for the work incentive program, but we need to make it pay more for people to work than to be on social assistance. I do not think the minister would disagree with that. That is why we have these current bridging provisions now where people continue to get their health benefits for a certain period of time after they are off social assistance. Certainly if that helps people to become attached to the workforce and to keep them in the workforce, that is a good idea.

We have another problem that needs to be addressed, and that is maintenance enforcement. The majority of the branch's time is spent making assessments and keeping them up to date. This leaves little time to chase down parents who are behind in their payments. The result is only about half of maintenance dues are actually paid, and the outstanding amount of money is absolutely huge. I do not have the figure in front of me, but I think it is about \$40 million at any one time, \$42 million I am told, which is a huge amount of money. Unfortunately, individuals on social assistance do not get to keep that money. Either they get it and it is deducted dollar for dollar, or it goes straight to the branch, and the minister can contradict me if I am wrong, but that is my understanding. If you are on assistance, you do not get to keep the money, but there are people who are low income who are working who definitely need that money, and it is really important that those individuals get the maintenance that they are owed.

Finally, we need a major strategy to roll back teen pregnancy. Now, the minister mentioned that teens who drop out of school are at a much higher risk. We know that teens who are involved in sports programs are in a much lower risk category, because we have studies on that, and we have quoted those in Question Period before. In fact, I think we brought it up when the government was cutting phys ed in high school, and we said why would you cut one of the things that is proven to be successful in terms of a lower rate of teen pregnancy? and that is participation in sports?

* (1520)

So we need to address this problem because it has a major impact on income assistance and the child welfare system, and we need something more than pilot projects of this minister of pilot programs.

Just today I was reading in the Free Press about innovative ideas that teenagers are working on. They are going to be producing commercials and we look forward to seeing what teenagers come up with, since this minister is bereft of ideas. I think it is good that we have teenagers designing programs to combat the problem of teen pregnancy. I do not think this problem is getting any better; I think it is getting worse.

So with those—[interjection] Well, a year ago, Manitoba led provinces by having the highest rate of teen pregnancy in Canada, and so we think the government needs to be a lot more proactive on this, because it causes all kinds of problems.

I am going to conclude, Madam Speaker, by saying that we are going to pass the bill to committee, and we are going to listen to the public. We are going to listen to the presentations, and we will probably be introducing amendments, and we think it is important to listen to the public. Thank you.

Mr. James Downey (Arthur-Virden): Madam Speaker, I look forward very much to speaking on this very progressive piece of legislation, and I want to compliment my colleague the Minister responsible for Family Services (Mrs.

Mitchelson) and my colleagues. You know, she has been extremely consistent and successful in the vision and the mission she has been on since she has taken on the responsibility of Family Services.

The statement that she has made is that the best form of social assistance is a job, and she has not changed and she has not wavered from that position. But, as importantly, Madam Speaker, it was our responsibility as a government and as a society to create and develop the policies that would encourage the development and the creation of jobs by the private sector. It is not always that I would encourage people to read a particular press, but this particular press happened to put it in a front page story today. The other one could, quite frankly, do it as well if they so desired, the other major Winnipeg paper, and probably will. They are probably working on more stories because this just keeps going on and on, but: Employers weep as jobs go begging.

The Premier (Mr. Filmon) made reference to it today in Question Period. The job opportunities that have been developed in the province of Manitoba by the private sector are a piece of all of the action that this government believes in, and we are not asking unfairly those people who are on social assistance to go out where there are no jobs, to go out when they are not trained or not capable of handling them.

It is a partnership, Madam Speaker, but, more importantly, this is the time for the New Democratic Party to stand up and say what they stand for. Do they stand for the rights of all of society to look after, totally encompassing people with policies for individuals, or are they going to stick to their narrow, philosophically based minority position, as they traditionally do? Are they going to back up, take a broader look at it, and, quite frankly, as they did with the budget, support this very progressive legislation?

It is a real test, Madam Speaker. They have made comments about, oh, it is because there is an election. Did they vote for our budget because there is an election coming up some time this year? Are they now pondering because they want to be a "me too" opposition along with the government? Are they now positioning themselves so they support this particular bill?

Ah, but more importantly, Madam Speaker, they were not prepared to stand up at all. They were not prepared to stand up and say one word about this, because in Estimates the member for Burrows (Mr. Martindale) let this particular line pass without one comment; so in not saying anything, spoke volumes as to what the NDP party wanted to do with this particular issue and in dealing with it in public debate. That is what this is all about. This is about public debate. This is how the people of Manitoba want their taxpayers' money used. The New Democratic Party would have sooner been silent on it; in fact, were silent in Estimates, did not raise one issue, did not comment, passed it without even responding.

So do you think, Madam Speaker, he is happy to have to debate this bill in the House? Not at all. What did he say? I invite anybody who is trying to determine who they would vote for on this particular issue to read what the member for—

An Honourable Member: Burrows.

Mr. Downey: Burrows. I just have a hard time. The name comes first.

But the point is, Madam Speaker, I think the NDP truly have to stand up and be counted. They are either going to vote for this bill or against it. Now, it will be interesting to see how many people do not come in and vote at all, because, quite frankly, it is contrary to policy, stated policy by the member for Burrows, as put forward in a resolution of a year ago under the Canada Assistance Plan, Resolution 96(c)10/23. Here is what he said at that particular time in his resolution.

An Honourable Member: Where was this resolution?

Mr. Downey: It was introduced here in the Legislature.

An Honourable Member: No, it was not. It was at the party convention.

Mr. Downey: Oh, okay, but he is still the member. He is still the member until after the election.

An Honourable Member: We just wanted to know where it took place.

Mr. Downey: That is correct. It is a caucus report. That is what I am referring to, a caucus report to the 34th constitutional convention of the Manitoba New Democratic Party, just to get it right.

Here is what his resolution said. Here is what he said: Encourage the provincial government to introduce legislation guaranteeing the rights of social assistance recipients, including the right to a level of assistance adequate to meet one's needs, the right to appeal decisions which limit or deny assistance and the right not to have to participate in work or training programs in order to receive assistance.

That was the position of the member for Burrows (Mr. Martindale) at the New Democratic Party convention, November 14 to 16, 1997.

The question is where does he stand today? Is it because there is an election coming that he may have changed and he wants to be with the majority of people in society and wanting to support this legislation? He does not, Madam Speaker, want to speak about it in Estimates, because he wants to be silent on it. He does not put his position forward when he speaks in the House, but he was brave enough to put his position forward at an NDP caucus convention in which he said people should not have to work or take a training program to work.

Madam Speaker, that is contrary to, I am sure, the majority of the taxpayers of Manitoba. They are not being hard and they are not being mean, and we are not being unfair because, quite frankly, we believe that individuals in preparing themselves to participate in a day-to-day work activity is not only good for society, it is extremely important that they as individuals, and their families, have the opportunity to participate in what is an exciting activity, a greater life fulfilment, to have a meaningful job, to be trained for that job. If you, in fact, have an addiction, deal with them and deal with them up front.

Madam Speaker, again, I will refer to the press which came out today. This is not only dealing with just a few jobs and a few sectors. This is dealing across the board the job opportunities that are out there. So it is not a matter of training these people for something that would be a McJob like the members opposite keep referring to. These are highly technical, highly skilled jobs where people can grow and elevate themselves in our society and become a very meaningful part of our society.

It says, another headline: Natives catching new-jobs wave. Again, an extremely important group in our society who are, by numbers, far more unemployed in their groups than ours. So, Madam Speaker, this legislation is doing the right thing at the right time in our society.

An Honourable Member: For the right reason.

Mr. Downey: For the right reason. It will be interesting to see what the New Democratic Party does, not because they are interested in the well-being of individuals. It is coming out loud and clear again, they are interested in the long-term welfare, I am sorry, the short-term welfare of the New Democratic Party when they have to face the people. That is what they have to face. [interjection] The member for Thompson (Mr. Ashton) keeps hollering at me about the number of people on welfare.

* (1530)

Madam Speaker, all the more reason the legislation comes forward to get people into the workplace. All the more reason to get people into the workplace. The question will be: will the New Democratic Party do what is right for the New Democratic Party and try and get the public to support them by being a "me too" on this one? Or are they prepared to stand up and support the member for Burrows (Mr. Martindale) who put the resolution to his caucus? Is he going to stand up and vote as he felt in the 1997 meeting of the New Democratic Party? I will have to wait and see.

There is another one, the member for Wolseley (Ms. Friesen). It is interesting. What did the member for Wolseley do with her constituency? Well, she holds meetings in her

constituency. Here is what she says: She has meetings on welfare rights. That is what she likes to do to make sure that the people—and it is certainly appropriate to make sure the constituents know the programs that are available, but I would hope now, rather than just making sure that they know what their rights are, that she would have a meeting to educate her constituents as to what this new progressive legislation will do to provide job opportunities, training for those individuals. It will be a test for individuals like the member for Wolseley to stand up and vote for this legislation. It will be a test for each and every member of the New Democratic caucus to do so. But, Madam Speaker, it may be the old duck-the-vote issue. It may be like the member for Burrows when it came to debate in Estimates: We will let this one go and hope the public, quite frankly, do not notice what we are doing. Well, that is why I rise today. I think it is extremely important that the public know exactly where the New Democratic Party stands on issues of such importance.

I will again go back to my comments when I opened this. The progressive actions of my colleague, the Minister of Family Services (Mrs. Mitchelson), not only in saying the best form of support or social assistance is a job, but it is equally important that this government, under Premier Filmon and my colleagues, and I have been part of it and proud to be part of it, the creation of employment to give those people job opportunities in our province.

In fact, I say to the member for Len Evans who always likes to criticize about people leaving the province—

Some Honourable Members: Brandon East.

Mr. Downey: From Brandon East.

An Honourable Member: We could change the constituency to Len Evans.

Mr. Downey: The member for Brandon East (Mr. L. Evans) wants to be careful. Today in Question Period he was complaining about old things not being any good any longer. Well, if he is looking for old things to be replaced, I think we can accommodate him. We can accom-

modate him, that old member for Brandon East. We have an excellent young man who is ready to take on that responsibility and put Mr. Evans into what is a well-deserved retirement.

An Honourable Member: You have been saying that for 30 years.

Mr. Downey: We will accommodate him to do that.

To go back to Bill 40, I think it is extremely important that each and every one of our colleagues clearly understand why this is being done. It is to help people in society who, for certain reasons, have had to have government assistance. There is not one of our colleagues who has begrudged any support to those individuals, but what is more important is how do we help those people get into a more meaningful way in life. That is what this legislation does. We do not begrudge one bit of support these people have and will not, but where there is a job opportunity, we should be working on a training program. We should be working with them to get there, unlike, I go back to the member for Burrows (Mr. Martindale), who had his mind made up as it related to how these people should be dealt with. They should not have to be trained, or they should not have to work, to become part of a program.

Just back to Brandon, there was a resolution also came forward, and I am just want to make accurate reference here. Again, Brandon East, again the executive of Brandon East supported, and this is point No. 5 in their resolution. It says, and I will quote directly: "The right not to have to participate in work or training programs in order to receive social assistance." So it is not only the member for Burrows in the caucus report that went forward to the November 16, but Brandon East also believes that.

I do not believe the majority of the people of Brandon East believe that for one minute. I think that the people of Brandon East expect people to be trained, so they can get meaningful employment. I have said what I believe is important to say as it relates to the constituency of Arthur-Virden, which I represent, and, again, I put the challenge to the New Democratic Party: are they going to support this bill; are they going to duck

it; or are they going to maintain what is their traditional position of making sure that we do not have the support that we should have to move forward with this progressive legislation?

Thank you, Madam Speaker. We will watch and see as the New Democratic Party develop their policy. Is it going to be like the budget and support it, or is it going to be in opposition to it? The question is theirs, of course, to deal with, and we will watch with interest. Thank you.

Mr. Kevin Lamoureux (Inkster): It is a pleasure to stand to rise and put a few words on the record with Bill 40. It is, in fact, a bill in which I think the member for Burrows (Mr. Martindale) is quite right in the assessment in terms of the actual timing of the bill; but, having said that, Madam Speaker, one needs to take a look at the ability to work and the importance of emphasizing that that is in essence one of the key components, that the government of the day in no way should be looking at imposing upon individuals that do not have that ability to be obligated, to have to do things which they, for a number of reasons, are unable to do. I think that is something that really has to be emphasized.

We recognize the benefits of having a bill of this nature, but we qualify it in the sense that there are conditions in which, quite frankly, it would be unfair. That can be things that, if you do not have programs in place, for example, you cannot ask a single parent that has two or three kids at home and expect that that parent is going to be able to have child care immediately accessible in order to attend a particular course of training or, in fact, even to get a job. So you have that form of lack of ability through a handicap of whatever sort of nature, and that also has to be taken into consideration.

I can recall a number of years when, as a university student, I had done extensive surveying of a community called Blake Gardens, and one of the comments that came up was a lot of concern of generations of welfare recipients, where you would have second- or third-generation of individuals who would be on the welfare rolls, and that caused a great deal of concern. What I find that, if implemented properly, is that the whole work for welfare or training for welfare can be a very positive

experience and that we should not be fearful of it, but, as I indicate, you do have to watch in terms of the whole ability question.

There are certain industries, like today I brought up in Question Period the garment industry. The garment industry has been in need of a skilled workforce for a number of years. We are not talking two or three, we are virtually talking the last six to eight years where there has been a shortage. That has provided ample opportunity for the government to try to enhance the skill sets of people within the province of Manitoba in order to fill those jobs. It has been somewhat disappointing in the sense that they have not been that successful at doing just that. There are other industries that are out there in which, if the government were proactive in providing training and programming, individuals who are today on welfare could in fact reap the dividends. The terminology of the best social services is in fact a job. No, I do not think anyone would question that.

* (1540)

That is the reason why again, even though there are some areas in Bill 40 that cause us to have some concern, the concept or the suggestion of getting and assisting individuals that are receiving social assistance, providing the incentive and providing, first and foremost I must say, the opportunity through different programming which will enable them to participate in a more productive fashion in terms of economic output can be a very positive thing for all of the stakeholders. That is the reason why we do not have any problem with this particular bill to go into committee. With that, we are prepared to, as I say, let it go.

This bill has sparked a great deal of interest among many members of the public. I anticipate that there will be a number of people that will in fact be making presentation on Bill 40. So we might ultimately reserve final judgment until the third reading, but at this stage there is no reason why this bill should not be going on to the committee stage. Thank you, Madam Speaker.

Hon. Leonard Derkach (Minister of Rural Development): Madam Speaker, I would just

like to put a few comments on record as it relates to this piece of legislation. I am reminded of a pilot project that was entered into between the Minister of Family Services and my department back in 1996, I believe it was, where we had a community in the northern part of our province which was experiencing tremendous unemployment in the community, and that was specifically the community of Lynn Lake. At that time there were many people in that community who were on welfare because of the mining activity having decreased, but in addition to that, there was a lot of vandalism to homes that had been abandoned because many of the people had moved out from the community because the mining activity had decreased tremendously.

At that point in time we embarked on a pilot program between the two departments. We also got the federal government to participate in the initiative as well. We actually embarked on a welfare to work program back in 1996 where we hired people who were on welfare to restore some of the homes that had been vandalized and needed repair, to beautify the community, and also to take down some of the homes that were still salvageable in terms of the material but were no longer habitable.

What happened, we put 16 people in that community to work on the project, supervised by an individual in the community, and they entered into I believe it was 11 weeks or something of that nature of work. They restored some homes, but in total the number of homes they worked on were about 45. They took the materials from these homes and sold the materials for cottages and wherever materials could be used, providing they complied with building code. There were a lot of smaller outsheds and that sort of thing constructed with those materials for the benefit of the community.

We had a reception after the program was over for the people who were involved in the program. What we saw was that people who were desperate for any kind of, I guess, sense of pride in themselves and in what they could produce all of a sudden take great pride in their community. That evening, I will never forget, people who had been on welfare for months and months came up to me, shy as they were, and

wanted to express the pride that they had in what they had done in their community.

I guess the bottom line in all of this is that when you put people to work in something that is meaningful, in something that gives them fulfilment, indeed they take on a sense of pride in themselves, in their community, and in their families.

We followed up on all of the people who were on that program. What was surprising was that, out of the number of people who were hired, about 95 percent of them went on to meaningful work. I believe they are still employed today.

As a matter of fact, during the project, one of the young men was able to obtain work at the mine. It just happened that halfway through the program somebody from the mine called him up and said: We know you are working on this project. We would like to offer you a job.

He told me that he went to work at the mine. Usually the work lasts for seven days. It is seven days on, seven days off. But he was so afraid of losing his job that he did not ask for any time off. When I saw him, he had worked for 14 days straight and had just finished a 12-hour shift, had gone back to back because of a friend who was not able to work that day. He worked his shift and came to the party late that night. He looked absolutely exhausted. But he said: You know, I respect the job that I have so much that I would not dare ask my supervisor for an hour off.

Now, here is a person who was basically destitute, was down and out, did not have any self-esteem, who had gotten on this program, gotten a job, and all of a sudden life took on a different meaning. I think that is what this bill is about. It is to give people the opportunity for some self-worth, to be able to provide for them a hand up instead of a handout.

If I look at what the past performance of the New Democrats has been, if you take a look at the record of the New Democratic government that was in power in the Pawley days, unfortunately for the citizens of our province,

the policies were wrong. What they did was perpetuated the handout instead of the hand up.

So today we change direction. We change direction to giving people hope, giving people an opportunity to realize some benefit out of their lives, to be able to gain skills that will give them long-time employment.

Now, Madam Speaker, we talk about the Jobs Fund. I can mention some programs that were implemented back in those days which were basically programs. I ask the members opposite: how many of the Jobs Fund jobs are around today? Not a single one, because they were either planting flowers or painting picket fences or doing something that lasted a summer and that was it, basically the green team jobs. This is what the opposition's view was of long-term, sustainable jobs in Manitoba. They just were not. [interjection] No, I am calling it the green team of Manitoba.

Madam Speaker, this is a different approach. This calls on us as a government to give people a hand up, to allow them to train in jobs that are going to be meaningful, the sustainable jobs, the long-term jobs. The list of jobs that are available that the Premier read out in Question Period today are the ones that we want to train people for. Because today this government has turned the economy around. This government, with the assistance of Manitobans, has made it possible for every person in this province who wants a job to have one.

Madam Speaker, today's newspaper I think spells it very clearly that indeed the economy of our province has changed direction. The Winnipeg Free Press has not always been complimentary to what we as a government have done, but today's paper tells the story about the fact that the economy of this province has been stimulated to the point where today we have employers who are seeking for workers. Yes, they want skilled workers, but when I talk to employers they are telling me, you give me the worker and we will help to train that worker in the areas that we need the workers in. We need an attitude. We need some basic skills, but beyond that we will provide the specific skills.

Working in partnership with employers all around the province, I think we can make some real interesting and important things happen for families who today feel somewhat destitute. Whether they are young families who are struggling to survive or whether they are young parents who, because of their circumstances, just have not been able to get up off the ground, so to speak, I think this bill provides the necessities for these people to really get on with improving their lot in life, and that is what this bill is about. I am hoping that the opposition is going to support this unanimously, because this indeed does set a new direction for us and the people of this province. Thank you.

* (1550)

Mr. Steve Ashton (Thompson): I must say I find some of the comments rather interesting from members opposite because not once in their speeches did they point out the most obvious fact which after 11 years should be put on the record, and that is that there are more people on welfare today than there were 11 years ago. This Conservative government is the party of welfare. They have, going back, and it is funny—the member for Arthur-Virden (Mr. Downey) would probably remember this—because I remember back when the Lyon government was in power—

An Honourable Member: A fine government.

Mr. Ashton: A fine government, he said. When a Minister of Northern Affairs said at the time welfare is cheaper than job creation, that was what their policy was at the time. For the past 11 years we have seen the same thing. It is a lot cheaper to have people on welfare than to do a number of things. I want to deal with some of the things that were done by the NDP and are not being done anymore by the Tories.

Now let us look at programs like Access and New Careers, which this government has hatched. What is interesting is that the member for Roblin-Russell (Mr. Derkach) talks about pride and achievement. I have been at every graduation except one, of the social work program. I have been to numerous graduations in northern Manitoba, and I can tell you there was a time when the main criteria to get into those programs were in terms of financial need.

That is no longer the case because of the cuts that have taken place.

I attended New Careers graduations, a model program for the rest of the country, and you know, they have hatched that to the point where there is virtually nothing left. I have, on a regular basis, contact in my office, in my constituency office, from students who would have been eligible for the Students Social Allowances a number of years ago and have been cut off, 16- and 17-year-olds. What they have done, as a direct result of this government, is that they have had to drop out of school in order to be eligible in order to be able to support themselves on welfare. I have had single parents, 17- and 18-year-olds, come to my office, and they have said: what kind of system is this?

Madam Speaker, it is a system that runs on the principle espoused by the Conservative Party that welfare is cheaper than, in this case, training to get people into jobs. Now let us go further, because I think it is very important to look at this very clearly about this. If there is one thing that is also clear about this, it is that this government, in its difficult political position, let us put it on the record, is not into an election right now because they are afraid to face the public because of their abysmal record on health, their abysmal record on education, and indeed, because of the scandals, the arrogant approach of this government.

What did they do? They came up with a brilliant idea of running some ads on TV. Now there is only one problem. After 11 years people are going to say: well, you know, these ads, where is the beef? Actually, to tell you the truth, I think we may have to rerun those. Anybody remember those ads from the '80s: Wendy's, where is the beef? The public is going to sit there, and I think a lot of them are already saying that: the Premier, wait a sec. Has he not been in government for a 11 years and now he is talking about getting people from welfare to work?

Let us look at this even more directly. This government—[interjection] The member for Roblin-Russell still does not understand he criticized the Jobs Fund earlier, and his party voted for it. It just amazes me. It just amazes me that party opposite.

You know what is interesting about the polling, Madam Speaker? The polling showed, guess what, that probably their lowest credibility, maybe next to health care and education, was on the question of getting people from welfare into work. The public out there after 11 years knows that this party does not believe in doing that. They would rather warehouse the poor, because welfare is cheaper than job creation.

I want to suggest to members opposite that in fact the one good thing they have done by bringing in this bill, despite the fine words of the member for Roblin-Russell (Mr. Derkach), after 11 years, they had a problem. They ran some ads, they decided to come up with a bill, and I think as our critic pointed out a three-page bill probably. I suspect it was drafted on the back of an envelope. It has that sort of ring to it.

An Honourable Member: That is an executive summary, I am sure.

Mr. Ashton: Executive summary. It was sort of like we have to have a bill. They probably test-marketed the ads and people were saying that is great, but where is the action on this? What strikes me about this is after 11 years, what it shows once again is the complete inability of this government to come up with a workable solution that gets people from welfare into the workplace. There are 17,300 people according to the minister's own statistics. That, by the way, underestimates the number of real unemployed people in this province, because that does not include people who are on First Nations communities. I want to stress that, Madam Speaker, there are many more people who are in that situation.

If anybody out there wants to turn this into some sort of a political thing of being in favour of work or welfare, I represent communities where probably there is a 60-70 percent rate of unemployment. Do you know what? You come up with the jobs tomorrow, for every job, there will be 10 people willing to work. I get very sick and tired of listening to Conservatives who for 11 years have cut and slashed and taken away the ability of people to work, coming in and saying, well, you know, like wringing their hands, we are really concerned about getting

those people into jobs. The bottom line is they are concerned about running a political ad to try and save their political skins after 11 years.

I want to give you examples of communities like Thicket Portage and Pikwitonei, and I say to members opposite of concrete solutions that could deal with the problem. I will take you to the elders, the grandparents, if you like, who worked 30 years in CN. I will take you to their kids who worked 15 years and were laid off and are trying to survive. I will take you to the grandchildren, 18, 19, and 20 years old, and I will tell you one thing, Madam Speaker, all the stuff the Conservative talk about here, they are in a position where many of them have never had the opportunity to get real training or to get an opportunity in the workforce.

I will tell you how vicious the cuts of this government are in those communities. They even cut the swim programs and recreation programs. You wonder why there is a level of suicide in communities of that nature, so let us get the reality here. Let us compare it to what happened 11, 12, 13, 14 years ago and what we will do as a government, because the fact is there are proven ways of getting people from welfare into work. One is to get a community-based approach. That is one thing that is fundamentally missing here. This government sits in its bureaucratic ivory tower here—and one of the positive things about this bill, by the way, there are going to be 18 people at the committee. You know, it takes a bill before they are actually going to get input from community groups.

Everybody I see, everybody I talk to has ideas on how you can deal with it. We brought up some ideas today. Our critic said look at the bottom line here with maintenance enforcement. You know, I talked to a constituent of mine whose husband is a millionaire, she is on welfare, and she has been trying to get into the workplace. Why? Because of maintenance enforcement. I have always said that when you have those deadbeat parents who do not pay their maintenance, the people that pick up the cost are first and foremost the families, the kids, but the second are the taxpayers.

So where is the real action to deal with those deadbeat parents? We have ways. Why do we

not work through the income tax system and other ways? Quite frankly, if you are a millionaire and you are not paying child support, you should be dealing with a lot more than some garnishee, because I think that is the kind of thing we should be getting tough on. Let us get on top of some of the people who are abusing the system.

I want to suggest even further, as we have pointed out, there are numerous ways of saying we can get people into the jobs that they need. The bottom line is there is no shortage of work out there; there is a shortage of jobs. Let us not kid ourselves, you know, the member quoted statistics from the Winnipeg Free Press. There are many areas of this city that have high rates of unemployment. The bottom line here is they listed off some of the occupations. These are occupations that require training.

The bottom line is this government has the most abysmal record when it comes to post-secondary education of any province in the country, the lowest spending on community college. If you were serious about getting people from welfare into work, you would be raising the expenditures and the investment on the community college system, one of the proven ways of getting people into place. So do not give us any of this pious stuff, do not give us any of this stuff after 11 years. This is all politics, and we know it.

* (1600)

The bottom line is what we want to do with this bill is we want to get into that committee, and, quite frankly, we want the government to listen to the committee groups. I have checked the list. There are many people in there who can come up with realistic ideas. I want to say to the government, everybody knows the bottom line here about what you are trying to do is simply coming up with something that will support this ad that you have had in place. But after 11 years, do you really expect anyone to believe that when you have a government that has more people on welfare today than there were 11 years ago that you are really concerned about getting people from welfare into the workplace?

We believe as we have always believed as a party and a movement that you can aim—and our

vision in fact has always been for full employment, that everybody has the dignity of a job, not where you warehouse the poor, where you put people in a situation. I say to this government your policy is you would rather have them on welfare than give them the supports to get back in the workplace.

I want to say finally, too, to this government, what you are also missing as well is the fact that the real victims in this province under 11 years of this government are the working poor, the people that are getting by and barely paying the bills. Now, this is a government that deliberately suppressed the minimum wage. We used to have the highest in the country. They talk about the NDP years. We had the lowest rate of unemployment and the highest minimum wage in the country. This government suppressed the minimum wage, but whoa, election comes; they bump it up. Well, they did not even bump it up as much as recommended by the report on the minimum wage.

When it came to the budget, for example, it is amazing when it comes to looking at taxes, we all are aware of the pressure that working people in this province are under in terms of taxation. You know what they left out? They even left out their low tax commission. The tax that increased the most, the biggest burden we have seen in this province, the property tax burden, they did not bring in any relief to property taxpayers. Why? Because the same working people we are talking about, they are the ones that they took that money away from in 1992-93.

This government gets its support from a small group of wealthy individuals and what they are trying to do is they are trying to get into the politics of divide and conquer. I want to say, Madam Speaker, we are not going to play by those rules. We are committed to a fair deal, not just for those on welfare, but for the working poor as well. I say to the member for The Maples, because I am sure he would agree with us as well, a lot of the people, the real heroes in this society right now are the people who are, yes, going from welfare to work and are struggling to get through education when it is available, and the working poor who, day in and day out in this province, do not get much assistance from this government. I do not mean

social assistance. I mean even a recognition. They pay the higher property taxes. Time in and time out they are getting reduced wages.

The bottom line is, Madam Speaker, we want to see a real discussion in this province on not only welfare but the situation facing all the poor, including the working poor in this province. That is why at the committee we will be bringing in a significant number of amendments, and we challenge the government to support these amendments. The statement in this bill, for example, which leaves out any reference to child poverty, to the bottom line of poverty here, the fact it would have been the child poverty capital for much of the last 11 years. The fact is after 11 years I say in conclusion this government has run out of steam. They are playing politics. We all know that. The bottom line is let us get into committee. Maybe just maybe, when we have those 18 presenters or however many will present over a period of time, maybe that will wake this government up to the fact that it is the bureaucratic neglect of the poor, especially their complete lack of any sense of the working poor, has lead us in the position where, and I say to the Minister of Family Services the Conservative Party is the welfare party. There are 12,000 more people on welfare than there were 11 years ago. That is not good enough. We believe there are ways of reducing the welfare roles by giving people the dignity of work, and we are prepared not only to say that, we are prepared to provide alternatives.

Once this government has the courage to call an election, they will see the same kind of approach that they saw under Schreyer and under Pawley which is: we will get people back into the workplace; we will reduce the welfare roles, something this government has completely failed at for the past 11 years. We are prepared to send this bill into committee right now because we want this government to hear from the people out there, the community groups. They have to finally get the message that this government's actions on welfare in this province are a complete and absolute failure. Thank you, Madam Speaker.

Madam Speaker: Is the House ready for the question? The question before the House is

second reading, Bill 40, The Employment and Income Assistance Amendment Act.

Is it the will of the House to adopt the motion?

Some Honourable Members: Agreed.

Madam Speaker: Agreed? Agreed and so ordered.

Bill 26—The Physiotherapists Act

Hon. Eric Stefanson (Minister of Health): I move, seconded by the honourable Minister of Environment (Mrs. McIntosh), that Bill 26, The Physiotherapists Act (Loi sur les physiothérapeutes), be now read a second time and be referred to a committee of this House.

Motion presented.

Mr. Stefanson: Madam Speaker, the last major amendments to The Physiotherapists Act were enacted back in 1981, and the practice of physiotherapy has changed in the 18 years since the act was enacted, as has the law and policy with respect to administrative tribunals.

The proposed bill will reflect the expanded scope of practice of physiotherapy, will allow the public direct access to physiotherapy services, increase public accountability and update the disciplinary procedures. Bill 26 will repeal and replace The Physiotherapists Act and update it.

It will increase public participation on the governing council and on the complaints and inquiry committees. It will require that council and committee meetings be open to the public, except in defined circumstances. It will change the name of the regulatory body from the Association of Physiotherapists of Manitoba to the College of Physiotherapists of Manitoba. This will make it easier for the public to identify the body responsible for acting in the public interest in regulating the practice of physiotherapists.

It will allow Manitobans direct access to physiotherapists when required. In the best

interests of their patients, physiotherapists will continue to work co-operatively and collaboratively with other health care providers, including physicians.

It will ensure that the college conducts its affairs in accordance with current principles of law that apply to administrative bodies. It will state the duty of the college to carry out its regulatory responsibilities in the interests of the public clearly in the act. It will increase public participation in the regulatory process by requiring a minimum of one-third public representation on the governing council and on the complaints and inquiry committees. As well, public representation on the council of the college and on all committees will be increased to at least one-third, as recommended by the Law Reform Commission, and the meetings of the council and committees will be open to the public, except in specified circumstances. These measures to ensure public accountability are consistent with the recommendations made by the Manitoba Law Reform Commission report on regulating professions and occupations in Manitoba.

It will strengthen the ability of the college to monitor the continuing competence of physiotherapists. It will update the complaints and discipline processes to ensure fairness for the complainant and the physiotherapist who may be subject of a complaint. These processes will comply with current legal requirements for administrative bodies and will provide consistency with other health professions' legislation such as The Medical Act and The Midwifery Act.

It will require that the College of Physiotherapists of Manitoba provide the Minister of Health with an annual report of its activities, including information on the number of physiotherapists registered, the number of complaints received and the nature and disposition of the complaints, the composition of the governing council and committees, and financial information.

Madam Speaker, I urge all members of the Assembly to support this legislation. Thank you.

Mr. Daryl Reid (Transcona): I move, seconded by the honourable member for St. James (Ms. Mihychuk), that debate be adjourned.

Motion agreed to.

Bill 36—The Registered Nurses Act

Hon. Eric Stefanson (Minister of Health): I move, seconded by the honourable Minister of Family Services (Mrs. Mitchelson), that Bill 36, The Registered Nurses Act (Loi modifiant la Loi sur les infirmières), be now read a second time and be referred to a committee of this House.

Motion presented.

Mr. Stefanson: The last major amendments to The Registered Nurses Act were in 1981, and many changes have occurred in the health care system since that time, including changes in practice setting, evolving roles for all nursing categories and the introduction of new technology. The changing practice environment necessitates the need for updating the nursing legislation.

Bill 36 will repeal and replace The Registered Nurses Act. It will provide for, first of all, some increased public accountability. The name of the regulatory body will be changed from the Manitoba Association of Registered Nurses, or MARN, to the College of Registered Nurses of Manitoba. The change in name will make it easier for the public to identify the regulatory body for registered nurses from a professional interest association and will emphasize the overriding duty of the college to always act in the public interest and not engage in professional promotion activities that conflict with this duty.

* (1610)

The duty of the college to carry out its regulatory responsibilities in the interests of the public will be set out clearly in the act. Public participation in the regulatory process will be increased by requiring a minimum of one-third public representation on the board of the college and on all committees. It will also require that meetings of the board and committees be open to the public, except in specified circumstances.

These measures to ensure public accountability are consistent with the recommendations made by the Manitoba Law Reform Commission in its report on regulating professions and occupations in Manitoba.

The ability of the college to monitor the continuing competence of its members will be increased. The College of Registered Nurses of Manitoba will be required to provide the Minister of Health with an annual report of its activities, including information on the number of nurses registered, the number of complaints received and the nature and disposition of the complaints, the composition of the governing board and committees, and financial information.

As well, it will deal with updated scope of practice. The definition of practice of nursing will reflect the varied roles that registered nurses now assume beyond the traditional clinical setting. As well, a mechanism will be provided to recognize advanced nursing.

There will also be new disciplinary procedures. The complaints and discipline processes will be updated to ensure fairness for the complainant and the registered nurse who may be the subject of a complaint. These processes will comply with current legal requirements for administrative bodies and will provide consistency with other health professions' legislation such as The Midwifery Act, The Medical Act and the proposed physiotherapy act.

Once again, I urge all members to support this important legislation.

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

Motion agreed to.

Bill 37—The Licensed Practical Nurses Act

Hon. Eric Stefanson (Minister of Health): Madam Speaker, I move, seconded by the Minister of Rural Development (Mr. Derkach), that Bill 37, The Licensed Practical Nurses Act (Loi modifiant la Loi sur les infirmières

auxiliaires), be now read a second time and be referred to a committee of this House.

Motion presented.

Mr. Stefanson: Madam Speaker, again, the last major amendments to The Licensed Practical Nurses Act were in 1981, and many changes have occurred in the health care system since that time, including changes in the practice setting, evolving roles for all nursing categories and the introduction of new technology. Revisions to The Licensed Practical Nurses Act are required as a result of the changing nursing practice environment.

Bill 37 will repeal and replace The Licensed Practical Nurses Act, and it will provide for some of the following; first of all, increased public accountability. The name of the regulatory body will be changed from The Manitoba Association of Licensed Practical Nurses to the College of Licensed Practical Nurses of Manitoba. The change in name will make it easier for the public to identify the regulatory body for practical nurses from a professional interest association and will emphasize the overriding duty of the college to always act in the public interest and not engage in professional promotional activities that conflict with this duty.

The duty of the college to carry out its regulatory responsibilities in the interests of the public will be set out clearly in the act. Public participation in the regulatory process will be increased by requiring a minimum of one-third public representation on the board of the college and on all committees. It will also require that meetings of the board and committees be open to the public, except in specified circumstances. These measures to ensure public accountability are consistent with the recommendations made by the Manitoba Law Reform Commission in its report on regulating professions and occupations in Manitoba.

The ability of the college to monitor the continuing competence of its members will be increased. The College of Licensed Practical Nurses of Manitoba will be required to provide the Minister of Health with an annual report of its activities, including information on the

number of licensed practical nurses registered, the number of complaints received and the nature and disposition of the complaints, the composition of the governing board and committees, and financial information.

We will also update the scope of practice, the definition of licensed practical nursing, will provide a broad scope of practice statement and a clearer understanding of the LPNs' parameters of practice. It will also remove the provision which requires practical nurses to work under the direction of a registered nurse or a medical practitioner. A mechanism will also be provided to recognize advanced practical nursing.

We will also deal with new disciplinary procedures. The complaints and discipline processes will be updated to ensure fairness for the complainant and the licensed practical nurse who may be the subject of the complaint. These processes will comply with current legal requirements for administrative bodies and will provide consistency with other health professions legislation such as The Midwifery Act and the proposed Physiotherapy Act. Once again, I urge all members to support this legislation.

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

Motion agreed to.

Bill 38—The Registered Psychiatric Nurses Act

Hon. Eric Stefanson (Minister of Health): I move, seconded by the Minister of Environment (Mrs. McIntosh), that Bill 38, The Registered Psychiatric Nurses Act (Loi modifiant la Loi sur les infirmières psychiatriques), be now read a second time and be referred to a committee of this House.

Motion presented.

Mr. Stefanson: Again, the last major amendments to The Registered Psychiatric Nurses Act were in 1981. Many changes have occurred in the health care system since that time including changes in practice setting, evolving roles for all nursing categories and the introduction of new technology. The proposed amendments to The

Registered Psychiatric Nurses Act are required as a result of the changing nursing practice environment.

Bill 38 will repeal and replace The Registered Psychiatric Nurses Act, and it will provide for the following: first of all, increased public accountability. The name of the regulatory body will be changed from the Registered Psychiatric Nurses Association of Manitoba to the College of Registered Psychiatric Nurses of Manitoba. The change in name will make it easier for the public to identify the regulatory body for practical nurses from a professional interest association and will emphasize the overriding duty of the college to always act in the public interest and not engage in professional promotion activities that conflict with this duty.

The duty of the college to carry out its regulatory responsibilities in the interest of the public will be set out clearly in the act. Public participation in the regulatory process will be increased by requiring a minimum of one-third public representation on the board of the college and on all committees. It will also require that meetings of the board and committees be open to the public except in specified circumstances. These measures to ensure public accountability are consistent with the recommendations made by the Manitoba Law Reform Commission in its report on regulating professions and occupations in Manitoba.

The ability of the college to monitor the continuing competence of its members will be increased. The College of Registered Psychiatric Nurses of Manitoba will be required to provide the Minister of Health with an annual report of its activities including information on the number of licensed practical nurses registered, the number of complaints received and the nature and disposition of the complaints, the composition of the governing board and committees and financial information. As well, it will deal with updated scope of practice. The definition of practice of psychiatric nursing will reflect the varied roles of registered psychiatric nurses now assumed beyond the traditional clinical setting.

We will also deal with new disciplinary powers. The complaints and discipline processes

will be updated to ensure fairness for the complainant and the registered psychiatric nurse who may be the subject of the complaint. These processes will comply with current legal requirements for administrative bodies and will provide consistency with other health professions legislation such as The Midwifery Act and the proposed Physiotherapy Act.

Once again, I urge all members to support this legislation.

Mr. Daryl Reid (Transcona): I move, seconded by the member for St. Johns (Mr. Mackintosh), that debate be adjourned.

Motion agreed to.

Bill 39—The Medical Amendment Act

Hon. Eric Stefanson (Minister of Health): Madam Speaker, I move, seconded by the Minister of Industry, Trade and Tourism (Mr. Tweed), that Bill 39, The Medical Amendment Act (Loi modifiant la Loi médicale), be now read a second time and be referred to a committee of this House.

Motion presented.

Mr. Stefanson: The intent of this bill is, among other things, to enable the College of Physicians and Surgeons of Manitoba to create a clinical assistant register to register persons who are not eligible for licensure as physicians but who in the course of their duties perform medical functions; as well, to refuse registration or cancel the registration of a person who is convicted of an offence that is relevant to his or her suitability to practise and also register medical corporations.

* (1620)

In terms of the clinical assistant register, there has been a growing demand in primary health and acute care settings for nurses or other health providers to perform some functions traditionally performed by physicians. This demand has arisen from such factors as primary health reform and reduced availability of residents and/or house medical officers in the acute care facilities. The college, in response to

these needs, has proposed amendments to The Medical Act to allow them to create a register of nonphysicians who provide certain diagnostic and therapeutic services. Persons eligible for registration on this register could include physician assistants, nurses with advanced training or emergency medical attendants. They would have to pass a competency assessment approved by the council of the college.

As well, in the area of the conviction of an offence, the college under the current provision can only refuse registration or cancel registration if a person is convicted of an indictable offence under the Criminal Code of Canada. It prevents the college from refusing to register a person or to cancel the registration of a member who has been convicted of an offence which is not indictable or which is not under the Criminal Code; for an example, an offence under the Narcotic Control Act would not qualify. The proposed amendment would correct this problem; as well, the issue of incorporation of physicians' practices.

Madam Speaker, in the 1998 budget speech, we announced that this government was open to discussions respecting incorporation of professional practices. This bill will allow physicians to incorporate their medical practices, while at the same time ensuring that individual physicians remain accountable to both their patients and the college for their actions. These professional corporations will be closely held corporations. The amendment is set out in the permitted shareholders and restrict the business that a corporation can conduct. They give the college the authority to register the corporations and to regulate the name of the corporation. The provisions have been modelled on legislation in British Columbia. Several other provinces also allow physicians to incorporate their practices.

There are a few housekeeping amendments. Finally, Bill 39 contains a number of these housekeeping amendments necessary to accommodate the other amendments I have referred to. Because Parts II and III of the act date back to 1980, this opportunity was taken to update the wording in these parts to be consistent with other recent health professions legislation such as The Midwifery Act. Again, I urge all members to support this legislation.

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

Motion agreed to.

DEBATE ON SECOND READINGS

Bill 29—The Victims' Rights Amendment Act

Madam Speaker: To resume adjourned debate on second readings, Bill 29, on the proposed motion of the honourable Minister of Justice (Mr. Toews), The Victims' Rights Amendment Act (Loi modifiant la Loi sur les droits des victimes), standing in the name of the honourable member for Transcona.

Mr. Daryl Reid (Transcona): Madam Speaker, I am prepared to yield to the member for St. Johns, who is our Justice critic and who will place our comments on the record with respect to Bill 29.

Mr. Gord Mackintosh (St. Johns): Madam Speaker, well, here we have the government amending its so-called Victims' Rights Act. That was a real doozie of a title that the government chose for this legislation. Over the last year since this legislation has been passed by this House, we have seen exactly what this government means when it talks about victims' rights. What does it mean? Well, let us talk about the compensation aspect of the legislation, first of all.

This goes back, it is part of a theme. It is not part of simply the legislation that the government brought in last year. Back in '93, this is the government that deindexed the benefits to victims who are injured as a result of crime in this province. Then they capped the amount that would be available to victims in 1996. In 1997, wage benefits were cut for those who were not working on the actual day of the crime. Then with this legislation, last year, the government eliminated or slashed a further 16 compensation benefits.

Well, the issue of victim compensation is one that is one that until last year and under this government, we as a community could have

been proud of in this province. I did not know this, but it was back in 1966 in this Legislature that the former member for St. Johns, Mr. Saul Cherniack, first raised the issue of victim compensation, a relatively new concept in the western world at that time. He pushed that issue and pushed that issue, and indeed when the Schreyer government was elected in 1969, it was I think the second government in Canada, perhaps in North America, I am not sure, but it was the second government in Canada to usher in a compensation scheme for those that were injured as a result of violent crime.

Over the years, we had developed in this province a victim compensation scheme that did indeed respect the harm that was done to victims and tried to say to them that the community understood their plight and it tried to help them where other compensation schemes or other insurance schemes or other welfare schemes could not come to assist.

So after that record, Madam Speaker, you have to ask what kind of cynical politics it is when the minister last month in public said the following, and that was when he was talking about this legislation: we are reintroducing the rights of victims to be compensated by the criminal justice system and by the civil justice system to ensure that their pain is not forgotten in this entire process, end of quote.

So, of course, he has to use a word like "reintroduce," because it is this government that has slashed and eliminated all of these benefits that victims of crime enjoyed only a short while ago. What did they bring in? Did they change their mind about the 16 benefits that they slashed or eliminated last year? No, Madam Speaker. What they brought in was this bill, which again at best is tokenism.

I just want to say one other thing about the victims' rights legislation. The government goes around and every opportunity, whenever there is a pair of ears or there is a microphone available, they will trumpet this victims' rights legislation. It is nothing but a vague list of what victims should be entitled to as due respect in involvement in the system. When their rights or these vague lists of pronouncements are clearly violated, they say to the victim that they have to

go back to the same department that was responsible for the violation in the first place. They have to go to the director of Public Safety.

We know from families and victims that have suffered. I think, for example, just of the McEvoy family that was treated so disrespectfully under the so-called Victims' Rights Act, how impossible it is to believe that a complaint of that sort will be treated fairly, particularly when the minister stands up and through the media and this Legislature prejudices how those people were actually dealt with in the system. This is billed today as I guess their best foot forward. It is their attempt at a comeback, but it is really a pathetic comeback, if at all.

Madam Speaker, I suppose it is also their comeback from our publication of what we would do to ensure greater fairness for victims of crime. We have pledged to introduce Canada's first comprehensive restitution recovery program. The Criminal Code provides for restitution for property damage and bodily harm, but it really is an underused opportunity for real and measurable justice for victims of crime.

It is important that victims of crime, first of all, be made aware that there is such a potential for restitution. It is important that prosecutors be required to consider restitution in all cases where it appears that a victim would be so entitled.

We know and we hear this repeatedly—I am surprised the minister does not—that victims feel victimized once again when they are told, if they ask, that it is their responsibility to go and collect restitution. In other words, it is up to the victim to chase the perpetrator. That is wrong. It is wrong for every reason. The victim will feel intimidated. It may be often difficult to collect. As well, if restitution is not collected, then the victim will, more often than not, rely on the public funding of the victim compensation program. It is important that the offender pay.

So we have pledged to legislate and enforce powerful collection tools and prioritize restitution debts above most other debts to ensure that there is a payment. It is not good enough, as the current minister does, to point to Ottawa and say: oh, well, they are disappointed with recent changes; and, oh, you know, the

responsibility is on the victim, so there is nothing we can do.

* (1630)

The Province of Manitoba has a great opportunity to assist victims of crime to collect restitution, as a sort of collection agency, if you will, as a collection lawyer, if you will. Saskatchewan, the province right next door, has had a restitution program for some time whereby there are designated probation officers who ensure that restitution orders that comprise probation orders are collected. It has made a world of difference. But that is not even enough. It has to be a comprehensive program. That is what we have pledged.

Now I know, through this legislation and another bill that is on the Order Paper, the government has attempted to cover this issue off. But they do not do it beyond tokenism.

I will deal with the issue of fine collection and other debts owing to the province as a result of court orders when we get to the other legislation.

Now, with regard to this plan, it is part of a PR effort to make the government look sympathetic towards victims of crime when we know what their record is. We know how they have slashed compensation benefits. We know how they treat victims in the system, even despite their so-called Victims' Rights Act.

The professed purpose of the legislation was to ensure that victims rather than inmates benefit from civil court settlements, that is, money obtained by inmates who sue the province will be first used to compensate victims, they say. Well, I think the government is obliged, if they say that this is somehow significant, to victims who suffer violent crime in Manitoba to explain how many victims are likely to benefit under this legislation. Now we know that there are several inmates who have filed claims against the province in respect of injuries suffered during the Headingley riot. That was a very singular incident, as a result of the negligence of this government, the failure of this government to pay heed to the concerns and complaints of staff and others at Headingley jail. It was due to the

negligence of this government in failing to deal with the concerns and complaints of staff about a resistance by senior management, in particular going right up to the minister's office, and deal with their legitimate concerns. There was a poisonous work environment, and it was an unsafe environment.

So, indeed, claims were filed against the government. I would like the minister—he is obliged to do this—to tell Manitobans, aside from the claims that were filed in respect of the Headingley riot, how often is the province sued and sued successfully by inmates for negligence on the part of the government. Because, you know, if you read the words of the minister, Manitobans are led to believe that this is some big breakthrough in victims' rights and victim compensation. So I trust that he will rise to the challenge, and he will tell us just how many claims have been filed, and successfully filed, either settled or judged by the courts. Then we will have a sense, and we will be able to measure just what kind of potential impact this legislation will have.

I know what the minister is going to tell us. He is going to tell us that there are very few claims. They are few and far between, if any, over many, many, many years. Well, I suspect that there will be even less now, if there are any at all, because what this legislation would say to an aggrieved inmate is that if you do sue and, of course, the outcome of civil suits is always a great uncertainty, you have the additional risk of losing all or part of your damage award if you pursue this.

I suspect that this legislation is designed more in the interests of the Province of Manitoba and the government than it is for victims. It is intended, I suspect, to also dissuade potential litigants against suing the government for its negligence on how it conducts its corrections program, and even negligence perhaps in its physical environment. We also have questions as to whether this legislation will simply offer some false hope for a potential victim down the road, because what it does is it says that liquidated damages or damages that are decided on by a court of law and proven can be kept from that plaintiff, as an inmate, as a result of an administrative edict by the government.

Under the legislation the director of victim support services is given the authority with very vague direction to decide on what the damages of the victim may be. I think it would be very sad if, as a result of the vagueness in the statute, a victim would think that he or she would be entitled to some restitution because of this government's failure to have a restitution program in place in this province, only to discover that that expectation was subject to extended, protracted and costly court proceedings, perhaps a Charter challenge, I do not know, Madam Speaker. So, when I look at the vagueness of the statute, I shake my head and I say: I think this really is indeed bluster, because for an administrative edict to overcome a liquidated claim as proven and awarded by a court would take, I would suggest, more stringent wording and a more stringent direction to the director who is given the authority under this legislation. I say that, no matter how well intentioned that section may be, if the section does not work, it does not work for victims, and I do not think that victims need to be victimised again because of a statute that may, in fact, not even work for them at all.

So we would like to see greater protection for victims by very clear and certain wording in the statute. It does not even say that the victim has to have a restitution order agreed to by the court. It does not say that the victim has to have a civil order. So what we have here is legislation that, on balance, is unlikely to benefit any victim at any time and only if a tort is committed by the government, if damages are proven, if then a claim is filed by the inmate, if the victim is actually found, yes, if the claim is successful, and if the act stands up, will the victims benefit? Here, Madam Speaker, this is the legislation that this government brings as a comeback to slashing in January of this year and eliminating 16 benefits that crime victims once enjoyed, and it has the gall to say that it is concerned about victims. This is a government with a pathetic record.

I do not think that with any government, any modern-day government, in this new era of growing understanding of the role of victims, the suffering of victims and a respect that is due to victims, have we seen such a sorry record. Yet the rhetoric continues unabated. They talk in the

face of their action, but time is up. Eleven years under this government have meant that victims have been victimized way beyond the victimization that has occurred to them at the hands of the justice system of this province, because this government has taken an active role in victimizing those victims once again, taking away their long-held rights, rights that NDP governments in Manitoba introduced and maintained.

* (1640)

It is not as if the government can say, well, we do not know a better way. The government knows full well how a victims' bill of rights can be written and enforced in this province because we brought it into this Legislature. We introduced it in a background document. We introduced it into this House based on the best practices around the world in dealing with victims, and they know how they can deal better with compensation because we provided the materials to the public and to the government. We have shown them the plans that we have as new government in Manitoba, and, as our Leader said, we will usher in the new era of respect for victims. They know how it can be done, but they just stood up and said: we will not do it, but we are going to talk as though we are doing it. Well, they are being found out.

So we will pass this legislation along, because anything that this government does for victims in its three-steps-backwards, half-step-forward way, we will support. But we want the minister to answer our questions about the vagueness in here, about how many claims have been filed in the past so that we can predict the future success of this statute. In the meantime, we will remind Manitobans how this government deals with victims of crime. Thank you.

Madam Speaker: Is the House ready for the question? The question before the House is second reading, Bill 29, The Victims' Rights Amendment Act. Is it the will of the House to adopt the motion?

Some Honourable Members: Agreed.

Madam Speaker: Agreed and so ordered.

Bill 34—The Court of Queen's Bench Amendment and Consequential Amendments Act

Madam Speaker: To resume adjourned debate on second reading on Bill 34, The Court of Queen's Bench Amendment and Consequential Amendments Act (Loi modifiant la Loi sur la Cour du Banc de la Reine et modifications corrélatives), standing in the name of the honourable member for Transcona.

Mr. Daryl Reid (Transcona): Madam Speaker, I am prepared to yield to our Justice critic, the member for St. Johns, who will put our comments on the record representing our caucus.

Mr. Gord Mackintosh (St. Johns): It was back in June of 1995 that we raised the matter of how we deal with masters of the Court of Queen's Bench. At that time, I asked the then Justice minister if they were considering discipline procedures at least to deal with masters. If the member of the public has a concern about a master, how does that person lodge a complaint and how is the complaint dealt with were the questions we asked. That coincided, Madam Speaker, with the growth of power of the masters as a result of changes to the rules of the Court of Queen's Bench in the early or mid-1980s. At that time, the minister dismissed our concern, and she said that a complaint can simply be made in writing to the Chief Justice of the Court of Queen's Bench, who would then examine the complaint and determine an action. She went on to say that one of the possibilities is that, because masters are also public servants, then there could be a referral to the Civil Service Commission. So no concern at that time about masters. Well, we went on to say, I think, it is appropriate that the government now look at the review procedures, the discipline procedures affecting masters.

It was not simply a theoretical concern. There was a complaint about a master that was being put forward, and there was no procedure in place to deal with that. I am sure the government is aware of the case that I am speaking of. Now other jurisdictions in Canada, whether it is Alberta or British Columbia, Ontario, I am aware of, have moved along in this area and respected not only the fact that there has to be a

complaint mechanism to deal with complaints lodged against masters, but they have to be seen not as civil servants but as judicial officers. The Supreme Court of Canada decision respecting the independence of Provincial Court judges, I think, did a lot to define the law with regard to the independence of judicial officers, and in that case it was explicitly Provincial Court judges.

But you cannot deal with Provincial Court judges in isolation. Masters are hearing officers; they perform a judicial function; they are hearing officers. They deal with even some rejudgment. They certainly deal with maintenance issues. They have a great deal of power and discretion. So it is important that these judicial officers not simply be treated as mere employees of the government and that there be an independent process set out in legislation.

So we support the principle of the legislation, and we will, at committee, pursue several concerns. We are concerned about the control by cabinet of the nominating process for new masters. There is a majority of cabinet-appointed people on the nominating committee. In fact, it is three to two, and the chair is a cabinet appointee. As well, for each position that is open, six names are to be given to the government, which is interesting, given that, in the appointment process of Provincial Court judges, there is a requirement that there be not fewer than three and not more than six different candidates. So the government seems to be wanting to go fishing to a greater extent under this legislation than under The Provincial Court Act process for the appointment of judges to the Provincial Court.

I might just add, just to go back, that there appears to be a greater power of cabinet appointees in the nominating process here than under The Provincial Court Act as well. As well, here we notice that the complaints are to the Chief Justice and not to the senior master. If the legislation is to reflect the scheme in The Provincial Court Act, it would seem appropriate that the complaints first go to the senior master.

So, with those concerns and issues of detail, we are prepared to pass this legislation on to committee.

Madam Speaker: Is the House ready for the question? The question before the House is second reading, Bill 34, The Court of Queen's Bench Amendment and Consequential Amendments Act. Is it the will of the House to adopt the motion?

Some Honourable Members: Agreed.

Madam Speaker: Agreed. Agreed and so ordered.

REPORT STAGE

Bill 3—The Fatality Inquiries Amendment Act

Hon. Jack Reimer (Minister of Urban Affairs): I move, seconded by the Minister of Environment (Mrs. McIntosh), that Bill 3, The Fatality Inquiries Amendment Act (Loi modifiant la Loi sur les enquêtes médico-légales), as reported from the Standing Committee on Law Amendments, be concurred in.

Motion agreed to.

Bill 4—The Law Fees Amendment and Consequential Amendments Act

Hon. Jack Reimer (Minister of Urban Affairs): I move, seconded by the Minister of Environment (Mrs. McIntosh), that Bill 4, The Law Fees Amendment and Consequential Amendments Act (Loi modifiant la Loi sur les frais judiciaires et modifications corrélatives), reported from the Standing Committee on Law Amendments, be concurred in.

Motion agreed to.

* (1650)

Bill 11—The Statute Law Amendment (Nunavut) Act, 1999

Hon. Jack Reimer (Minister of Urban Affairs): I move, seconded by the Minister of Environment (Mrs. McIntosh), that Bill 11, The Statute Law Amendment (Nunavut) Act, 1999 (Loi de 1999 modifiant diverses dispositions législatives (Nunavut)), reported from the Standing Committee on Law Amendments, be concurred in.

Motion agreed to.

**Bill 12—The Statute Law
Amendment Act, 1999**

Hon. Vic Toews (Minister of Justice and Attorney General): I move, seconded by the Minister of Urban Affairs (Mr. Reimer), that Bill 12, The Statute Law Amendment Act, 1999 (Loi de 1999 modifiant diverses dispositions législatives), reported from the Standing Committee on Law Amendments, be concurred in.

Motion agreed to.

**Bill 16—The Court of Queen's Bench Small
Claims Practices Amendment and Parental
Responsibility Amendment Act**

Hon. Vic Toews (Minister of Justice and Attorney General): I move, seconded by the Minister of Highways and Transportation (Mr. Praznik), that Bill 16, The Court of Queen's Bench Small Claims Practices Amendment and Parental Responsibility Amendment Act (Loi modifiant la Loi sur le recouvrement des petites créances à la Cour du Banc de la Reine et la Loi sur la responsabilité parentale), reported from the Standing Committee on Law Amendments, be concurred in.

Motion agreed to.

**Bill 18—The Correctional Services
Amendment Act**

Hon. Vic Toews (Minister of Justice and Attorney General): I move, seconded by the Minister of Environment (Mrs. McIntosh), that Bill 18, The Correctional Services Amendment Act (Loi modifiant la Loi sur les services correctionnels), reported from the Standing Committee on Law Amendments, be concurred in.

Motion agreed to.

**Bill 5—The Highway Traffic Amendment,
Off-Road Vehicles Amendment and
Consequential Amendments Act**

Hon. Darren Praznik (Minister of Highways and Transportation): I move, seconded by the honourable Minister of Environment (Mrs. McIntosh), that the Bill 5, The Highway Traffic

Amendment, Off-Road Vehicles Amendment and Consequential Amendments Act; Loi modifiant le Code de la route et la Loi sur les véhicules à caractère non routier et modifications corrélatives, reported from the Standing Committee on Law Amendments, be concurred in.

Motion agreed to.

**Bill 6—The Highway Traffic
Amendment Act**

Hon. Darren Praznik (Minister of Highways and Transportation): Madam Speaker, I would move, seconded by the honourable Minister of the Environment (Mrs. McIntosh) that Bill 6, The Highway Traffic Amendment Act; Loi modifiant le Code de la route, reported from the Standing Committee on Law Amendments, be concurred in.

Motion agreed to.

**Bill 19—The Agricultural
Credit Corporation Act**

Hon. Darren Praznik (Government House Leader): Madam Speaker, as government House leader, I would move, seconded by the honourable Minister of Justice (Mr. Toews), that Bill 19, The Agricultural Credit Corporation Act; Loi sur la Société du crédit agricole, reported from the Standing Committee on Law Amendments, be concurred in.

Motion agreed to.

**Bill 7—The Public Schools
Amendment Act**

Hon. Darren Praznik (Government House Leader): Madam Speaker, I would move, seconded once again by the distinguished and honourable Minister of Justice (Mr. Toews), that Bill 7, The Public Schools Amendment Act; Loi modifiant la Loi sur les écoles publiques, as amended and reported from the Standing Committee on Law Amendments, be concurred in.

Motion agreed to.

**Bill 13—The University of
Manitoba Amendment Act**

Hon. Darren Praznik (Government House Leader): Madam Speaker, I would move,

seconded by the most honourable Minister of Environment (Mrs. McIntosh), that Bill 13, The University of Manitoba Amendment Act; Loi modifiant la Loi sur l'Université du Manitoba, reported from the Standing Committee on Law Amendments, be concurred in.

Motion agreed to.

Bill 8—The Ozone Depleting Substances Amendment Act

Hon. Linda McIntosh (Minister of Environment): Madam Speaker, I move, seconded by the honourable Minister of Justice (Mr. Toews), that Bill 8, The Ozone Depleting Substances Amendment Act; Loi modifiant la Loi sur les substances appauvrissant la couche d'ozone, reported from the Standing Committee on Law Amendments, be concurred in.

Motion agreed to.

Bill 9—The Securities Amendment and Commodity Futures and Consequential Amendments Amendment Act

Hon. Darren Praznik (Government House Leader): Madam Speaker, I would move, seconded by the honourable Minister of Industry, Trade and Tourism (Mr. Tweed), that Bill 9, The Securities Amendment and Commodity Futures and Consequential Amendments Amendment Act; Loi modifiant la Loi sur les valeurs mobilières et la Loi sur les contrats à terme de marchandises et apportant des modifications corrélatives, reported from the Standing Committee on Law Amendments, be concurred in.

Motion agreed to.

Bill 15—The Cemeteries Amendment Act

Hon. Darren Praznik (Government House Leader): Madam Speaker, I would move, seconded by the most honourable Minister of Housing (Mr. Reimer), and minister responsible for our senior citizens, that Bill 15, The Cemeteries Amendment Act; Loi modifiant la Loi sur les cimetières, reported from the Standing Committee on Law Amendments, be concurred in.

Motion agreed to.

House Business

Hon. Darren Praznik (Government House Leader): Madam Speaker, I just wanted to confirm with the Clerk that Bills 29 and 34 as well as Bill 40 have, in fact, received second reading.

* (1700)

Mr. Praznik: Madam Speaker, I would like to make some committee announcements at this particular time. I would like to announce that the Standing Committee on Law Amendments will sit on Tuesday evening at 7 p.m.

Madam Speaker, then I would announce that the Standing Committee on Law Amendments will sit tomorrow, Tuesday morning, at 10 a.m. [interjection]

Madam Speaker, I will make announcements later. I would ask at six o'clock if we could make announcements. I want to confer with the opposition House leader.

Madam Speaker, I believe it has now been agreed that—

Madam Speaker: Just one moment. Procedurally, I note to the Clerk, I am leaving the Chair, and you will be in Committee of Supply. Perhaps you would take 30 seconds now to clarify which standing committees, for the benefit of all members, and in particular for the benefit of the Clerk's office, so we can post the notices.

Mr. Praznik: Madam Speaker, I would ask if you could call for second reading The Physiotherapists Act. There may be a willingness to have that passed through to second reading to allow it to committee.

Madam Speaker: I am just not sure in whose name it has been left standing. The honourable member for Transcona, I believe. Is that correct?

An Honourable Member: Yes, I think so.

SECOND READINGS

Bill 26—The Physiotherapists Act

Madam Speaker: To resume adjourned debate on second reading on Bill 26, The Physiotherapists Act (Loi sur les physiothérapeutes), standing in the name of the honourable member for Transcona.

Mr. Reid: I am pleased to rise to indicate that we are prepared to have Bill 26, The Physiotherapists Act, moved through to committee to allow members of the public the opportunity to come out and to provide their comments and guidance with respect to this piece of legislation. At this time we are prepared to pass this bill through to committee to hear those presentations for people who may wish to come out. Thank you, Madam Speaker.

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

Some Honourable Members: Agreed.

Madam Speaker: The motion is second reading Bill 26, The Physiotherapists Act. Agreed?

Agreed and so ordered.

House Business

Mr. Praznik: Madam Speaker, I would then announce that the Standing Committee on Law Amendments will be called for Tuesday at 7 p.m. for the consideration of Bill 26, The Physiotherapists Act.

I would also like to announce that the Standing Committee on Law Amendments will be called for Wednesday next at 7 p.m. for hearing presenters on Bill 40. I would also like to ask that we seek agreement of the House to sit that Committee on Law Amendments concurrently with the House on Thursday morning at 10 a.m. to hear presenters again with respect to Bill 40, and if the House is prepared to grant leave to hear presenters on both of those days, I would ask that we could have the Clerk's office—I understand we have some 20 presenters—offer time to presenters on either day to accommodate

people who want to make presentations, whether it be an evening or an afternoon presentation.

Madam Speaker: First announcement: that the Standing Committee on Law Amendments will meet Tuesday, tomorrow, July 6, at 7 p.m. to consider Bill 26.

The Standing Committee on Law Amendments will also meet Wednesday, July 7, 10 a.m., to consider Bill 40. Is there unanimous consent of the House to allow the consideration of Bill 40 to continue on Thursday, July 8, 10 a.m.?

Mr. Praznik: Madam Speaker, I think we were asking for the Committee on Law Amendments, announcing that we would call Bill 40 for Wednesday evening or Thursday morning. I just wanted to make sure that that was clear. One of my colleagues—

Madam Speaker: One moment, please. Standing Committee on Law Amendments to meet Wednesday, July 7, 7 p.m., to consider Bill 40. Is there unanimous consent of the House to allow the Standing Committee on Law Amendments to meet concurrently while we are in the House on Thursday morning July 8, 10 a.m.? [agreed]

As previously agreed, we will now dissolve into the Committee of Supply to grant Supply to Her Majesty, and the Department of Justice will convene in the Chamber. Agreed? [agreed]

* (1440)

COMMITTEE OF SUPPLY (Concurrent Sections)

NATURAL RESOURCES

Mr. Chairperson (Gerry McAlpine): 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 the consideration of the Estimates of the Department of Natural Resources. When the committee last sat, it had been considering item 12.1. Administration and Finance (d) Financial

Services (1) Salaries and Employee Benefits on page 119 of the Estimates book.

When the committee last sat, agreement had been given for questions to be asked globally and with the line items to be passed once all questions had been completed. Is that still the will of the committee? [agreed]

When the committee last sat, the honourable minister was responding to a question by the honourable member for Dauphin (Mr. Struthers). The honourable minister, to continue.

Hon. Glen Cummings (Minister of Natural Resources): Thank you, Mr. Chairman. I will share this pamphlet with the member for Dauphin. But he asked a question relative to the conservation agreement and what would be the recognized organizations that could hold a conservation agreement. The ones that are listed currently are Ducks Unlimited, the Nature Conservancy of Canada, Manitoba municipal governments, which I believe I mentioned earlier, the Rocky Mountain Elk Foundation, Wildlife Habitat Canada, Manitoba Naturalists Society, the Delta Waterfowl foundation, the Province of Manitoba, the Manitoba conservation districts, the Manitoba Wildlife Federation, the Government of Canada and the Manitoba Heritage Corporation. If he or any of his constituents wish to pursue a project, the Habitat Heritage Corporation is already involved. Ducks Unlimited, the Nature Conservancy, Delta Waterfowl and the Association of Manitoba Municipalities are all prepared to work with any proposals. I think that is all on that point, unless there were more questions.

Mr. Stan Struthers (Dauphin): Mr. Chairperson, could the minister indicate how popular this program is, how successful it has been so far, how many actual landowners have signed into conservation agreements? Do we have those kind of figures yet, or is it too soon to provide an answer to that question?

Mr. Cummings: Mr. Chairman, so far there has only been one that has actually been signed and brought to completion. One of the issues that we are attempting to deal with is how this should be treated under the Tax Act. The federal taxation gift taxes, an actual dollar value for the

assessment is more important than the gift tax. Gift taxes, I should not have included that because that is not an issue. It is the actual value of the habitat on the land. You can get the land assessed for today's purposes by a market-driven assessment, but we have not yet devised a process.

Now, there are other examples in other jurisdictions where they are proceeding, but we also know that there is one major one in Alberta that has run into rough water because of the tax issue. There is a significant amount of money involved in that one. So in moving the one forward, we are, in fact, testing to see if we can get some rulings, No. 1; and, No. 2, there has been a lot of interest and there is quite a pent-up demand, people indicating that they see this as a vehicle that they would like to sign on to. It is a matter of moving forward, and part of that is related to establishing a value. As long as it is not a controversial piece of land, which mine was not, that is not likely going to be a big issue, but where significant high quality land could be involved, the taxman will take an interest. An example would be the Rocky Mountain Elk Foundation in Alberta which has a multimillion-dollar deal on the table. Obviously, the taxman is quite interested in what could happen there because the person will receive a benefit, but how should that benefit be taxed?

But I know personally of three people who own a fair volume of land who are currently in discussion and quite interested in the program. So if I know about that many, I am sure there are considerable others. The various organizations have stated that if they can show a template to the landowners of how it will be treated and how, in fact, they will be able to continue to use it, under what circumstances, they believe that the results will amount to quite a few acres, a significant number actually.

* (1450)

Mr. Struthers: It seems to me that one of the strengths of the program is going to be the farmers who have got not huge tracts of land that they are going to sign over into conservation agreements but many 30- and 40- and 50-acre parcels of land that I think will add up to a substantial amount of land across the province

that maybe the taxman is not as interested in as the large outfit that the minister was talking about. So my hope is that we can sign on a lot of those conservation agreements.

The anecdotal information that I am getting, as well, is that there are some people interested and that when I talk to people with some of the funding agencies, the natural societies and the municipalities and the wildlife people, they, too, have some reports that people have come to them and said I am interested. But I am hoping that those do come to fruition and that the taxman is very co-operative when that happens.

Can the minister indicate what steps need to be taken for these conservation agreements to be considered part of the 12 percent set-aside that the Brundtland Commission has called for and that this government has been working toward?

Mr. Cummings: If they were to be included in that, they would have to meet the same criteria as any other land that we have set-aside including wildlife management areas—no logging, no hydroelectric development and no mining. The member is correct that these could be a good vehicle for adding to the World Wildlife program total, but I would like to go back for just a moment.

When you talk about pieces of land that may be smaller and may not attract the taxman's interest to the same extent, that is, in fact, a very important aspect of this program. Because we now have GPS capability, my fertilizer dealer, for example, comes on to my quarter section and takes a GPS reading and knows that he can come back within a few inches every year of that same site and test for continuity of the nutrient content.

That same technology will allow us to set aside potholes, half a dozen potholes, if you want, on a quarter section. They can be tied back to satellite photography; they can be identified on a map; and they can be registered at the Land Titles, all much more cheaply and simply than the old chain-gang method, and that is what makes this program so attractive. The natural potholes, as an example and there are lots of other examples but as one example, pothole country where a lot of this habitat may well be

set aside, the advantage is that this can be very easily and cheaply identified.

Now, there is one kicker that fits into this, and that is these organizations, the Naturalists, the Nature Conservancy, as an example, I guess, or it would be a good example, where they are not necessarily flush with funds, because this is, generally speaking, wasteland, because it is bits and pieces of the land, and because it is only the habitat value that is being acquired, it is the hope that a lot of people would donate this.

There are some large tracts of land where the conservation aspect of it is highly desirable and the landowner might well expect some value for that, and, in many cases, they will receive it. If you are setting aside as the Rocky Mountain Elk Foundation was getting a large tract of land on a ranch in Alberta, I am not sure if that was a sale or a gift, but nevertheless there was significant value attached to it. Where we could use this in agricultural Manitoba is for the small pieces, the bits and pieces, that unless there is drainage or clearing of some significant amount, it is always going to be there. This will guarantee that it is not drained or cleared. It can be used—and I am looking at staff—and there is no reason why this could not be added to the acreage that we are trying to assemble for the World Wildlife Fund. But remember that in assembling land for that, what we are trying to do is establish an adequate representation of the 12 ecoregions of the province. Really, what we are needing in southern Manitoba is prairie grassland more than parkland aspen, but nevertheless it certainly would qualify if treated appropriately.

Mr. Struthers: The minister touched upon our abilities today with GPS to help us in farming and to make surveying much more accurate than maybe ever before and certainly more efficient and quicker. What few farm skills I have, I learned on top of a 1956 John Deere (R) with a hand clutch and no cab and the whole bit. [interjection] Yes, and earplugs. The latest John Deere that I have been in had a computer on board that mapped the areas where there was a lot of quack grass and areas where there was not, then automatically let out the amount of spray needed where the quack grass occurred instead of spraying the whole field. So I know we have

come a long way with our technology. I am looking forward to some more positive implementations of that kind of GPS ability that we have. I am hoping that with this kind of accuracy and with that kind of efficiency, we can improve our chances of including more of these packages in our 12 percent that, I think, is a good goal to be striving towards.

I understand the criteria for representation that the minister talks about. Are there any possibilities and do we have the ability to take parcels of lands that are put forward on a conservation agreement and split them saying that part of that land can be used for 12 percent and part not? If somebody has 40 acres that they are signing off into a conservation agreement, do we have the ability to say that 20 acres of that 40 would qualify towards the goals set through the Brundtland Commission even if the other 20 percent, as the minister says, is wasteland? It is really hard to describe any of your land as wasteland. It depends what objective you have, I suppose, of the parcel of land. Maybe you cannot grow canola or wheat on it, but it could be marshland for ducks or whatever. I am sure the minister understands that.

So I am wondering if smaller parcels of land from a farmer's conservation agreement can be—I do not know what is the word—subdivided or whatever the word is I am looking for. The minister is nodding, so he obviously understands what I am trying to get out here.

Mr. Cummings: There is one issue that has to be up front in this. While I acknowledge that they could be used for the purpose of the World Wildlife Fund, there is a question of absolute perpetuity. World Wildlife Fund property is in perpetuity from the day we designate it until something catastrophic happens, I suppose. So there is an issue around the way that we had to write the act for the conservation easements. That is even the ones that are in perpetuity, there is a clause for renewal or for review that the municipalities asked to have included. So you would have to go beyond what is in the agreement for a conservation easement to perhaps meet that perpetuity issue, although you can put land in perpetuity on a conservation easement. I actually have not put the question to the World Wildlife Fund. You should not have to define

perpetuity, so if perpetuity is modified by anything, then it probably is not perpetuity for the purposes of the Wildlife Fund.

* (1500)

The reason that is there, which I am sure the member appreciates but for the purpose of this discussion should be on the record, was that the municipalities had some concerns about what conservation easement and conservation land in general might do to a community. Let us face it, what is happening in the southwest right now, if that were to cause a situation where there were large-scale bankruptcies or people going out of business or changing their method of operation, if the land was bought up for recreational purposes or things of that nature, you could have large tracts of revenue-generating land that all of a sudden went out of production for whatever reason.

That was one of the reasons that the municipalities asked for some kind of a review mechanism. When it is donated or sold in perpetuity, it is nine-hundred-ninety-nine one-thousandths sure that it is going to stay that way. But there is the point that it can be reviewed, if it is for some reason putting some sort of economic hardship on the direct descendants, I believe, or the owner at the time. It is a very small and controlled window of review. It is there mainly for those that are donated for 25 years or 50 years. Generally speaking, perpetuity would not be impacted. But that is probably something that would raise a question in the eyes of World Wildlife.

The other thing that should be on the record in relation to the World Wildlife Fund is the issue of 12 percent. I have used it. Others have used it. My critic has used it, I believe, just today. Monte Hummel has separated himself to some extent from the 12 percent, because he is chairman of the board, if you will, and the lead person on the World Wildlife drive for conservation set-aside, and has come to the recognition that 12 percent is not necessarily the right criteria. The right criteria is that you have an adequate representation of all of your regions.

An early and probable misunderstanding that a lot of people had about the program was

that Manitoba could take 12 percent across the northern portion of the province and meet the criteria. That was not the intention, but it was a misunderstanding that some people had. Equally, it was a misunderstanding that some people had that it had to be 12 percent of every ecoregion. In Manitoba's case, we are not going to get 12 percent tall grass prairie. It is under the plow. We will get everything we can, and it may well be that some of the little bits and pieces will show up in this program. We are only now beginning to run a better and more aggressive promotion in the southern portions of the province looking for some of this land that is privately held. If you look at a map of southern Manitoba, most of agricultural Manitoba is privately held. So if we are going to meet any percentage of the tall grass prairie, the majority of it will end up being privately held.

I see the member for Emerson (Mr. Penner) just came in. One of the best tall grass prairie reserves is out in his area. I have not had the experience of being there yet. What is the name of the community, Jack? Tolstoi? [interjection]

Tolstoi. There are several quarters set-aside there, several sections I believe. That is the nature where we are going to get some of that land. But 12 percent will not be 12 percent everywhere. Prince Edward Island has come up with 12 percent. Do not ask me where, to tell you the truth.

An Honourable Member: It is because they have only one region.

Mr. Cummings: I am told that may be because there is not a large variety of regions that are represented there. Its ecoregions are somewhat limited. I think that is probably true. Manitoba has 12? [interjection]

And six subregions, for a total of 18 different regions, of which we are attempting to get 12 percent set aside. Twelve percent should not be used as the criteria for achievement, and Monte Hummel clearly separated himself and qualified that at the last minister's meeting that I attended. We will be getting closer to that number, at any rate, but it should be more a case of whether or not we have adequately identified

the various ecoregions and then have been able to adequately get them represented in set-asides.

What comes down closer to our back door is the wildlife management areas where there are wildlife management areas across the province, some of which are in community pastures, some of which are not. But they are scattered across agro-Manitoba. A good percentage of those are going to be set aside, and some already are in the World Wildlife program. That creates some interesting dynamics in a community as well, because it puts another level of protection on that land that some people, when it is right beside their farmyard, get quite concerned about, because we do allow hunting and we do allow, in some cases, pasturing. Certainly there is a lot of pressure right now to add more pasture usage in some of these WMAs because of the fact that if you do not manage it, it can be a bit like your forest. Some day you will burn it, and then you have lost more than if you perhaps did allow some usage in it.

We are approaching 9 percent in the province today of our recognized set-aside, between 8 and 9 percent.

Mr. Struthers: I certainly understand the challenges that face the minister when it comes to using these conservation agreements as part of a 12 percent set-aside, my hope is that any of these that have been given or intend to be given in terms of absolute perpetuity with any of the groups including the municipalities, if it is perpetuity, there should not be a problem having it count towards that and I hope that that is how this eventually plays out. The minister says currently that they are approaching the 9 percent figure for set-aside. I am wondering, and I can understand why he would not just want to set aside 12 percent of the province in the North and say you have hit your target. I agree with the minister there, and with Mr. Hummel.

Can the minister then indicate, in terms of representation in our areas, whether we are getting close to an adequate representation across the province, given what he has said about the prairie grassland, and of course I think everybody understands the problem there with development over the last 150 years in this province, the amount of tall prairie grassland

that was lost to agricultural purposes? But can the minister give a bit of a breakdown in the other representations whether he is happy with the amount of land set aside in each of those representations, and what his department is doing to increase that percentage in each of those different representations?

Mr. Cummings: I do not think I have the precise information in front of me. We believe we will meet the target in the major areas in the non-agro Manitoba, but in agro Manitoba, I am acknowledging up front that it is going to be next to impossible to get tall grass prairie as an example. But I do not have the precise figures in front of me and I do want to go from my own information as opposed to, and I am not being critical of it, the general comment was made by the World Wildlife Fund on whether we had adequate representation of all of the regions. They indicated that we were less than adequate in quite a few of them and that was because we had pending approval on some areas.

We were given credit for the areas, but until we get it permanently into the program it would be premature for them to give us credit for it. I believe that is what their rationale was. I have had my disagreements in the past with how they establish their criteria, but I want to say on the record that over the last couple of years I believe that we have moved forward considerably in a mutual understanding of what had to be done and how we get there. Part of that is that because of our process, we had a reserve system that we were able to use. But in the early going we were criticized for not being consultative enough and yet by consulting, it slowed down the process.

To the credit of my predecessors and the native communities and the regional departmental people involved, that has all come together in the last few years and the consultations are starting to pay off. There is still some land under consultation, but particularly the Poplar River area there is a large set-aside there that has to have some work done on a consultative basis and that would be a good example of where we have not yet reached an agreement.

* (1510)

We were given considerable credit in the mark that we were given because of the process that we are running there. It is a long-winded answer to say that I have not got the precise numbers in front of me, except that I expect the province will meet the criteria of the majority of the major regions but not in agro Manitoba.

Mr. Struthers: I thank the minister for that answer, and long-winded as it may be, that is okay. If the minister can come up with some more specific numbers in the areas, maybe he can send that to me at his convenience. I just want to thank the minister for passing on to me the pamphlet that he did called *Leaving a Legacy: Supporting Landowners with Conservation Agreements*. Just a brief look through it, it will be very helpful for me when I talk to people about this whole area. I thank him for the answers he has given me on that, and I want to assure him of our continuing support in this program, a program that I do think is worthwhile and that we need to continue with.

I would like to discuss a bit about drainage.

Mr. Cummings: Mr. Chairman, I appreciate my critic letting me get this on the record. There is only 3 percent left of tall grass prairie, and that we have protected now. If we are going to get any more, it is going to be on private land and I am not aware of very much that is there.

Mr. Jack Penner, Acting Chairperson, in the Chair

The other thing that I wanted to put on the record is that Manitoba was slow getting up to the speed where we got the level of mark that we were given the last two years. In fact, we started at pretty nearly zero and have gone to 8.5 in less than nine years, so that partly explains why we have been gaining momentum, along with the fact that we had a significant consultation process that was undertaken as well. Thank you.

Mr. Struthers: It sounds to me like eating a plate of perogies. The first nine go down pretty good, and then the last three are hard to fit in.

But moving on to drainage. I understand that the objective of—[interjection] These are Dauphin perogies. They are a little bit smaller maybe than the others.

The objective in the review that the Department of Natural Resources is doing of drainage in this province, licensing and sorting out of jurisdictional questions seems to me to be a reasonable one, that of reducing the number of water issues in dispute. I think any reasonable government would want to reduce the number of battles that we see going on in rural Manitoba when it comes to drainage. Part of the problem is that we are dealing with water, and water is the lifeline for many rural communities, farms, and human life in this province all together. So what we can learn from that is that people really do take this problem very seriously and quite often get very emotional over water. I think sometimes we do not understand that a decision in one jurisdiction with water ends up causing problems in the neighbouring jurisdiction. One neighbour's problem can be solved, but it causes another problem for the neighbour downstream.

I have been dealing with a lot of water problems through my office as an MLA and through being Natural Resources critic, and I know that the minister has as well. So maybe to start off the discussion on drainage, I will give the minister an opportunity to outline the process that he has undertaken so far in terms of this drainage review and sort of indicate where it is going from here.

Mr. Cummings: Well, to begin with, there were the problems, as my critic has outlined, in terms of on-the-ground activity and the conflicts that arise. But also there is a legislative and legal framework that is probably outdated and may have been inappropriate right from the start. The act, as conceived by our predecessors actually, is the act that we are working with in terms of drainage. But there are about—what?—four acts, five acts that we are looking at that need to be improved, modernized, melded together, made more relevant to what is happening on the landscape. In the long run, that is the objective and process that we have started.

To begin with there are two parts to a public process that we have embarked on: one is drainage; one is allocation. We began with the public drainage review, and basically we wanted to know what the public had on their mind. We were criticized for the process that was entered

upon, but in retrospect I still believe it was an appropriate approach. At the public meetings that were held, rather than having a forum so that one person could and, in many cases, probably would seize the platform and use the opportunity to berate and deal with issues between themselves and their neighbours or themselves and the government or themselves and the watershed if they happened to be in a conservation district—that was not intended to be the use that the forum would be made of—the forum was intended to allow people to express their concerns about how we could better deal with the problems and deal with the structural problems, as opposed to the individual concerns that might be brought forward, such as what the member and I see, from time to time, from people across the province.

So, Mr. Chairman, under drainage, we brought together Department of Highways, Department of Rural Development, Agriculture, Environment, Natural Resources, Association of Manitoba Municipalities, and Keystone as the major players in doing a review to bring out suggestions around how we can better handle the issues around drainage.

* (1520)

The water allocation, a slightly different mix with Rural Development, Agriculture, Environment, DNR, AMM, Keystone, and the Association of Irrigators Manitoba. Quite a bit of overlap, but the one new one in the mix would be the Association of Irrigators. There were 11 public meetings held under the drainage review, and I believe that we had about 800 people who took opportunity to be heard. So far there have been six meetings under water allocation, with about 300 people attending.

So that is a pretty reasonable turnout at both forums, and there may well be further meetings if there is seen to be a demand for it, but this information needs to be pulled together and some response made to those individuals and organizations that were present and probably receive further feedback from them if necessary. Then we have to put that into a workable form to proceed with the premise that I started from which is how do we assemble that information in order to improve the system.

But we have some current demands that we are dealing with, and I always argue that if we put the practical approach forward, that there are times when we will be forgiven for avoiding or in fact—"avoidance" is probably the right word, but finding a practical way of dealing with legal impediments that if implemented in their fullness would produce a ridiculous result or an unworkable result, an example being taking it right back to the farmer who has a section of land, four quarters, all adjacent. Technically we can require that he have a drainage permit to move water anywhere between sloughs on that land.

I have said to the member for Swan River (Ms. Wowchuk), and I know I will be quoted in certain circles again, so I might as well say it again here now. That is that there are certain aspects of the act that I would be loathe to enforce. The same as in environment issues, I have encouraged our people to find practical solutions on the landscape and work with the people involved. There are certain high profile situations out there where that did not work, but I will still argue that if there had been reason exercised all the way around that we need not have—and I will not attribute blame to any one of the parties, including ourselves, that we obviously missed in trying to find some reasonable solution, except that in the end the watershed has to be the beginning criteria on what is doable on the landscape. We cannot have water moving at the expense of downstream people all the time nor can we restrict entirely those who want to do some land improvement for production purposes.

I will go back to the farmer who has a section of land. If he wants to move a bit of water around into larger, more permanent holdings on his own property, generally speaking our enforcement people have said as long as he acts in a reasonable fashion and does not dump it onto his neighbour, then we do not go looking for trouble. But, technically, the enforcement of the law would mean that we should be out there, somebody should be out there representing government, checking on that movement of water.

But the real issue is getting it onto municipal drains where it then maybe causes infra-

structure damage or ends up on somebody else's property, and it just passes the problem from one neighbour to another, or sometimes that neighbour could be 10 miles downstream depending on the lay of the land.

There is a huge difference, and I realize my colleague who is the Chair today comes from quite a different topography in the province and quite a different history in drainage. With the Red River running through the middle of the land from here to the American border, there is a well-developed and in some cases provincial infrastructure that has been put in over the years that tended to manage agricultural drainage. Other parts of the province, provincial infrastructure is somewhat less, and the topography is different enough that some considerable velocity to the water can be developed if you get too much of it moving. It creates a whole other set of problems for drainage, including erosion.

So the review that has been undertaken, I liken it to The Municipal Act review where it is all-encompassing, and it will have, when completed, some considerable impact in changing the way we do business vis-a-vis drainage and water usage in the province. There is no good politics for my critic, or for me, for that matter, in this, because for every person that we make happy, we will probably make an equal number unhappy unless it is a fair and well-designed program. Then having come from the oldest conservation district in the province, which was in large measure a drainage district to begin with, I know that timing then becomes the issue and know that when you have wet years it is never fast enough, and there will always be problems related to how the water is managed within the watershed. It does have to be tied to allocation. We do have to have better knowledge about ground water allocation.

I am well positioned for that argument. I can, in my own mind without scientific proof, believe that the well that used to supply my farm probably went dry, because water that used to be retained probably 35 feet in elevation above where my well is located ceased to be. All of a sudden the volume my well could produce was considerably diminished. These things will create ongoing problems between landowners, and government in the end cannot be the sole

arbitrator of that. There has to be a local input and a local plan much as there is in a number of other areas of decision making, including development plans, because water is very much a part of a development plan. I am not suggesting it should be under planning, but it certainly is relevant when planning decisions are made.

Mr. Struthers: Of course, many of the things that the minister just mentioned are exactly true. There are huge challenges facing the provincial government and municipal governments in the area of drainage. I understand that they do vary from one part of the province to the other, so it does make it difficult for a provincial government to slap one law in place and enforce it with equal aggressiveness over different regions. Just to drive that home, yesterday I had the opportunity of visiting the Museum of Man and Nature. My niece and I were looking at a map that showed the original proposal as to where the CPR line was going to go through Manitoba. It purposely avoided the southwest part of this corner because it was too arid. Now that may sound strange after what we saw this spring, but to me at least it shows that different parts of this province experience very vast differences in drainage, moisture that they receive and control of the water so that we can get on with economic activities such as agriculture.

The concerns that have been expressed to me in terms of drainage is, No. 1, a lack of provincial co-ordination and also a lack of control over the number of licences both in drainage and in allocation and use. Of course, licensing is key whether you talk about drainage or allocation. It is a way in which the provincial government can collect valuable data on not only the quality but quantity of water that we have available to us in the province. So it is an area that is extremely important to people living in rural Manitoba.

Upon reviewing the Estimates book, the information that the minister has supplied for me, it came to my attention that there is an increase in funding to water licensing. I am wondering what the increase in dollars will be used for from that part of the Natural Resources budget. Will it be used to, say, for example,

decrease the waiting lists that we have in the area of licensing?

* (1530)

Mr. Cummings: The increase that the member has noted will be partly used for increased staff. Two of them will be in forecasting, two of them in water quality. We do expect to reduce the waiting list on licensing, but there is also another use of some funds that are in that appropriation that will be for the major review of water retention.

Something that I did not touch on in my comment before was that we have the age-old problem where the land that needs the water and has the ability to be irrigated, for example, from more high quality crops does not necessarily have the volume of water that it can use. We need to increase water retention capabilities here in the province, and I will be using consultants to help us devise the most economic way of increasing water retention in the province for various uses.

Part of what I referenced a minute ago as well is related to the expansion in the hog industry where we have a joint effort with Environment, Agriculture and Rural Development to deal with water quality and protection issues.

Mr. Struthers: Of course I want to encourage the minister to explore some ways in which the problems with licensing can be minimized. I think putting the staff back into the area that received some cuts from this provincial government in earlier years did put that part of the department in a very tight position. I think it did affect the way in which we approved licences, both drainage or water use and allocation. I think it did have a negative effect. So, if the minister can be thinking of ways in which we can alleviate that problem, I would certainly support him in that.

I also wonder if the minister has considered what kinds of incentives the provincial government could employ to encourage farmers or municipalities in retaining some water. Part of the problem has been that everybody wants to get rid of the water and get on and get seeding.

Has the minister been looking for some ways in which we can encourage landowners to hold water where it is, understanding that that could mean an economic loss for the farmer who does take it upon himself to hold back some water instead of rushing it down to the neighbour?

Mr. Cummings: Well, there are a number of aspects to what the member just asked. One is in terms of retention and the overall policy of how we manage. I do not believe in absolute rigid enforcement in this area; I believe in management. Part of that answer to that will come from these reviews that are occurring.

There is a full gamut out there between the municipalities and the landowners and other interested parties. On the one hand there are those who are going to drain and landscape everything from one corner to the other and damn the torpedoes, and that will continue until they are seen to be damaging municipal infrastructure or perhaps opportunity for people downstream from them. The member for Dauphin and I need not look too far for examples of where that has been an issue over the years. With the Riding Mountain bordering on both of our constituencies, Big Grass Marsh has spawned a lawsuit where people believe that the high land was drained too rapidly, the marsh cannot handle the water, Whitemud cannot handle it, and a \$20-million lawsuit, roughly, has been associated with that for 20 years.

You know, the shoreline of Lake Dauphin and where it belongs is still an undecided issue. I personally believe and I would probably get smiles from this in some circles, but frankly there is some land around the edge of Lake Dauphin that should be returned to public preserve and managed other than as private land, although the present private owners should still be able to be the managers. I am not talking huge tracts, I am talking shoreline where flooding is constant and the lake level fluctuating six inches can be a major problem for them. It has tended to alleviate their problem as opposed to lighten them of the land. The problem is we cannot be paying compensation or to be seen to be managing the lake in order to avoid paying compensation. It has to be managed for the best interests of a multiplicity of people around the lake of which the landowner is one.

Some landowners would not be pleased to hear me say that, and I believe the majority of people would concur that that would be a management policy that could be improved, and in fact the Lake Dauphin management board has tended to move in that direction, although there is controversy there again. I will not dwell on that, I suppose, unless the member wants to enter into some discussion around it.

But water retention, we are all interested in. Part of it is that current water retention programs are often done in consultation with conservation districts where there is some local benefit seen to the program. Generally, those projects that have come to my attention in the last two years are small back floods where people actually receive a benefit from holding water on their land in dry years, where the land does not drain very well anyway. What it generally amounts to is improved drainage but controlled, and they are able to get a back flood out of it and get some nutrients and some water if they have the appropriate crops on the land. The drainage management and the issues around it, I am confident that one thing that is going to come out of the drainage review is that we are going to have a better understanding of a level of co-operation between municipalities and the province.

* (1540)

I am on record as challenging the municipalities to work with us because, to use the vernacular, if we do not hang together on this one, we will hang separately. And what will happen is farmers and municipalities between each other will settle their differences in the courts, and no one wants that to happen. There has to be a logical management process out there. If I could avoid the province being seen as the regulator, I would be happy. The province has a major responsibility, but it is not solely the province's responsibility. The municipalities do have a role. That was the misinterpretation that was attached to the court case in southwestern Manitoba where the municipality and the landowner, driven by the landowner, the decision was made suggesting the municipality had jurisdiction and then was subsequently appealed and reversed. I understand there is potential for an appeal again, no reflection on the

judgment or the interpretation of the act, only to say that there has to be a planning process eventually, no matter how we get there, or there will be an awful lot of court time that will be used up in dealing with these issues. That would be very counterproductive.

That is only in part related to one of the bigger challenges that we have in this province, and that is environmentally for years it has been unacceptable to build dams. I hope that mood has changed somewhat, that there is a recognition I hope in the public's mind that judicious use of retention and use of water will provide tremendous economic opportunity, that in a cyclical situation, if you do not have water retention, you will have excess followed by drought or you will have excess that runs off quickly and still have a drought. If you look at a map of the province where there is available land for irrigation, there is tremendous economic opportunity attached to that. I certainly believe that we can make it happen.

Mr. Struthers: The minister touched on a court case, a case involving Mr. Hildebrand [phonetic] in the southwest part of the corner. That was a question that I had marked here for later on, but I might as well go to that now.

I am wondering, I am actually worried about the impacts of an appeal, should the case go any way other than the last ruling. I am wondering about the impacts on the drainage review that the minister is undertaking at this time. As long as the next level of court upholds the last decision, it should not really impact a whole lot on the drainage review that we are going through now. It may help in sorting out some of the jurisdictional problems that have occurred with drainage.

I am wondering what the minister's take is on this question, this court case. Does he see it having an impact on the drainage review that is happening right now? Does he see it having an impact on the jurisdictional questions that we have in the province right now.

You know, I have been lobbied by R.M.s in the Parkland area fairly constantly for them to have the ability to block illegal drains. I am sure the minister has heard from R.M.s in our part of

the Parklands on that issue. I am quite concerned about the impact of this court case on the things that are happening in drainage in this province now.

Does the minister see that having a negative impact on the review that is taking place now?

Mr. Cummings: I am not going to comment one way or the other on anything other than what is the known outcome of the court case and the appeal that has occurred. I would rather dwell on the fact that we want a co-operative approach. In fact, to demonstrate that we are signing memorandums of understanding with municipalities and have been for a while, whereby some of the authority of the Department of Natural Resources can be delegated, although we know that legally we have not shed ourselves of the responsibility, but it brings them into co-operation with us in making decisions.

I have argued before, we cannot put enough drainage officers, if you will, on the landscape. I have had municipal councillors at public meetings who have challenged me on this issue and said: you do not have enough jails to put people in if you are going to try and control the drainage "unreasonably," I think that was the unsaid word, "unreasonably" being the unsaid word.

Almost all fair-thinking individuals out there know that if they are going to drain they have to do it reasonably, i.e., do not take away opportunity from your downstream neighbour. I am told that specifically there are 30 days available for the appeal that we are both referencing, the second appeal. I have no knowledge of whether or not it intends to go ahead. My view is that we have put every good effort forward to try and make this a compatible and palatable process out on the landscape so that it does not have to be decided in the courts and that the reviews that are going on today will provide direction that will allow us to structure a process that will provide better approval on the landscape for what is happening out there.

We are in part driven by complaints. That is not necessarily a good thing. There are two areas of problem however beyond the individual. The other area of significant problem is the

municipalities. The member referenced the fact that municipalities have lobbied for the right to close what they consider illegal drains or illegal drains period.

To some extent, I have argued that they know not what they are asking for in the sense that there are associated problems with seizing that authority as well, and they could end up having them settled in court as well. I think that our current approach of having a memorandum of understanding signed with municipalities has brought some middle ground to that issue, where in fact the municipality, with the agreement of engineers and supported by some facts, can make a decision to do some of this on immediate, very short-term decision time frame and deal with the problem and have enough support from our current act and from our professionals in the field that they are not exposing themselves to litigation or making decisions that see them as being entirely arbitrary in what they are doing.

I have some sympathy for the municipalities, however. Every time there is a flash flood in areas of where there is much elevation, they can have some pretty significant damages, loss of infrastructure. They have a responsibility to their taxpayers not to be letting their infrastructure deteriorate, but it is the same old argument that has occurred probably ever since right of ways and roads were first developed in agricultural Manitoba, and that is that the infrastructure is undersized, the infrastructure is oversized. It depends which side of the drain you are on. People want it off faster or they want it held back depending on the lay of their land, and those decisions always have economic consequences to the landowner.

* (1550)

When you are trying to make a living off the land, whether you flood it or erode it or leave it inundated on a back flood basis, all have significant economic impacts. People have every right to be upset and looking for litigation and other relief from this because, in some cases, I have seen a few of them, where they truly believed that it amounts to whether or not they can stay on the land in the long run. You can

only absorb so much bad water, if you will, before your banker starts to ask you when your production is going to start paying the bills.

It is an increasing problem, because the capability of moving dirt on the landscape today, some farmers individually have more land-moving capacity than the municipality that is trying to regulate them, and that is not a joke. That is clearly the case in many instances. Certainly two farmers together can move more dirt than the municipality can on any given day if they concentrate their efforts. Someone has to eventually take the responsibility and the authority, but it has to be done on the basis of a plan.

What I told the municipalities at public meetings, what we are telling them in letters and what our regulators out in the field are saying is: can you give us a plan and let us fit that plan into the watershed of the area? Whether there is officially a watershed conservation district or not, the plan has to fit with the capacity of the watershed to deal with the water; it is either that, or we are just transmitting the problem 10 miles downstream.

You might think that Portage is pretty flat when you drive by there, but you go south of the Portage a little bit, and we have some of the biggest fights over drainage in the province going on, because the capacity of some of the farmers to move water off their land, to move dirt, is exceeded by the capacity of the downstream municipality to deal with it. You have there a case of where the municipality downstream is being faced with problems being created by individuals upstream, because the municipality that the drainage is occurring in has not exercised any restriction nor, I would suggest, that there is a good portion of the drains are not what we would call "legal." They are probably unlicensed drainage. Once you have a drain in that is eight feet deep, the tendency is to try to make it work as opposed to try and make the farmer close it, but that is the type of dilemma that we often find ourselves in. If there is any elevation to the land at all, a tremendous volume of water can move anytime you get four inches of rain, so that is an example of where there are no winners and losers in this. It has to be a co-operative effort.

Mr. Struthers: It seems to me that many of the positive, proactive, common-sense, home-grown, grassroots solutions to many of these problems are being employed by the conservation districts in our province. I must say that I am very impressed with the tours that I have received of the conservation districts, and the people that I have talked to that manage the districts and sit on the boards of these districts.

The minister mentioned back flooding right in his backyard in the Turtle River Conservation District; I believe it is south of McCreary. There is good example of one landowner who, working in co-operation with the Turtle River Conservation District, employed that exact method. All indications to me were that everybody right around the table was pretty pleased with the outcome and the results and the information that they learned and the actual project that they did. I think everybody who has had anything to do with the conservation districts in this province end up being very impressed with the way in which they have been addressing this problem.

Mr. Chairperson in the Chair

Of course, that means that there is a lot of work that can be done in terms of education. It is good to see the co-operation between Natural Resources and the conservation districts for that purpose. Many of the programs that are undertaken are undertaken with the co-operation of the landowner who sometimes has been arm twisted one way or another into co-operating with a certain project. We had talked just briefly a while ago about incentives, and the minister talked briefly about it.

One of the incentives, looking back at the conservation agreements program, came from the taxman. I am wondering if there is anything in the area of taxes that can be done to encourage farmers who need to be convinced sometimes that holding back and retaining water for their own use on their land or simply to avoid problems further down in the watershed can happen. I am wondering if the minister has given any thought to alleviating the kind of economic hardship that a farmer may incur if the farmer decides he is going to retain more water than what he has in past years. Are there any

possibilities that the minister can see on the side of tax incentive for landowners in this area?

Mr. Cummings: The concept is good, but the problems are a little more far reaching than just dealing with whether or not there should be a tax benefit. If the land is permanently under water, then I guess the value of it for agricultural land would go down. I know that is not what the member is talking about. If he is talking about should there be a benefit accrued to a landowner who voluntarily allows water to stay for an extra week on his land, then I would have to ask who is going to accept the responsibility for providing that benefit. The benefit could probably only come in two ways. One is a direct benefit that is paid for holding so many acre feet of water for so many days or, conversely, reduced taxation.

Municipalities have traditionally taken a dim view of losing tax revenue, but, with one-on-one small projects, it seems to me that there are ways of dealing with that. If you have a confined watershed, there may well be those who are prepared to, if they receive a benefit from having less erosion down the road or if they receive benefit from having a stream supported that runs through their pasture on a year-round basis, then maybe there is an economic benefit to the direct benefactors that could be attributed.

I do not have a mechanism in hand. I am reminded that the American experience in this area was much as mine was with the conservation easement. The municipalities began to get quite uneasy about how far a higher level of government went in terms of redistributing tax revenues, if you will, when they were talking about their only source of revenue to support their infrastructure being based on the real value of the property involved.

* (1600)

I am not dismissing the fact that there could be ways of devising a program that would work, but I am saying that I would be interested to see if anything along this line comes forward out of our review. Certainly, when we reviewed the Assessment Act—and I spent many mornings starting at 6:30 and seven o'clock in the morning when we reviewed the aspects of that act, and we

had public review and we had clause-by-clause review within our committee. We thought we had looked under every rock, and you still find implications from how you attribute assessment that tend to make people feel they are unfairly treated if someone else is getting a benefit that they are not.

I look more to local conservation districts and/or local management of resources to deal with that issue more than the fact that the province could make it enabling. I think that has to be a decision that would be more—I attribute this to situations like Big Grass Marsh, where in fact some of that marsh should stay under water for longer. Some of the highest assessed, or what could be some of the highest assessed land if it was ever allowed to stay dry and be productive, is adjacent to the marsh. Who is going to pay for the \$6-million ditch to get the water out of there fast enough to get it down, or should it ever be drained? I mean, that becomes a very large policy issue, not just the landowner issue, because it is also the same issue around Lake Dauphin. Should someone who wants to cut hay close to the shore of the lake take precedence over the person who is a commercial fisherman or what is now one of the largest sport-angling opportunities in Manitoba if that water is impeded upon? So it is not just a one-issue discussion. It is a total management package that we have to use to deal with this, and providing benefits for retention is something that probably is going to vary with every location.

The Alonsa Conservation District has promoted backfloods. The benefits are obvious to the people who backflood, but traditionally that has been tied to drainage. They have to have the ability to drain, but the backflood is a benefit in and of itself because they retain water longer, rather than just let it go.

Other situations like Wilson Creek, I think it is, where we have an alluvial fan that we are holding back shale on, that land had to go into public ownership pretty well because it is nonproductive. It is just habitat now, rather than have it as agricultural. There is other land in there that I think the member and I are both familiar with. I suspect that the only way retention is going to work there is if it goes back

into public ownership or at best some kind of co-operative management where the landowner receives a benefit other than from normal agricultural practice.

So I am going to rely on more input from these areas of public review. When you have an irrigation review going on as part of this and people looking for—let me rephrase that. When the opportunity for irrigation is part of this review, if people wish to piggyback that discussion into this, then water retention there, people will do it for their own self-interest if we just let them do it. It becomes more permissive, perhaps, than it is monetary. Can they be entitled to hold some water rather than let it go, because the law in this country, I guess it would be fair to say, is that you cannot without a licence hold back bodies of water?

Mr. Struthers: What I am looking for are ways in which we can deal with part of the problem. The part of the problem that we were looking at is getting around the problem of land being drained and moved onto your neighbour. I understand that the other side of the problem that the minister just pointed out is that in some cases it is more permissive than economic, although it is good economics to irrigate. That is what the member for Arthur-Virden (Mr. Downey) has been telling me anyway for the last four years that I have been here.

Has the minister looked at other jurisdictions, other provinces? Are there any other provinces or, heck, even states that have taken seriously an incentive program to slow the drainage of water, to encourage landowners to hold, whether it be for a few days or a couple of weeks, to alleviate the problems that we see every spring with one landowner getting angry at another landowner because of an influx of water from one to the next? Are there any other incentive programs that the minister is aware of that we might be able to adapt for our use here in Manitoba?

Mr. Cummings: Incentive is probably not an aspect that I have a lot of additional examples that I could use, but it struck me when I was listening to the member that what he is talking about is exactly what our water engineers are sometimes so severely criticized for out on the

landscape. Somebody wants to move four- or five-acre feet of water, you know, a measurable volume that you want to move into a public ditch, ultimately into a provincial waterway or a creek or whatever. They said, okay, you can do that, but there has to be some conditions on it. You put a gate on it and you do not let it go until the main run has left the area. That would accomplish exactly what the farmer wanted and accomplish what the member is talking about.

The trouble is that that is seen as a regulatory decision, but whether it is handled on a regulatory basis or whether it is handled on a co-operative basis, the example I used, the farmer is gaining the benefit by getting the land drained. The benefit to his neighbours and to the watershed is that he is controlling the drainage. The issue very quickly becomes who manages the gate, because when that gate is opened is the key to when they will be able to do whatever it is they intend to do with the land.

*(1610)

Under normal circumstances, that might not be a problem, and this is why there needs to be some kind of responsible authority, be it a conservation district, be it a municipality or the province that has some way of managing this, because there have been several instances that have come to my attention in the last couple of years where we have done this exact control, but those dam gates keep opening. You know, it must be kids on Saturday night having a party and they go and open the gate, would be what people would have us believe, but that is the kind of issue that arises from the guy downstream who is getting wet, and the guy above him is planting land that used to be year-round pothole. It has to be a balance between co-operation and regulation and a common-sense solution, either that or it just will not happen, because the courts will step in.

There are lots of examples where natural law would, I think, rule in favour of stopping people from draining because of the negative impact on their neighbour. I know of examples where it only took one phone call or one letter from a legally trained person to get the attention of a municipality or of an individual in dealing with their drainage, but I do not favour that

approach. I favour a larger management approach. To accomplish that we will likely need conservation districts on a basin-by-basin basis across the province. That would be my goal.

Mr. Struthers: The last type of a question that I want to ask in terms of drainage has to do with jurisdiction. I will use an example from right in the Rural Municipality of Dauphin that I came across where it seemed to be not only confusing but unfair for the Rural Municipality of Dauphin.

Along the Wilson River, which I understand, and maybe the minister could correct me if I am not correct on this, the Wilson River is a provincial responsibility, but the parts of the Wilson River were funded back in the '60s or early '70s through the PFRA. What has happened with the river, I suspect, the flow of the river has been increased quite a bit through some straightening of the river that took place a while ago. The course of the river changes over time and impacts on the infrastructure that is there.

In this case it was a road that the municipality had jurisdiction over. It was washing off a good part of the bank along this road and really making a very dangerous situation. I toured through the area a while ago. The R.M. had put some stakes up and some bright orange ribbon so that people could see the edge of the road, which, if you did not see the edge of the road, you would end up in the Wilson River, off quite an embankment down to the bottom, I might add. Parts of the bank were in the process of crumbling away and being washed down the Wilson River.

Now, when I got looking into this, the jurisdiction seemed to be the provincial government, except for a short span of the river on the west side of the road which had been funded in the past by PFRA. The road and east of that particular area was not funded by PFRA. That is where the damage was occurring. The municipality had to act because it was a dangerous situation. There was barely enough room for a couple of half-tons to pass each other there, let alone anybody with anything sticking out the back of their boxes or any kind of farm

machinery being moved. The bottom line was that the R.M. got stuck with a bill that it was not counting on, and it was quite a hefty bill to fix up what was a dangerous situation.

It seemed to me that part of the problem was that between the Department of Highways and the Department of Natural Resources and the R.M. of Dauphin, nobody really knew exactly whose responsibility what was. Of course, the R.M., being at the bottom of the heap, ended up getting stuck with this bill.

I suppose it is too late to try to squeeze some money out on behalf of my constituent R.M., but I do not want to be put in a position down the road where there is a fight over jurisdiction and having an R.M. looking for these kind of answers. Can the minister foresee, maybe out of this review or any other process that he has in mind, can he foresee a straightening out of the jurisdictional battles, the jurisdictional jungle out there, it seems, so that R.M.s do not end up in this kind of situation in the future.

Mr. Cummings: I do not think I can answer specifically the question around the Wilson that has been raised. Interestingly enough, if this particular incident came to my attention, I missed it, or I have forgotten about it. I do know that our approach generally is to try and get all of the affected jurisdictions together or the relevant jurisdictions together and work out an appropriate solution as to who is going to do what when. I know the question basically was asking: so should there not be one responsible party? Sometimes we have inherited historically projects. I would not begin to hazard a guess even why PFRA was involved in this. They certainly are usefully involved in a lot of water retention and/or in some cases, I suppose, drainage projects. Drainage would be more the exception, I have to think, though, certainly by today's policies.

It is not entirely unusual to have a drain that would have two or three responsible parties, depending on where it starts and the property that it is on. Generally speaking, however, the province ends up in the middle of these where they are provincial waterways. If the municipality wants to modify a creek, that is a natural runway, and, as I understand it, that would

generally be their responsibility. What you are dealing with is a highly modified waterway. The only way you can straighten out what you have just described would be to get all the parties at the table and try and develop a management plan if there is not one already in place. It strikes me that the municipality, if they were losing a road, might have been eligible for DFA if this was a particular event. If it was something that has built up over a period of years and then it becomes a maintenance issue, I really cannot answer it beyond that without getting into more history as to how the various responsibilities have evolved. I can say, however, that it is not unusual to have some disagreements over who is responsible.

We have quite often our own view of who is responsible and municipalities will disagree. Then we do have a problem because the public just wants it fixed. Our approach has been to find a solution and not spend years deciding who did whom to what 10 or 20 years ago.

Mr. Struthers: I am fairly used to dealing with some jurisdictional battles when it comes to water. That is where you have different classes of drains, and a lot of it depends on the size of the river that you are talking about. In this particular case, and I can see what the minister says, that that is fairly common around the province, that there would be a small tributary running into a larger drain or a river, which has already collected, maybe from a farmer's field, from a smaller tributary. Those kinds of jurisdictional battles make a little bit more sense to me. I would think those are the ones that are most common around the province. What I came across in this particular instance, though, was not a case of a small little runoff into a tributary into a larger tributary and then into the river. It was a case of the Wilson River itself became a patchwork.

* (1620)

When I approached the people in the Dauphin office for Manitoba Highways, they showed me a map, and they had taken a highlighter and highlighted in yellow the parts of the Wilson River that were funded at one time through PFRA. It just seemed to me to just absolutely compound, make a lot more con-

fusing, the whole jurisdictional question when it comes to drainage in Manitoba. There were chunks of the Wilson River that were a provincial responsibility, and there chunks of the Wilson River that were federal responsibility. I think the history of it is that PFRA at one time was asked to get some special funding for special projects that took place along the Wilson River. Then they just, I suppose out of the goodness of their hearts, continued to add funding to it over the course of the years. They decided they were not going to do that after a while; they were going to save themselves some money and all of a sudden, instead of the whole river being the responsibility of the Province of Manitoba, the R.M. got caught in the middle and ended up having to pick up the tab for the damage done by a provincial waterway.

I am a little bit surprised, maybe I am unclear, but I am surprised that that would be a natural thing around Manitoba—not so much natural, but a common thing, common happening. Are there other rivers around the province where PFRA is responsible for a certain chunk of that river and the rest of that river is provincial? Is this just something that happened through special circumstances on the Wilson River?

Mr. Cummings: The only thing I can add, and perhaps I should be more aware of the Wilson, I have been there. It is highly modified. In most places in the Wilson, it looks like a drainage ditch or a modified ditch, a big one, for that matter. It is not your average babbling brook. It has totally been modified. I think that explains part of the problem. People got projects undertaken, especially with PFRA.

Just from our review, I just want to put in the record—and this actually supports what the member for Dauphin (Mr. Struthers) was raising. At the Dauphin meetings, what do you see as the key issues? By far, the biggest issue was need more drainage works. Then you go over on please rate the importance in your area of the various issues, and the most important issue was defining jurisdiction. So the affected councillors that the member was talking about were probably at this meeting explaining their problem.

But the second most important issue was local involvement. On the other hand, I could, tongue in cheek, say: so they want defined jurisdiction, but they want local involvement. Does that mean they want responsibility and have somebody else pay for it? That would be a tongue-in-cheek question. I do not mean to insult the councillors, but, interestingly enough, those were the two top items. The third one was licensing, and the fourth one was fish habitat. So it was issues that we are well aware of, but there was not much difference between, frankly, the top four issues. All of those creeks all the way around that fringe of the mountain are so modified now that I know that is the source of the jurisdictional problem. Perhaps there needs to be some straightening out, same as we have done with Highways, but municipalities would cringe to think that they may end up with some of this drainage responsibility. The Turtle River Conservation District might be seen as a logical responsible party.

The problem is that in the end somebody has go to make a hydraulic decision as to what appropriate loading is, how much volume can go through these areas and in some cases, I suppose, what the impact is on—you get up there, that alluvial fan that I talked about earlier, tremendous wildlife value up in there too. You want to drain some of the land with high wildlife and habitat value, and it will soon change the whole aspect of that area. It does require that it be part of a master plan which the conservation district, because of its local involvement, is usually the best vehicle to deal with. I know of other conservation districts where there is a three- or four-way split over who is responsible on crossings along the drain that runs alongside a highway. Then it gets very complicated because Highways has certain responsibilities, and it devolves from there.

Mr. Struthers: Mr. Chairperson, certainly the minister has put his finger on many of the problems with the Wilson River. There are seven rivers that flow into Lake Dauphin, and you can almost say the same about each of the seven. There is one, the Mossy River, that flows out of Lake Dauphin. Earlier on, the minister was talking about who gets to control the gate. That is a question that can really be asked with some meaning.

Mr. Cummings: Only the really brave in the case of Lake Dauphin.

Mr. Struthers: Yes. Well, it is still ultimately the responsibility of the minister, so I hope the minister is a brave man. He has a Lake Dauphin advisory board who can advise him on this. Anytime somebody comes and asks me about the gate on the Mossy River, I will be sending them to the minister maybe. I am sure the minister would not mind that.

One more question when it comes to drainage; then I am going to turn the mike over to my colleague from the Interlake for a few minutes. [interjection] They do not have problems in the Interlake, do they?

I am interested in time lines for the review, when the minister expects to have a report that would be ready and when he can be then considering some changes to The Water Rights Act and that sort of thing. So, if the minister can give me an indication of what he is looking at as far as how long this process will take, are there any deadlines that the public should be aware of, and when he thinks he can be recommending some changes to The Water Rights Act.

Mr. Cummings: I will be providing the results—well, we have got the results of the reviews. We will be getting feedback over the summer, early fall on both of these. The allocation will be later. It will be one that will be a little more into the fall area. Then it would be a matter of a lot of hard slugging to put it together into a framework. The basis for the information will be established this early fall, and then we will start dealing with the issue, putting it into a framework that can be either—I see a second round of feedback on this, frankly, because I do not think there is going to be enough unanimity. We are going to have to put some concepts based on this information in front of the public. Not to avoid getting on with it, but this is so critical that the major players agree in principle on the elements of any changes that we make. Particularly when we are going to amalgamate three or four acts, we have to have the major players comfortable with the direction that is chosen, or it would become a very arbitrary and difficult process.

The first plateau would be early fall. Then we will be able to focus directly on some of these issues, as the one I have just outlined where they were asking for in the Lake Dauphin meeting, for example, the local involvement. Just what does local involvement mean? Do you have conservation, drainage, water basin? I know where I want to be, but I want to make sure that I have the public comfortable as well.

Mr. Clif Evans (Interlake): Mr. Chairman, I appreciate the time provided me by my colleague to ask a few questions of the minister. With the minister's indulgence, can I jump around from topic to topic on specifics?

Mr. Cummings: I probably could not stop you, Clif.

Mr. C. Evans: First of all, my colleague from Dauphin was discussing drainage with the minister. As the minister is probably aware, drainage has always been a big factor in the Interlake area with many projects that have been requested and needed in the area, cleanups especially.

Just a general question: has the minister's department done anything or perhaps looked into providing an amount of resource, financial resource, for maintenance and upkeep of existing provincial drains that I have noticed in the last many years, I think, would be one of the problems that in certain areas they have, because the drains are not maintained properly? What is in store for the department, if anything?

Mr. Cummings: We are maintaining the status quo in terms of the allocation in that area.

* (1630)

Mr. C. Evans: From what I gather, there is not very much, if any at all. The minister says status quo. As I say, status quo is not much. Has the department been approached by municipalities and other people within the province, say, even within my area regionally to address that issue of maintenance? Instead of spending thousands and thousands of dollars having to do major work, I would think that a program put in place to do yearly maintenance on different drains and requesting the different municipalities to put

their priorities down, send their priorities to the department to deal with such issues would be a good idea. Are the minister and his department even considering that?

Mr. Cummings: I think it is fair to say that—and I am sure the member for Interlake (Mr. C. Evans) is well aware of this—it comes down to decisions that were made on spending priorities. Yes, we would be quite happy to have more that we could put into maintenance and upkeep and, in some cases, expansion of the provincial drainage works. This department took a considerable reduction in engineering branch of the department, and our capital expenditures have been steady in the last few years, but they are at a level that makes it very difficult to keep our drainage responsibilities up in top condition. We have an ongoing number of projects. It is another reason why we have always encouraged, where possible, local infrastructure, local works be taken over by local bodies. But most jurisdictions and, I would be almost 100 percent sure, most municipalities are not interested in taking over provincial drainage works. Frankly, I am not pushing that they should.

We have just about 4 million for maintenance and operation and just about the same in capital in that area. We could undoubtedly spend more. We tried to deal with maintenance on a priority basis where there are problems that have arisen. I do not know if the member is thinking about ongoing maintenance of keeping them cleared or whether he is thinking of situations like Dennis Lake where there is an expansion that should be done in the eyes of the local people, and I do not necessarily disagree. I had to be quite frank with them when they were in that I did not see the capital being available to do that in the near future. That goes beyond maintenance to expansion. Of course, unless the member wants me to, I am not going to get into debate about why the water is there in the first place. There are serious issues around that lake. It is very high, and people have a problem in the area.

If I could just interject, before I leave that point, I have been part of meetings. I am told there are going to be more discussions occurring again shortly to discuss possibility. Upper end

of Netley is still at issue there. If we can get it fixed, then we can look at Dennis Lake.

Mr. C. Evans: The minister must have read my mind because my next question and point was Dennis Lake—

Mr. Cummings: We are just trying to spend all that money out in your country, Clif.

Mr. C. Evans: Well, he says he is trying to spend it, but I do not hear any cash registers clinging out there, but as far as Dennis Lake, I was going to raise the issue. I had some correspondence and some discussion with the R.M. about it, and if the minister would recall, we did discuss it in last year's Estimates quite thoroughly. Now, I have been informed that there are two possibilities in getting that issue of Dennis Lake undertaken. The costs are fairly similar. I was under the impression that there was going to be something done, though I do know about the Netley Creek issue. I know Netley Creek has been an ongoing upgrading of that drainage system for quite a few years now over a period of time. Certainly one of the ways to alleviate the Dennis Lake problem is to go to Netley Creek. The other one is, I forget exactly which drainage system the other one is, but Netley is one of them.

Mr. Cummings: Washow Bay.

Mr. C. Evans: No, it is not Washow Bay. It is a little too far. That would be very costly. Yes, it is an issue out there, the height of the lake and everything else, so I am hoping that the department will in fact undertake further discussion and also perhaps some further work in that Dennis Lake area.

That area, because of Dennis Lake, is touchy. There are so many drainage systems that are affected by it. I know it has been an ongoing thing. I have been hearing about it for nine years, as well as other drainage systems, but Dennis Lake, I would think that with council's support, which there is in getting that level down and doing something about the water. It is affecting a lot of producers in the area with the water.

I cannot remember the allocations or the funding that is required to do whatever work. Off the top of my head I cannot think of it, but I am hoping, and I know the R.M. was going to be approaching the department by letter, by correspondence about some of the funding. I am wondering if the minister has received that and which way has he responded.

Mr. Cummings: Specific to your question whether or not we will be spending money on Dennis Lake, I am going to take the opportunity to poke the federal system on the record, because it appears that the allocation we have for Netley Creek is not going to be spent because we cannot get the environment licence. It is fish habitat, which they will not delegate to us. So we need the environment licence and they have to give us approval. I do not know how important you view or the local people view Netley Creek as a spawning area for fish, but the federal authorities have been for two years now withholding approval to do the improvements on Netley Creek. There is a cumulative effect that is hurting in the end your people if the solution to Dennis Lake is to put some water into the upper end of Netley Creek. So that is the bad news. I do not know whether there is any good news or not, except that as soon as we mention Dennis Lake, my deputy informs me that we are going to be meeting to discuss the issue further.

* (1640)

Mr. C. Evans: I am pleased to hear that there is further discussion, and hopefully we will address it in the very near future. Mentioning drainage systems, the deputy did relate to Washow Bay. Has the minister and the department come to any decisions or any meetings as of late with anybody from the R.M.? I am not sure, and I could be wrong, whether it was this minister that the R.M. approached, or was it the previous minister, just in the last couple of years, but what is the status with Washow Bay, the next phase?

Mr. Cummings: I mentioned, tongue in cheek, Washow Bay because I have been aware of Washow Bay issues probably for 10 or 12 years, but there has been a meeting since I have been in this office. I am reminded that we agreed to looking at some works there in phase and that we agreed to jointly expend some money there,

but I cannot tell you whether or not we actually did it. I know it was not completion of the project. It was some minor works or some, well, not minor, but some work that we were doing in a phased way to enhance the total project. I would have to double-check. I am getting positive nods that it was done, but what was the amount? We will provide that information.

Mr. C. Evans: Thank you, and I would appreciate that information. I want to jump here from drainage to fish. As the minister is probably aware, there have been a few projects attempted in the area for fish hatcheries. The one that comes to mind is the local one at Riverton that was attempted and, unfortunately, for whatever reasons, did not get off the ground. I know they have had to move it. Is the department providing any sort of resource or are they working along with the communities as far as the fish hatchery in that area goes?

Mr. Cummings: I will have to in writing or otherwise provide further information, but my recollection is that we were quite active working with the Riverton local group in the community. It would be our memory that that has kind of tailed off in the last year, that there has not been much activity.

I recall that we had a die-off of a bunch of the spawn, and we are not sure what the—well, I think we may have known what the cause was at the time, but, by memory, I cannot put on the record what the known cause was, whether it was a water issue within the hatchery itself. It is entirely possible. So my understanding is that we do not think it has been that active this spring. There are a number of others that have. I am sorry, I was a little taken aback when you asked about Riverton. That is one I am not up to speed on.

Mr. C. Evans: I thank the minister for that response, and it will be helpful if he could provide me with an update on that one. I know I have talked to some of the locals just lately and—[interjection]

Mr. Chairperson: Order, please. We are getting pretty friendly here and that is good, but we do want to follow the process. I recognize

the honourable member for Interlake to pose a question to the minister.

Mr. C. Evans: Will the minister then, which is a question, be able to provide this member with detailed information? I have talked to the fishermen in that area, and, yes, I am sure they would want to continue with that process. Also, I cannot remember where it was moved to, the station itself. I believe it is not in the community anymore, as it was, because of the water problems, but if there is a chance, I would certainly hope to see that fishery expanded.

The fishing in my area this year, the last couple of weeks, has been very good, which I am very pleased to hear, just pockets here and there that the fishing has not been that good. But the issue of the start of the season is always an ongoing issue. I know the department has changed its policy on the start of the season and how they are going about getting it started, and the fishermen are always questioning that. Can the minister indicate just how that is working out for the last couple of years, how the new process of beginning the season is working out?

Mr. Cummings: Not having personally checked this out, but the cycle appears to be on the upswing, an improvement. This is an interesting area for me primarily because it was so new to me when I came into Resources, but it struck me as a perfectly logical approach when we moved to delay the opening so that some of the spawning or a bigger percentage of the spawning had occurred before fishing began in earnest by the commercial fleet.

I have had little or no public feedback or written complaint or oral complaint, for that matter, by the fishing community on those changes, and I would submit that there is a reason for that. It is pretty hard to argue, when you on the one hand rely on the viability of the fishery, to argue on the other hand that you want to be out there catching them while they are still spawning.

I would acknowledge that there are a lot of factors that have impacted upon the quality of the fishery. By quality I mean the volume and availability of particularly the pickerel in the lake. It is always an interesting debate listening

to the professional fishermen about effort versus the amount of fish that are there. There are always those who will argue if you just put in a little more effort you would get the fish that you are supposed to get and that the fishery is actually declining because fishermen are not fishing as hard as they should be. That argument might work sometimes, but, frankly, we have to make sure that we have the volume of fish, and the improvement of the year class, according to the tests that have been reported, it would appear that the fishery is improving and that those who have been quite earnest about making a living from the fishery here are, in fact, doing reasonably well.

One of the big problems on the lake has been the wide discrepancy between the value of pickerel and the value of whitefish, particularly when you get into the north basin and whether or not it is worth going after the whitefish. But to make a long answer shorter, I am quite comfortable that the policy is working and it seems to me from a biological point of view that it makes sense.

Mr. C. Evans: I thank the minister for that. That has been the feedback I have been getting. There are always some dissidents that still believe if they cannot get out there early enough it is going to hurt. I think the argument has been made, and they themselves have said that you cannot be fishing when it is not ready and until a major percentage of spawn has been delivered, it will just wreck the season and wreck the future of the industry. So I agree with him on that one.

One further and last point, and that is a copy of the letter that I received from the Matheson Island Community Council that was written to the minister in May of this year, and I understand there was a meeting a few weeks ago with the logging association loggers here with respect to the protected area initiative. By the tone of the letter and the people that I have talked to about this, it seems that this area that is in discussion seemed to be proposed without any real consultation with anyone: the communities, the loggers, First Nations people. Can the minister enlighten me on this issue a little more? What kind of response are we going to see from the minister to Matheson Island and to the other people who have raised this issue with him?

* (1650)

Mr. Cummings: I cannot visualize the area. There is an answer coming to questions that the community has posed. I think I understand the genesis of the concern. There has been a request for a set-aside of probably what would be described as quite a large area. We have not made a decision under the Endangered Spaces protected areas policy. There needs to be further discussion as to what is appropriate.

These questions seem to swing two ways depending on the area you go into. Some areas, people are asking and certain interests are asking keep this area small, confined. Other areas, where there is perhaps a recognition by the aboriginal community that their traditional uses can continue, they, perhaps for their own purposes, want to have a larger area set-aside. We do not automatically accept the larger area, even though that would seem to be the objective of the Endangered Spaces Campaign that you get as much land as you can set-aside there.

What we are trying to do is to come up with areas that are appropriately defined under what would be appropriate lands. There is no use setting aside land that does not have some enduring features that need to be protected for the future. So we need to have about three or four different schools of thought come to a mutual agreement on what is an appropriate set-aside. There has to be the community interests, whether that is aboriginal or community in the larger sense.

There are very often two different interests at play there. There are industry interests and there are the defining areas within protected spaces that need to be satisfied.

I did not put this on the record earlier when discussing it with the member for Dauphin (Mr. Struthers), but the fact is the Manitoba Department of Natural Resources employees have been recognized nationally and probably internationally for the work that they have done in defining the enduring features that need to be preserved within the protected areas.

That is the other qualifying interest that needs to be dealt with at the table. Because we

have got them under consultation, we get some credit for moving towards protected areas.

When we deal with a request, one way of responding is that a temporary freeze or a temporary designation is put on an area. It could be considerably larger than what will ultimately be protected area. I believe what has happened in the area that you are referring to, that the requests are known, and it causes the logging industry and others to become very uptight if they think that the requested area automatically becomes the protected area. I am quite willing to put on the record that that is not so. Generally, the area that ultimately ends up being a protected area does not resemble what the original request might have been because the request, in this case, I understand, is coming from certain interests within the area, not from the department.

The department will ultimately define the area and do that in consultation with all of the various interests that I described a moment ago. We avoided going in and arbitrarily saying here is the area. But the departmental officials will know what area they would like to have, and there are lots of ways of skinning the cat in terms of boundaries for protected areas. There are certain historic interests. There is enduring features from the geographic and ecoregion definition, if you will. Frankly, what happens is that there is some resource area that probably will end up being eliminated from logging, if you will.

We generally work very closely with industry and with the community to define an area that is acceptable, in the main, to all parties that are at the table. Most progressive logging communities recognize that there has to be some protection put on parts of the province. What they want to know is if they have sustainable logging opportunities for long-term viability of their businesses, and we do everything we can to make sure that that happens, as well.

Mr. C. Evans: That does not explain why a community such as Matheson Island would be writing to the minister, nor does it explain or conclude that all the players were informed. The question of the council from Matheson Island, they want to know about this project. When I

was talking about this issue with the loggers and some of the quota holders, they did not know what was going on. All of a sudden they heard that this Fisher Bay area was going to be part of the protected area initiative.

So I am hoping that the minister will provide—and I would certainly hope that the answer that he provides my community and the quota holders is copied to me for the full information as to just where this project is at and really answer the question of why were the quota holders not and why were the people not really informed that this was going on and that this proposal was in place. [interjection] Well, they are asking: so why?

Mr. Cummings: I have been at a meeting where at least one representative of the quota holders in the area was there, and he was quite uptight, as the member has just described, about: so why have I not been included in the discussions up to this point. Because the discussions are only just starting. Nobody has made a decision. No set-aside is going to occur. That is why I made the comment I did earlier. You may have felt a little out of context at the time, but if you tie it to what we are just discussing, an area that is being considered is probably far larger than and, in the end, may bear no resemblance to what is agreed to as an acceptable set-aside in that area, acceptable in terms of the community, acceptable in terms of the campaign for protected areas.

* (1700)

Frankly, and I want to put it on the record, there are people out there, not necessarily in this community, but there are people out there who have been deliberately using maps that have almost, in some cases, concentric circles drawn on them where the area of interest here and the area of interest here and the area of interest here, and they draw the circles big enough so you have almost the whole landscape covered with areas of interest and the loggers, in particular, look at this and say: So what is left for me? The fact is those maps are to begin discussion. They are intended to get people thinking about what—and obviously they are doing that—could or should occur in the area, and I am quite prepared, as I just put on the record, to say that

no decisions have been made. Decisions will only be made after there has been discussion and input and hopefully general agreement on what is an acceptable area.

Now I will acknowledge, however—let us not guild the cookie prematurely here or sugar the cookie, pardon me, prematurely here—there probably will never be entirely unanimous agreement when any kind of harvestable timber is going to be taken out of production. There likely will be some, but it is our job to make sure that the quota holders in the end can have a sustainable harvest area, and that will be a challenge.

Ms. Rosann Wowchuk (Swan River): Mr. Chairman, I wanted to ask first of all a couple of questions regarding the report that was just made public the other day with regard to the Lake Winnipegosis commercial fisheries. I would like to get the minister's views on the recommendations or the planning elements as to how he proposes to implement it and how he plans to involve local people. The reason I ask this question is because local people in Duck Bay, Camperville and Pine Creek are very concerned about the future of their ability to make a living on that lake and have been doing some organizing amongst themselves and have been putting some proposals forward. In fact, they are just in the process of, in the next few days, electing a lake management board to make decisions on their part of the lake. That is their plan. [interjection]

Camperville, Duck Bay and Winnipegosis. So I am wondering what the minister is proposing to do with this report and, if the board is going to be appointed, are the local people going to have input into who is put onto the board? Does the minister appoint the chair and what kind of time frame are we looking at to implement this report? Where does the minister really see it going?

As I look at the rehabilitation plan elements, it says a plan for the walleye fishing recovery should include the following elements, and one of them is the reduction in commercial harvesting. That one I know causes concern, because here we have a group of people who are looking at how they are going to make a living.

More families used to live off that lake; now they cannot, and the recommendation of the consultant is to reduce the commercial harvesting. So, if the minister could just tell us what advice he can give as to how he sees this report being implemented, what he sees happening with it and the involvement of local people in rehabilitation of that lake.

Mr. Cummings: Well, the member asked what is my opinion of the report. Well, it is another piece of information that we can—frankly, I am not going to get into the debate about some of the specific recommendations, although we could. My intention is to take this information now and appoint a board for the lake, and interestingly enough, I am not sure whether somebody is playing games or whether we have an overlap of interest. I am assuming it is the best efforts on everybody's part; I am not assuming anything negative, so I retract the term "playing games" because I do not want that to happen.

I was of the understanding that most people in the area, however, knew that I intended to appoint an independent board to work with this and that independent chair, with all of the various interests of the lake there to set up a management advisory board and, frankly, I have been challenging the local fishery for about three years now to come up with a plan that we could work with because I have said on the record before and I will say it again that Lake Winnipegosis is in such a mess, both environmentally—it is not a huge environmental mess, but there are environmental issues around it. There are mesh-size issues; there are quota issues, and everybody has their own idea about how to deal with it and everybody has their own lobby effort to change the fishing quota, to change the mesh size.

We are all over the map on these issues, and what I have said to anyone who will listen to me in relationship to this issue is that Natural Resources would be seen to be the enemy if they come in and impose the solution. This has to be driven by the stakeholders in the area as to what they want to do with their lake. We have the larger responsibility to deal with the issues and to enforce regulation, to do environmental cleanup where appropriate. All of those things

we recognize as our responsibility, but we need to have the involvement and the support of the people in the area.

The sport fishery and the commercial fishery do not agree. The farmer/recreational interest in the area, the aboriginal interest in the area, well, they all should have a common goal. They seem not to be able to agree on much of anything.

Mr. Peter Dyck, Acting Chairperson, in the Chair

Therefore, I was moving toward the appointment and will within the next three weeks or a month have an independent chair in place and invite representatives from the various interest groups to sit with him to provide direction on what should happen in this lake, and if we can get good advice and direction from them, we will act as a regulatory and enforcement agency to support them. But I do want to bring a round table type of decision making to the lake.

We have been sitting back perhaps longer than we should have, encouraging them to come in this direction, and I guess I am a little worried that all of a sudden the fishermen's association is saying, well, I guess we are going to do this. I am have been asking for three years, two and a half years, all the time I have been in this department, for a plan, for an agreement on where we would go, and it did not seem to be happening, so we had this study in place and now, based on the information that has been produced here, I think we can move forward, and I am not anticipating any disagreement. In fact, by pure coincidence I was talking to a person from the shore of the lake on the way in today on my phone, not anticipating Estimates but because I had returned their call and I get a little different view from them about the intent behind this meeting. They are setting up an executive, they are setting up their organization, and I anticipate that we will be able to work cooperatively. There is no reason why this association could not function within the framework that I just discussed.

Ms. Wowchuk: I was at the meeting a couple of weeks ago to listen to what fishermen were saying, and I sensed that there is frustration because they are not getting any answers. The

minister says there has been no proposal put forward, but I think that there was one proposal, a lake management proposal that has been put forward. I am looking for clarification because I say that there is another meeting tomorrow, and I hope that what will happen is that there are different groups—and this group is Duck Bay, Camperville and Pine Creek—that they will form their association and take on certain responsibilities.

My question is: how does this fit in with the other plan? It is a very big lake, and there are people in Dawson Bay, there are people in Winnipegosis and there are people in other parts of the lake that this has to fit into. The minister talks about appointing the chair. Will the other board members then be elected or selected by the fishermen, and how large a board does the minister envision having here to implement this plan? Will that board then have the ability to look at this report and decide which parts of it they want to implement, or is this the manual that they have to follow as a board to rehabilitate the lake?

* (1710)

Mr. Cummings: I am not in any way wanting to reduce the opportunity for input. I want it to be a process where people feel comfortable providing input and satisfied that they are being heard. I am anticipating a nine-person board with an appointed chair. I look at the recommendations as to how that board could be made up, and I think that is an appropriate recommendation.

I will listen to arguments if there are other ways that we could strike the board. For the sake of this discussion, I have heard recommendations provided to me from both extremes. One is that the commercial fishermen believe that they should be taking on the full management and responsibility, to the other end of the spectrum where the aboriginal community said: look, we will do this for you; we will run the whole lake. Either extreme was not said with anything except the best of interests, I understand that.

Both those interests need to be at the table, and there have to be other interests at the table as

well, including the recreational sport fishing interests. That will stir up a few people on both sides, but, frankly, there are those who believe that that is an important potential for the future of that lake, as your colleague from Dauphin, I think, would support me in saying that recreational fishing that has now been restored to Lake Dauphin is one of the best things that has happened in that area for quite a while in relationship to that lake and fishing industry. I think he is agreeing with me. Thank you.

The recreational aspect has to be included in decision making around this lake, along with the various interests and the communities that are involved. If we can fit that into a nine-person board, one of whom I am going to pick, it might take a little work.

Ms. Wowchuk: I want the minister to know too that I want to find a way for this to work. Ever since I have been elected, I have always talked about Lake Winnipegosis and the need for improvement of fish habitat and all of the issues that are addressed in this report, whether it is the cormorant or Fairford Dam or fish hatcheries, all of those are issues that we have raised before. We would want them to be looked at.

I think that we have to find a way, and the minister should know that we have contacted—working with these people. This was not an attempt to override this report. There is a group of people that wants to improve things. They have made application to the minister for funds for a fish hatchery. In fact, there was money that was allocated and then stopped because there was—due to fish enhancement grant. There was money that was then stopped because there was disagreement with the communities, but we have made contact with the Swan River fish enhancement association. We have made contact with the soil conservation district to see whether they have any role in improving fish habitat, and we have made contact with federal departments too.

We as a community are trying to work together to resolve the problem, so I am hoping that what we are doing with the residents of the area will not be in conflict with this board. What I am trying to see is how this can be worked out, but also for the minister to be aware that those people who are meeting on Wednesday to elect a

board for the Camper-Duck fishermen's association are also putting in place some pretty strong guidelines or by-laws that they intend to operate by. I want to go back to my constituency and give them some advice as to how this board will work and what power the board is going to have that is being elected. That involves the First Nation and two Metis communities that are also trying to put a management board together. We do not want conflict, but where do we go from here on this?

Mr. Cummings: It is a key point, and it is a matter of perception, I hope, more than it is of disagreement. In the end the authority will rest with me. I am stating for the record that I intend to appoint the chair. I will appoint the rest of the board as well, but I intend to take advice on who those should be. I will take advice from the various communities and from the associations on the lake. I anticipate the commercial fishermen will feel that they would not be given adequate opportunity on an eight-member board, on which they might not have the majority. I anticipate the aboriginal community will feel that they are being short-changed by not having the majority. Nevertheless, if they are at the table in sufficient numbers to also be part of the discussion with recreational and with environmental issues, someone representing an environmental aspect at the table could also be from either the fishermen's or the aboriginal community. That does not preclude. I do intend that all eight of those people should have an active interest in the lake.

I chose the concept of having an independent chair because I believe that the interests are so diverse that whoever chairs that group is going to have to have some credibility in their own right, but they have to be able to get a little bit above the fray to provide some direction to the committee in making recommendations to the ministry on how this should be handled.

I look at the recommendations about rehabilitation. It talks about a reduction in commercial harvest, reduction in cormorant predation, reduction in harvest of prespaw, increase walleye stocking and habitat monitoring enhancement. I do not want the commercial fishermen to say that they see nothing but

problems in this. No one has been filling their quota anyway. That, to me, is the most telling argument of all. That is why I have said that, unless the local people buy into this and lead it, the department cannot fix it in and of itself.

The other thing that is mentioned with some prominence is the reduction in eliminating prespaw fishing. That applies to commercial and aboriginal. Now I fell into disfavour with some members of the aboriginal community when I forced a conservation regulation on Turtle River feeding into Lake Dauphin. In the end that turned out to be quite successful. There was co-operation all the way around, and while there were some traditional fishermen who were offended by it, we chose to follow a soft enforcement approach. We discussed it with people. We persuaded them not to use trap nets, and it worked, I think, reasonably well in the long run. Even those who felt that they were being asked to give up their rights, I always indicated to them we are not taking anybody's rights away. Just back off for a little while so that we have enough fish to go around so you can do it again sometime in the future when appropriate.

Nothing is 100 percent, but everyone found a bit of a win in that that they could accept it. In fact, when the chiefs challenged me and said: Well, we do not want to be seen to be giving up our rights; we would like to go and have a ceremonial fish. I said: Fine, tell me when; I will come with you. I do not think they ever did it in the end, but that was my way of demonstrating to them that I had no intention of getting into the argument about whose rights it is. What we want to do is make sure there is enough fish there. I hope that the same kind of thinking can apply around Lake Winnipegosis when we deal, in the early going, with the fact that there has been a lot of prespaw pickerel taken out of there.

* (1720)

I am going to challenge the member for Swan River (Ms. Wowchuk) and New Democratic Party, for that matter, on cormorants. We have said for years it is time to look at the cormorants. They are on the protected species list, and we need to be dealing with it. I do not

relish the thought of being the only one of a particular political stripe out there leading the charge on this. The constituency is mainly represented by the NDP, and now is the time to stand up and be counted on this issue. If I had more unanimous support, perhaps we could move jurisdictionally on this much more radically.

The fact is I am not interested in a cormorant slaughter, I am interested in some management being exercised. I am not interested in jailing some of my ranchers/fishermen on Lake Winnipegosis or Lake Manitoba who have probably expressed some very strong feelings about the devastation that they believe the cormorants have inflicted from time to time on some of the young schools of fish. I recall my predecessor challenging his critics of the day, and I believe that is still my critic today. So when are we going to take a stand on this? This is not a conservation issue anymore, in many respects, but we do seem to be the target of a lot of attention regarding these birds and whether or not they have an effect. Common sense would tell me they have a significant effect, but what we have, unfortunately, is probably a concentration of them in the areas of these lakes that makes it much more difficult for our constituents, both yours and mine, to accept the fact that they should not be dealt with and have them perhaps at least removed from protection.

I would not, nor do I want anybody to imply that I would endorse a slaughter, but I think the time is rapidly coming when we need to be looking at what are appropriate measures to deal with this population and start dealing with some of the international interests who would very quickly want to have my hide on a pole if I was seen to be violating what they believe is management practice and protection of these birds. But our people's livelihoods are, to some extent, being damaged by these colonies.

Ms. Wowchuk: Well, if the minister looks at the record back in about '90 or '91, at that time we were calling for some management. Nobody would want a wholesale slaughter of the cormorant, but we did say at that time that we had to start looking at management, because there are islands that are being destroyed, livelihoods that have been—a lot of fish that has

been taken. You talk about tourism on the lake. There are islands that could be very good for tourism, but there is nothing left there.

If you look at the record, we did ask. We did ask for the government to move in some management. Certainly, if you are going to do management, it should be an open plan. Opposition should know what is happening. It should not be a secretive plan or turning a blind eye on some attempts to manage, because we know that fishermen, if they are not going to get some support from government they are going to take matters into their own hands. It should be looked at. But we asked about this issue when the population of the cormorant was at its highest, which was I believe in about 1991. Somewhere at that time we asked the government whether they were going to move on some management.

The question that I wanted to ask the minister was, he talked about Pine Creek and First Nations people. The Pine Creek First Nations industry report called for the creation of a lake management authority that would be responsible but not limited to recommending actions aimed at rehabilitation of walleye stock. I believe that that is part of what the group that is meeting in Camperville and Duck Bay and Pine Creek are talking about. They are talking more about improving the habitat, the stock.

Does the minister see that lake management authority being included in this whole committee? What has he done with the recommendation made by Pine Creek First Nations for the lake management authority?

Mr. Cummings: I would like it to be couched in the responsibility of this committee where all parties are at the table when they make a recommendation. I recognize that this is going to cause some angst at both ends of the spectrum, traditional and commercial usage being the two predominant usages or demands on the fish stock and on the lake. But I would hope that they would agree that perhaps through delegation—I do not want to preclude the fishermen from having their own association, but I would be less than responsible if I said I was going to turn the management of the lake over to them after I have given assurances to the other

interests as well, that this was going to be a comanagement of all of the interested parties, not a singular responsibility.

I probably have more commercial fishermen friends than I have recreational fishermen who have contacted me about this but, across the spectrum, all the interests have to be at the table. The regulatory authority will still rest with the department. But because of what I believe is a fair principle that the locals will drive this, we will very likely follow their advice, but it has to be reached on an all-party committee.

Ms. Wowchuk: I will not ask any more questions about this report at this time, but I am sure it is going to be the subject of lots of discussion. I look forward to working with the department in the best interests of the lake and the people who live around us that it will grow so that more people can make a living off the lake. I honestly believe that with proper management that we can restore the fish stocks in that lake so that it can be used for commercial fishing as well as for recreation. I also believe there are lots of opportunities on Lake Winnipegosis to look at other things besides fishing for a tourist attraction. I really believe that that is the other area that we have to look at. It is a beautiful lake and, with proper management, it can be developed.

Mr. Chairperson in the Chair

There are three other areas that I want to ask briefly questions on before I turn it back to my colleague. One of them is the forestry in the South Duck Mountain. Tolko is no longer going to be harvesting in South Duck Mountain. I have written to the minister on a couple of people who have asked for quota allocation. Can the minister indicate whether any decision has been made on how the quota will be divided up in South Duck Mountain that originally went to Tolko and what the process is going to be to ensure that those people who have interests will be able to get some wood?

I know that the small operators have been looking for a wood supply for a long time. I know that Pine Creek First Nation has been trying to get a logging operation going and has made a request for some wood, and other people

have. In fact, I have a meeting coming up this weekend with some people in South Mountain who have another suggestion about how that wood can be allocated.

So if the minister can give some suggestion about what his plans are for that wood that will no longer be allocated to—the quota will be taken away from Tolko. I hope the minister will be indicating that there will be some opportunity for small operators who are wanting to work in the bush.

Mr. Cummings: Yes.

Ms. Wowchuk: I look forward to a more detailed answer as the minister makes some decisions on that.

* (1730)

Mr. Cummings: Mr. Chairman, sorry for my approach. One of the problems that I have is that it is a two-year notification, and Tolko undoubtedly does not want to see it happen that they will lose the wood. It is not a secret that when they bought out the company, they bought the deal that goes with it, and the deal was that they had to provide a development plan. They have not demonstrated they can do that or that they intend to do that, and therefore we have exercised the notice clause. Can we start allocating wood tomorrow? No. Therefore my answer. Yes, I see opportunity there, and, yes, there is lots of demand from various organizations, including existing ones that operate there, Spruce Products being a good example.

I think there is an onus on the department, which I will be certainly following, that we look to management policies and forestry-harvesting policies here that will further encourage the long-term sustainability of the area. I say that in the context of remember that the agreement today calls for Tolko to provide reforestation and forest-management responsibilities. I am sure that that can be handled, but it does provide an opportunity for all of us to put in place the next step for the long-term protection and management and development of that area. Maybe it should be stated in the reverse, but the fact is if we do not manage it and provide adequate

protection to assure the sustainability of the forest in the area, then the development will be short-lived, and we want development there for generations, not for decades.

So I am sure that Tolko will want to read what we are saying at this committee with great care because the value of wood, no matter where, provided it is accessible, is very high, and they will be doing everything in their power to not be forced to comply with the two-year notice. I think it is only fair that everybody understands that. I know that existing operators in the forest understand that, but everybody is queuing up as of six months ago saying we are ready to take over for any wood supply that comes available.

Ms. Wowchuk: Just for clarification, is the minister saying, then, that that is the time frame we are looking at? Tolko, although they did not fulfill their commitments or do a forest-management plan, they do have a two-year time frame to do that. Is that the amount of time that there will be, or if they do not fulfill that commitment, when does the wood supply become available for the government to make different plans on?

Mr. Cummings: We exercised the clause in the agreement that provides two years notice which was only doing business. They have until 2001 to present a plan that could mean that that notice has been met, if I am using the right term. I am not trying to mislead anybody here nor am I trying to cause grief for Tolko. I mean, it is the facts of the agreement. They were to make an appropriate investment, and that entitled them to continue to use the forest, not unlike, frankly, the agreement that was made with Spruce Products. They had a development plan; they met their objectives. The wood was available. It was allocated to them, and everything is moving along smoothly.

There is one other issue here that goes right back to the original Repap and its predecessor, Concept, and that was the opportunity for development in the North. There is a lot of wood around Thompson that would provide a lot more jobs and opportunity in that area if it were aggressively managed and harvested. It is not like there is a shortage of wood but there is, as

the member is well aware, a certain amount of angst when the wood is being taken out of the mountain forest area and maybe not being harvested aggressively as we would like in the Thompson area. But it was always with the best—as I understand my history—intention of the North that the original Manfor was developed and the Repap arrangement was entered into, provide the jobs and the opportunity.

So this is about management of the bigger picture and where the woodcutting opportunities are, where the job opportunities are. I have a vested concern, if you will, about the highest and best use of the wood. Chipping versus lumber versus other usage of the stock, and this has also been modified because of Louisiana-Pacific's interest in the hardwoods. It makes certain areas more harvestable than they might otherwise have been.

So I do not want the member or anybody who might read the record in Hansard to jump to conclusions that we have preconceived ideas or that we are doing this with any particular glee. It is just doing business.

Ms. Wowchuk: Of course, that is not my intention either, to try to take wood away from somebody. The question is, if the wood is available, where is it going to go? If Tolko makes another plan, then that is where the wood is going to go, but if they are not, then I have constituents who are asking about the government's plan.

I only have a couple of more minutes. There are a couple of questions that I want to ask. One of them is to do with headwater storage. I understand that the government is revisiting some old proposals, and one of the proposals that was on the table in '89-90 was to deal with a headwater storage on the North Duck River. The hearings were held on that proposal by the Clean Environment Commission, but there was no report made by the Clean Environment Commission on it. I think there was federal funding that was supposed to come, then that project fell apart, but there is a petition circulating again and I understand the department is looking at some of these older proposals.

I know the minister will not have that material at his fingertips, but if he could provide

for me the information as to whether there are—it was the headwater storage that was to be constructed on the North Duck River. I wonder whether the department is looking at it again and whether there are any plans to reconsider some of those projects. I have been advised that there are some of those. So if the minister might be able to provide that for me, then that would be helpful as well for people in my area who are concerned with, once again, some flooding on the North Duck River and looking for solutions to that problem that has been long overdue.

Mr. Cummings: There is a general review being done over the next short while of all of the potential storage capacity in the province. I think it is very timely. It has been awhile since all of this information has been gathered. The one that you reference is only one of many. It is amazing and very much a credit to our predecessors in the amount of work that has been done and the information assembled. What I am looking for is an update of what is out there and what the costs are and to bring some of those costs into more current time. I am not aware particularly of the one that you are asking. You mentioned environmental concerns.

* (1740)

Ms. Wowchuk: What I indicated is that the Clean Environment Commission had done environmental hearings on it, but we had never seen or got the report. So I am looking for the report of the recommendations that were made by the Clean Environment Commission from those hearings.

Mr. Cummings: If we have them and can find them, you will get them.

Ms. Wowchuk: Thank you. I look to hear if the minister can provide that because we have just not been able to get it anywhere. I just want to ask, going back to the Lake Winnipegosis commercial fisheries, the minister said he is going to be appointing a board. Are there dollars attached to that board, and will they have the ability to spend money? Is there any money that is being set-aside for the rehabilitation of the lake?

Mr. Cummings: I do not have an allocation for the board. I can see where I might have to pay

some stipends or per diems. Certainly, if I appoint a chairman, an independent chairman, you could see where that person would probably have to receive some reimbursement. You are asking about a budget to do more studies or a budget to have meetings; those are two different things. I am quite prepared to say that I am sure we will find a way of supporting board members for meetings and for work that they need to do. I am not so anxious to say that I am prepared to support more studies or to support subsidies to take fishermen off the lake if that was the other part of the question.

Ms. Wowchuk: No, the question was: is there going to be any money to carry on some of these activities? There is no sense in appointing a board if they are not going to be able to do some rehabilitation of the lake, like improve fish stocks or habitat or the river beds or things like that. That is what I am looking for. Is there money going to be available?

Mr. Cummings: The way I like to work with these types of projects is that if reasonable suggestions are brought forward, and specific activities are indicated, then we will find a way of supporting them, particularly in the habitat area and fish stocking enhancement, that sort of thing.

Mr. Struthers: Mr. Chairperson, I would like to ask a few questions concerning the Pineland Forest Nursery. It is an area in which I have been receiving a lot of phone calls over the last number of months from a number of different angles. One group of people that calls and asks me to check out certain concerns that they have are the employees at the Pineland Nursery, and they are quite legitimately very concerned about their prospects for employment in the area. They are quite worried about the layoffs that have occurred there, be they temporary or, in some cases, permanent. A lot of questions to me about the managerial status of the forest nursery and the changes that have taken place over the last little while out there at Hadashville. Maybe this is an opportunity for the minister all in one speech to put together what has gone on out at the Pineland Forest Nursery.

Unfortunately, I probably did not design the question as a yes or no, so the minister could not

do that. Maybe I am opening myself up for a long speech about Pineland Forest Nursery, but I think there are a lot of details that we need to have on record and have public, for people to be able to understand what is happening at the nursery. The minister knows that there has been a lot of controversy or a lot of confusion, a lot of changes at the nursery, and it might be an opportunity for the minister to put on the record exactly what is happening out there.

Can the minister outline the managerial status today of the Pineland Forest Nursery?

Mr. Cummings: On a little bit of business before I answer the question, I have staff here from the Sustainable Development Unit. Can they leave, or do you want to ask a question on that before six o'clock?

Mr. Struthers: No, and I know that we are working from the same line through the course of these Estimates. Does this sustainable development package need to be okayed through this process separate from the Estimates that we are on? If so, I would just be willing to pass this. I do not have a whole lot of questions having to do with this.

Mr. Cummings: I think it needs approval ultimately, but if it is not dealt with before the hours are up, it is automatically passed. So it is not a problem unless the member wanted to ask some questions. Otherwise, I know they have family they might like to see for supper.

Mr. Struthers: Yes, they can. I do not have a lot of questions on this that the minister cannot handle, I do not think.

Mr. Cummings: Thank you. I will say this on the mike system so that they can hear me. The Sustainable Development Unit does not need to wait any longer, and this is passed or will be.

Going back to Pineland Forest Nursery, yes, there were certainly a lot of issues and concerns that were raised a year ago when we indicated that we would allow for or encourage an employee buyout, and that eventually devolved into what was more of a management buyout.

I would say, with respect, it was my understanding that the employees, of their own

volition, for whatever reason, largely withdrew from any involvement in that. They ultimately became quite concerned about how they saw the issue evolving. I firmly was of the belief that it was an opportunity for what has essentially devolved into a community operation. Most of the staff come from reasonably nearby. It has become kind of an institution in the community for sure.

At any rate, to cut a long comment short, the offer that was on the table was not acceptable to us, as evaluated by our hired evaluators before we entered into the process.

I would also put on the record, however, considerable concern, and rightly so, has been raised over the long-term future for the nursery business. It is evolving across Canada, as the member is probably well aware, if he has had discussions with the employees. If they are involved anywhere near management or discussing with other people who come and go buying services, they would be well aware of the fact that smaller nurseries are being swallowed up across the country by large and quite efficient operations.

The Province of Manitoba made an effort to keep Pineland functional as an SOA because we believe that it provided a window into the industry for us, gave us some cost containment, if you will, gave us certainly a buffer against being captive to a large, single-source supplier. We made the SOA so that it had the capacity to bid after a period of years, three years I believe. It then could bid out of the province, and even bid internationally, bid across the line into the States. They survived a free trade challenge, which I think was good for the company. It proved to the free trade tribunal that this was not a subsidized operation. They were running at cost.

As competitors have raised here in the province, the issue is whether or not the cost of the infrastructure was adequately allowed for. But even when we got down to the negotiations, as I indicated a few minutes ago, they felt that they could not afford the cost of the infrastructure, even at the valuation that we placed on it. Subsequently, the person leading the management buyout resigned. There has been one other

resignation from senior management as well. They were appropriately taken care of when they left. This was not a matter of a punitive situation, although they, I am sure, felt that they had lost the confidence of the employees.

* (1750)

Frankly, the leadership of the SOA, I proudly said many times after coming to this office and sitting on Treasury Board, I was truly impressed with the numbers that they were producing. They were competitive. They were selling to the max. They were expanding. They built new greenhouses regularly to meet the market. Things were moving along, but they were consistently coming back to government for underwriting of their operating in order to finance their expansion. To that extent, they were somewhat dependent on government backing them for investment. Government was somewhat at risk from time to time, although those were all successful investments.

There has been a new manager put in place, I guess a secondment. Is that a correct term? A departmental employee, as was the previous manager, has gone over to manage the site.

It would be incorrect to say that there were layoffs. There have always been seasonal layoffs out there. There were a couple of people who were laid off who previously, for temporary layoffs in the wintertime, felt that they were going to get them put into permanent layoffs. There was some angst and personnel issues that were raised around that. But I am under the understanding that pretty well everyone has been hired back and that things are really booming out there right now, that the new management has picked up the sales again.

The quality of product that is coming out of Pineland has always been their strong selling point. I see the member is making notes, and that is fair, but if it relates to the layoffs, we might have a disagreement around what are temporary and normal layoffs during the winter and what are, "seasonal," I guess is the word I am searching for, as opposed to termination of employees. For money management reasons, there were more seasonal layoffs in the winter because sales did not seem to be coming forth.

But they are there now, I am told, and they are really going back to full production, which is an excellent sign, given the competitiveness of the industry. There is a very real chance the industry could come in and start undercutting Pineland and make life difficult, but Pineland has carved out a unique niche in the market which means that it has a value as well, which we are glad that we were able to maintain, based on the evaluations that I mentioned earlier, upon which we had based an opportunity for takeoff.

So my reading of it today is that we did the right thing by pulling back from a sale. I would acknowledge that there was a morale issue that had arisen because employees were not sure what was going to happen, and that always happens, unfortunately, under these situations unless something is cut and dried very quickly. This one dragged on longer than we would have liked, so we returned to the SOA situation.

It is very interesting that the Association of Independent Business has been very critical of the SOA. They are not convinced that this is not subsidized in some way by government, certainly an indication of where we backstop loans. They see that as a form of subsidy that keeps them competitive against private business in a way that they might not otherwise be if they were not at SOA. So I submit that there are still some issues around that, although I am very pleased with the way things are going and that the SOA is operating as intended, that is, that they are fully responsible for their costs and the management really is the one that is caught in the crosshairs on this. They have to produce in order to not come back to government coffers, and the SOA has to acknowledge it is costing money.

It means that they are operating more like a private company than they would if they were simply a branch of government, but they are operating in a cut-throat business. So, to be fair, while I am pleased and supportive of what is happening right now, I acknowledge that this is a cut-throat business, and I hope that my critics will acknowledge that as well, because it means that it will require the very sharpest of management, given the technology and the massive interests that are out there. It will take the very sharpest of management to keep them

ahead of the competitive aspect that is out there. They were within a quarter of a cent or half a cent of winning a major contract last year with an Alberta customer, and things like this. Those are major competitive issues, and that is how tight it is on millions of seedlings. It is down to a fraction of a penny in many cases whether they win or lose on these tenders.

So an SOA is certainly a lot better place for them to be than an arm of government, but it also means that they have to be fully accountable or they end up going back to where they are subsidized, and that would be an undesirable situation.

Mr. Struthers: The minister talks about it being better than going back to be an arm of government. I suppose the other direction that could be proceeded is to go from being an SOA to being a completely private company. Part of the morale problem that I have picked up in the conversations that I have had with people who are stakeholders in this SOA is a worry that maybe what is happening now is simply a setup to move in that direction.

I do not think that anybody that I have talked to thinks it is going to go back to being an arm of government. The consternation comes more from the other direction, moving towards being a private company and then worrying, as we have seen in other instances, where when a company goes from being a public corporation to a private undergoes, in some cases, a very large-scale drop in employment. So I think that is where some of the morale problems are stemming from. It may be a case of being afraid of the unknown and not knowing just what direction the company is in.

Who makes a decision—it is a cut-throat business out there like the minister says—if another company makes an offer to buy this Pineland Forest Nursery? Who does it come down to? Is that the minister's call?

Mr. Cummings: That would be a general policy decision of government. Obviously, I would be responsible to bring the information forward. It would not be this minister alone. But the member, without perhaps meaning to, has outlined the dilemma that will always be

there when you are in a highly competitive industry. As a farmer, I thought I would have understood this, but as I have gotten further into this and understand the competitive dynamics of this industry, it is really cut-throat, and it is because of the technological advances that are available in the greenhouse industry. It is not because of really anything other than that.

The one thing that Pineland has done that has sustained itself, and it is to the credit of the employees—I know that there was a little chuckling in the opposition ranks when I talked about the employees and how highly they were valued—but it is the management and the employees and the high quality of the product that comes out of there that has sustained them in the marketplace. There are buyers out there who will pay perhaps slightly more to get a Pineland product because of the survivability of the seedlings. Beyond that, I cannot say what it is that they are doing. I know that they have good equipment and that their senior growers are well experienced. As so often happens in these types of industries, it is not the square footage of the greenhouse, although that is part of it, it is what is between the ears of the manager and the senior growers in this case that is probably so valuable to this company, and its location. It does have an opportunity to grow for the Manitoba market in a way that others cannot. So I just cannot emphasize too much that the board and the management have quite an onus, responsibility to stay competitive in this market because, as you say, it is not necessarily an option to go back. I think you can say fairly that it is not an option to go back to being an arm of government because the key is that our forestry industry needs the product.

I do not want to waste the member's valuable time, but as an example, under contract, they are growing trees for companies in Minnesota just because they are good.

Mr. Struthers: Well, I do not want to leave on the record the impression that the minister may have inadvertently left that we were chuckling at him giving credit to the employees. If there was something funny going on, we may have been chuckling to that, but from our perspective on this side of the House, the people who work at

the Pineland Forest Nursery deserve a lot of credit for the work that they do. The minister is right. In a cut-throat business, as he says it is, you are going to need the input of the employees in order to produce as good a product as you can.

Mr. Chairperson: Order, please. The hour being 6 p.m., committee rise.

GOVERNMENT SERVICES

Mr. Chairperson (Ben Sveinson): Good afternoon. 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 for the Department of Government Services. As had been previously agreed, questioning for the department will follow in a global manner, with all line items to be passed once the questioning has been completed. The floor is now open for questions.

Mr. Jim Maloway (Elmwood): I wanted to continue with some questions regarding the Pan Am Games and the use of the computers that are eventually to go to Family Services. I want to know how you are dealing with the costing of the items. Is there a rental charge to the Pan Am Games? Who is responsible for installation and taking them apart and reinstalling them?

Hon. Frank Pitura (Minister of Government Services): I am advised that the computers for the Pan Am Games have been given to the Pan Am Games on a gratis basis for use during the Pan Am Games. The installation and configuration of the computers for use at the Pan Am Games is the sole responsibility of the Pan Am Games Society, after which they are to return the computers back to the provincial government, after which the provincial government will then have the responsibility of transitioning them into the Family Services department.

Mr. Maloway: So what guarantee do you have that the equipment is going to be returned exactly when you require it and are there any provisions for missing equipment or damaged equipment?

Mr. Pitura: I am advised that between the Pan Am Games Society and the provincial govern-

ment there is an agreement that has been signed, and under that agreement the Manitoba government is listed as a co-insured and loss payable to the provincial government should anything happen to the computers by way of damage or theft.

Mr. Maloway: I am just wondering how the Pan Am Games will include the costs of the computers in their statements. I assume that your equipment will actually be depreciated equipment when you get it. How will it show as far as Pan Am Games are concerned as far as an expense? I mean, what we are going to be looking for at the end of the day is to find out how much money was made or lost in the Pan Am Games. That omelette will have to be unscrambled after the Pan Am Games are over, so I am trying to get an idea of what this number of computers would have cost the Pan Am Games had they had to go out and rent this system for those two weeks. How much money are you saving them by doing what you are doing?

Mr. Pitura: Mr. Chairperson, the Pan Am Games Society, of course, is responsible for keeping records of income and expenses for the Pan Am Games, and as part of their reporting, they would have to report all of their income and expenses for the Pan Am Games, but I guess the question in my mind would be is that if you are receiving something that has a zero cost attached to it, if you reported it as an expense item, then your books would not balance anymore. You would not be able to reconcile them, so it would be basically, I think, the responsibility of the Pan Am Games in terms of how they treat the computers that they have received for use during the Pan Am Games if indeed they cost it out as an opportunity cost or whatever.

Mr. Maloway: What you are doing, though, is you are taking 800 computers and you are buying them roughly four months earlier than you would have had to, had you just simply bought them for the Family Services, integrated them when their contract runs out, and put them on line. So you are buying them four months earlier, and four months down the line, as you know, the price of this equipment drops every three weeks, I think. Dell does a price reduction every three weeks, so there certainly are costs

being absorbed here by the government in favour of providing this equipment to the Pan Am Games, so I am looking for the cost to the government in buying, taking possession of this equipment four months earlier than it has to. Second of all, I would like to know, what would this equipment, the 800 machines, cost the Pan Am Games Society had they had to go out and simply lease them for a two-week period.

Mr. Pitura: Mr. Chairperson, just in the brief discussion we had here, it would depend on the Department of Finance on how they wanted to approach it. If they wished to show a month or a month and a half or whatever, depreciation cost as part of the Pan Am Games funding arrangement. I am not aware but that is really a decision that the Department of Finance would make in terms of how it is shown on the books, as a cash cost or as a depreciated cost or as an opportunity cost for the Pan Am Games.

Mr. Maloway: Mr. Chairman, since I cannot get answers from Finance, I am asking you to get me the answers from Finance, so you can use your good offices and get me the information a lot quicker than I can by calling them back into committee and starting over with them.

* (1450)

Mr. Pitura: Mr. Chairperson, I just relate to the member that they may, indeed, have a value attached to the computers. I know that in other areas there has been some acknowledgement of being part of the Pan Am Games funding from the provincial government with regard to other services, and this may be not unlike any other service. But I am not even sure—and I would not want to commit myself to the honourable member, saying that we will be able to find this information for him because—well, it just may not be possible for us to glean that information in the time lines that the honourable member would like to see.

Mr. Maloway: Mr. Chairman, the second part of the question was: what would it cost the Pan Am Games to rent or lease this number of computers for the two-week period or whatever the period is that they require them for? I am assuming that their equipment has to be set up and tested and worked through in advance of the

games. So I know it is not a question of just taking them over there for a two-week period; it is more substantial than that, I am sure. I am sure they have them over there probably by now and that they will probably—well, they will not deliver them back to the government until I think you said October, so that will give them enough time to take them apart.

So what will that cost the Pan Am Games? You can answer the question by saying how much it costs you to buy these 800 units, what the cost to you would be. That would give me some idea. My suspicion though is that the Pan Am Games would have to buy the equipment at a higher cost than you would because you are buying 9,000-plus units, and second of all, they would not necessarily buy them because then they would have to resell them again. I would imagine that the cost to them would be a lot more, unless they could get—I think IBM probably is one of their sponsors, so unless they got sort of a sponsorship arrangement. I would like your comments on that.

Mr. Pitura: Mr. Chairperson, again, I think the honourable member is asking a question as to what the Pan Am Games Society would pay if they had rented or leased their equipment for this time period. Again, I say to the honourable member, it is an opportunity cost that you are asking the question as to whether the Pan Am Games Society will recognize it or not in terms of their reporting of income and expenses for the Pan Am Games. I am also advised that the period over which we loan the equipment to the Pan Am Games really will not affect the value of the equipment as far as the provincial government is concerned, and I am also advised that the computers are to be returned to the provincial government in September.

Mr. Maloway: Mr. Chairman, I had asked some questions previously about the staff use of the Internet, and the minister will recall last year we talked about whether the government had a policy on the use of the Internet. At that time, you could not really provide me with one because I do not think there was a set policy. [interjection] The minister is indicating that he provided us with a policy. But nevertheless, now there is a policy with this new system and

there is ability to track abuses of the system with the new computer system.

So I would like to know what the experience has been. I understand that you have not had any serious problems with it, but there is a policy that is in place right now, which I still do not have a copy of, but I would like to know just what your experience is with regard to the use of the Internet.

Mr. Pitura: Mr. Chairperson, I am advised since last we spoke in Estimates that, with the involvement of the desktop rollout and the establishment of the office of the chief information officer, the policy with regard to the utilization of the Internet is now couched in that office. I am advised that there is a policy, but in our particular area here with our responsibility, which is basically the hardware and the hardware management, that is a question that he might best ask of the CIO section.

Mr. Maloway: Mr. Chairman, I would like to ask the minister how things are going with regard to the drive to reduce the amount of paper used in the government. I know that Finance could not answer these questions, but the long-term goal of the whole computer industry is to reduce the amount of paper that businesses use and governments use and people use, and the reality of course is somewhat different. I think most of us agree that we are probably chewing up, using up more paper today than we were before, in spite of computers. Nevertheless, it is the goal to end up with a paperless office, I guess.

That is in fact happening with some corporations such as I mentioned before, Dell, with their number now in the States, the people that make Cisco, I believe it is, make the routers. They have basically essentially turned themselves into companies without buildings, and the entire company is run just through connected computers on the Internet. They claim that there is no paper. I do not necessarily believe that. I think we ought to arrange a tour ourselves to see for ourselves. Just what is this new advance here that the government has made with this desktop program? What has it done in terms of the consumption of paper products in the government itself?

Mr. Pitura: Mr. Chairperson, I am advised that right at the present time we are just estimating that our paper use has probably not changed in terms of going downward, not dramatically. However, I think with the switchover in the desktop and setting up the office of the chief information officer that there are projects, I am advised that there is a project called ManDocs, which is under the CIO's office. This is a document management project still in the discussion stages. It is hoped to get it off the ground within the near future, but it has a potential to dramatically reduce the amount of paper that is used within the provincial government with regard to documents. I am also advised that the Desktop Management Unit, that Telecom Services is looking at things like alternate print solutions, which is just a different method of document transfer.

* (1500)

We also have, through the Materials Distribution Agency, which at the present time is supplying the provincial government with its paper needs, we should be able to also monitor from that end with regard to the amount of paper used. Perhaps, as the member has pointed out, maybe indeed paper might not be reduced. But I think it is our hope that, certainly within the area of documents, we should be able to reduce the amount of paper. Of course the office of the chief information officer is the area where they are actually tackling this type of project head-on and attempting to get it off the ground.

Mr. Maloway: Well, at this point, then, how much are you spending on paper per year?

Mr. Pitura: Just very briefly, we talked about alternate print solutions. We are talking about a machine that is a combination of a copier, fax, and a laser printer all in one as a part of the alternate print solutions.

Perhaps while we are trying to see if we can find the numbers that the honourable member has asked for, my understanding is that the honourable member has also asked for the names of the people on the Land Value Appraisal Commission and their bios.

Mr. Maloway: Yes, what I am asking for and what was provided, for example, in the case of

the Public Utilities Board, is that each of the board members have a biography, an 8.5 by 11 sheet of paper describing their qualifications for being on the board.

So I am making the assumption that that is what you have for the Land Value Appraisal Commission, that there is some sort of biography indicating when they were appointed and what their professional qualifications are.

Mr. Pitura: I do not have the complete bios that the honourable member is looking for as to where their place of birth is, how many children they have, where they went to school and where they obtained their degrees from. But I do have their names. I do have their addresses. I do have their year of appointment, and I do have what type of vocation they are involved in.

For example, Mr. Douglas Harvey is the chair of the Land Value Appraisal Commission. He was appointed in 1977 as chair. He is dean of the Faculty of Law at the University of Manitoba, who now resides in La Salle.

Mr. Colin Campbell, who was appointed in 1988, he is a pharmacist in Balmoral, Manitoba.

Mr. George Sawatsky, appointed in 1988, he is a businessman from the Niverville area. He is manager of the Niverville Credit Union.

There is a Ms. Deanna Hobman who is the vice-chair. She was appointed in 1992. She is involved in real estate development. She resides in Winnipeg.

There is also a Ms. Stephanie Barnett, appointed in 1988. She is a realtor. She resides in Anola, Manitoba.

In 1999, there was a new appointment, Mr. Don Pfrimmer who is a farmer from the Roland area of Manitoba. Mr. Pfrimmer is actually retired from the farm now, as his son has taken over. He used to be a rural municipal councillor for many years. So he brings experience, at the request of Mr. Harvey, in the area of farmland evaluation and municipal assessment values on rural properties.

I am prepared to share this information with the member.

Mr. Maloway: So I am asking the minister then if he has the same type of list for any other boards and commissions under his jurisdiction and also for the bios for the managers of the SOAs.

Mr. Pitura: Mr. Chairperson, for the first stage, I will just share with the honourable member the other boards that I have responsibility for under the department and then we will move on to the SOA managers. First, the second board I have responsibility for within the Department of Government Services is the Manitoba Disaster Assistance Appeal Board, and this consists of the following members: John Blatz, from Steinbach, who is the chairperson, a local businessman; Richard Martel from Altona who is the vice-chairperson, who is also involved in business; Dawn McFarlane from Selkirk who is a member appointed by the now Association of Manitoba Municipalities; Lorraine Taylor from Birds Hill who is a member at large of the Appeal Board from Birds Hill; Mr. Larry Walker, of Miniota, who is also an appointment of the Association of Manitoba Municipalities. The Association of Manitoba Municipalities is required, I believe, if I am not mistaken, on an annual basis to reaffirm the appointments of their members to this board owing to the fact that there could be some changes over the year.

* (1510)

The other board that I have the responsibility for is the board that looks at the operations of the SOAs and that consists of six people, I believe. First, there is a gentleman by the name of Norm Fiske, who is appointed from Winnipeg; a Ray West from Brandon. Both of those individuals are business people. There is Al Macatavish, who is vice-president of Manitoba Hydro, who is also a member; John Hosang, who is the Assistant Deputy Minister in Highways. The chair of the committee is the Deputy Minister of Government Services, and also the Assistant Deputy Minister of Supply and Services is a part of that committee, so that in fact is all of the boards that are under the responsibility of the Department of Government Services.

Mr. Maloway: Mr. Chairman, I believe the minister was going to talk about the operating officers of the different SOAs as well.

Mr. Pitura: For the chief operating officers for the SOAs, first the Fleet Vehicles Agency, the chief operating officer is Dennis Ducharme, who is a long-time civil servant and was the administration officer for Fleet Vehicles prior to it becoming an SOA. For Materials Distribution Agency, the COO is Tracy Danowski, and her background is in marketing and market research. For the Land Management Services is Doug Parnell, who is a registered appraiser with the Appraisal Institute of Canada. Doug has had a long career in Manitoba Agricultural Credit Corporation before moving over to Land Management Services. In Mail Management is a gentleman by the name of Don Katz. Don's background is in the accounting area. Those are the COOs that we have in place.

I am also advised that Ms. Danowski, of the four COOs, lives in the St. Andrews area, and all of the rest of the COOs reside in Winnipeg.

Mr. Maloway: Could the minister provide me with biographies of all of the people that he has mentioned? He has just given us a thumbnail, but presumably there is an 8 1/2 x 11 biography of each of the board members that he has mentioned here on the record and the COOs. By way of explanation, as I have mentioned, the Public Utilities Board provided me with copies of the biographies of each of the board members. These things are available. You must have a very brief 8 1/2 x 11 sheet describing the qualifications of each of these people.

Mr. Pitura: Mr. Chairperson, I would advise the honourable member that we will certainly contact the people that we have talked about to see if they would be willing to share their biographies. The member is referring to an 8 1/2 x 11. I am sure he would be agreeable, too, if all of their biographies fit on an 8 1/2 x 11. That would probably be acceptable, I hope.

Mr. Maloway: I really do not care how long and detailed they are. I am just looking for something more than a one-sentence description of who they are and what they do.

Before we get back into dealing with the COOs and the SOAs, I would like to ask a few more questions about the IT area. I would like to get an update from the minister as to how he

feels this contract with SHL has gone, what sorts of problems there have been that they have solved over the last year and a half, two years, and what sorts of problems remain unsolved with this new system.

Mr. Pitura: Mr. Chairperson, just to share with the honourable member, I think that when I first became minister in 1997, one of the first tasks facing me as minister was the letting of a contract for the desktop rollout for the provincial government. Of course, as time went on, I realized the enormous scope of the project and the extent to which we had to have a good relationship between whoever was the contractor and the provincial government in order to get the entire desktop rollout to happen and happen on time, with the right number of units and to get us transitioned into the managed environment.

I think it is safe to say that our relationship and the degree of co-operation that we have received throughout the desktop rollout process has been very good to excellent, and that is overall for the entire desktop rollout. Certainly, there have been times when probably things have not gone as well as they should have. However, I would point out that certainly the professionalism that our staff exhibited within the Desktop Management Unit and SHL has been very good, and the ability to solve any of the issues as we went along was always there because they had open lines of communication, and there was always forthright and open discussion about the issues that we were being faced with.

So, to sum it up, I would say that overall I am very pleased with the way the contract was handled, both by our staff and SHL. I think that if you want to have proof of the pudding, it lies out there in the fact that we have reached our target of the rollout of close to 7,600 desktop units and prepared to go on to the rollout for Family Services. Everything is working and working quite well. There are small glitches as we make the transition over. Even though we are out of scope here in the Legislative Building I enjoy the desktop rollout, and some of the things I see on my screen I have to kind of look at them in depth to find out what I am going to do next in the next step on that screen. But, overall, I think we had a very successful

relationship as seen by the out-turns that we have had with regard to our ability to be in place transitioned in the desktop environment right now.

* (1520)

Mr. Maloway: Mr. Chairman, well, then could the minister tell me what sort of problems you are currently having with the system?

Mr. Pitura: Some of the areas that were identified from the standpoint of our Desktop Management Unit was in the area of answering a customer request quicker than we have in the past, i.e., better customer service. We are working at that. Of course, as the desktop rollout is taking place and we are now being transitioned into the management environment and we are also now in the process of using software application, identifying further training needs for staff that are using the applications, streamlining of the engineering aspect of the application software, improving the access for dialing into the system—of course, as everybody now is enjoying the new desktop and the software application and the interface on that, it is a case of just getting comfortable using it. Of course, everything I have mentioned so far is all part of that in terms of staff throughout government feeling very comfortable and at home in this new environment.

That is going to take a little while for that adjustment to take place, but I think that, if we accomplish some of the other stuff in terms of getting faster customer response times, in identifying the training needs, that will go a long way to raising the comfort level for people who are working within the environment.

Mr. Maloway: Have there been any problems with the new payroll software and other types of software that the government has introduced through its other initiatives on the system?

Mr. Edward Helwer, Acting Chairperson, in the Chair

Mr. Pitura: That application, the SAP, is under the CIO's office. However, I would share with the honourable member that my paycheques have been coming out accurate, and I am sure that the honourable member's have too. I have

not heard anybody complaining about getting the wrong paycheque or getting too much money on their paycheque.

Mr. Maloway: Well, I am sure they would not be complaining if it were too high. There is always a possibility that it would be too low. I recognize that this is Finance, but certainly these departments are intertwined. So the minister is saying he is not aware of any problems, then, with any of the major new software initiatives of the provincial government? I am just asking the minister to confirm that there are no major problems that he is aware of with the new budgeting programs and other software programs that the provincial government is implementing right now.

Mr. Pitura: I guess the only thing is that, when they went over to SAP, I understand that some of the first paycheques came out with duplicate stubs. As far as I know, I am not aware of any other problems that have occurred. I am advised that, within the Department of Government Services, in our Administration and Finance area, that we have had no problems with the new SAP.

Mr. Maloway: I am assuming that the minister is close to getting the cost of paper, the figure he was trying to get a few questions back.

Mr. Pitura: Well, I was advised by the deputy minister that we would have to provide that information to the member at a later time, because we do not have that information handy.

Mr. Maloway: I am not looking for that figure in isolation from the future projections or the past usage. I am not asking you to go through a whole lot of work here. If there are some studies on the use of paper in the government, presumably you have figures on what your paper consumption was five years ago or two or three years ago, what it is now, and what you are projecting it to do when you get onto this improved system. If you can project it to go down to zero, as Dell claims it does or Cisco claims it does, then I would like to know just when is it supposed to hit zero?

Mr. Pitura: The question the honourable member raises is an interesting question to have

some discussion around. A lot of it depends on one's confidence in the system. I think that, talking earlier about having a document management project, if I write up a document and I send the document to the honourable member, and the honourable member wants to read it, but he does not particularly want to read it at his desk but at some other time in shade under a tree, that he may in fact say: well, I am going to print this off on paper, and then I am going to read it another time. So there are always those factors involved in terms of people who feel more comfortable having the word on paper rather than on a screen. I think as time goes on though and the electronic document management proves its worth and people get a higher level of comfort with it that indeed you may see a direct decrease in the amount of paper used as everybody has their confidence increased in the ability to trust the electronic medium. So to say that we are going to take a look at a dramatic decrease in paper usage within the provincial government might be too much of an aggressive type of an attitude to take toward the adoption of the new system. However, probably, over time, you will see this decline in the usage of paper.

* (1530)

I would just throw one thing else out on the table for the honourable member, of course, the fact that within the province of Manitoba there is some investigation going on with the utilization of wheat straw and oat straw in the manufacture of paper. As the honourable member knows, the utilization of wheat straw and oat straw, of course, is a renewable resource on an annual basis. If there is a worthwhile industry there in terms of manufacturing paper, that industry in itself may want to market its product and actually want the provincial government to increase its use of paper, since it is a renewable resource. So there are going to be competing factions as we go down this road. Of course, as long as we are utilizing forestry products, there is certainly a push to reduce the amount of paper that we use, but if we start to utilize wheat-straw products—and my honourable colleagues for Portage and Gimli may indeed have a number of producers there that could well market what was considered to be a waste product into this industry, As a result, we could be using a resource that is renewable on an annual basis.

Mr. Maloway: I have no problem whatsoever with substitution of some of your paper products for wheat-straw products or any other kinds of products, papyrus if you want, provided the costs are low. But that is not really the question here. The question is that the whole computer age promised a paperless office. You people have been in government here for 11 years, and I would like to know just what efforts you are making to reduce the amount of paper, or is it typical of what I have heard in other industries where they pay lip service to reduction in the use of paper, but in reality the amount of paper usage increases every year rather than decreases? You juxtapose that reality with what is happening with other companies like Cisco and Dell where they claim to have a hundred percent paper-free company.

So the question is, you know, you cannot even tell me right now how much you are spending on paper, so you do not know how much you could possibly save if you do not know how much you are spending.

Mr. Chairperson in the Chair

So let us say you are spending a million dollars in paper a year. I have no idea whether that is high, low, where it is. I am not asking you a question that I know the answer to already. I know we are not supposed to do that, but I am now. The question is if it is a million dollars worth of paper, then you do not have some author telling you in a digital economy book that you can achieve a paperless office by buying fancy new computers, you have companies like Cisco and Dell and probably others out there who claim to be doing it right now, today. So help me out here a bit. Just tell me, have you been to see Cisco lately or have you been to see Dell lately? Does anybody want to volunteer to, you know, phone them or go see them? What is going on here?

Mr. Pitura: The member has posed something that you could probably end up discussing for many hours. But, certainly now that we are at the point of having a desktop rollout in place and the SAP system in place, ultimately, with the establishment of the CIO office and the mandate that that office has—and of course part of that is to reduce the amount of paper that the provincial

government would use. It is also to increase the efficiency that we have with regard to utilizing the electronic medium.

Right now it is possible for my deputy minister to communicate with every staff member in the Department of Government Services and the Emergency Management Organization with simply typing up a notice on his screen and hitting the return button, and everybody gets the message at the same time. So that in itself reduces the amount of paper.

But, you know, as we were talking about earlier, there is that transition time period where people have to get comfortable that what is on that electronic medium is actually going to stay there and be there when they want it. Once that level of comfort is there, they are going to be relying on the electronic medium to hold all the files that they require. Within the provincial government, too, as the member well knows, that we do have an archival system. So the whole area of archives up until the present time has been to keep everything hard copy or on microfiche. Now you watch the—what is it—Canada 2000 little short video clips on television, and they are talking and discussing the fact that a CD-ROM or a disk is not going to preserve file information for the long time. It is going to be the microfiche that is probably going to last the longest in terms of being able to preserve information on file. In fact, they even describe the utilization of the original paper that was used back in the 1600s and 1500s as being the paper that consistently will last the longest period of time. So as you try—[interjection] yes, as you try to enter a paperless environment, then there are also arguments to suggest that you do need some paper.

If you are going to have the history of Manitoba and everything that has happened in recorded time for the province of Manitoba on file, you are going to have to probably maybe take a look at a paper filing system to preserve that. So it is sort of a never-ending issue as to day-to-day commerce, communication within government, certainly, you probably want to reduce the amount of paper down to zero. But in terms of being able to put information away for the long term, that is still going to require probably a paper documentation to preserve it

for the long term. So it is one of those areas where we are working towards, certainly, the reduction of paper as a result of the electronic medium.

One such example is that all of the departments that wish to requisition materials, whether it be from Materials Distribution, it could be with Fleet Vehicles I understand, and perhaps even nonmanagement services would have e-mail connect, departments of government would be able to communicate directly with them through the electronic medium. In terms of materials to requisition those materials, have those materials shipped and then have the payment of those materials be transferred electronically from department to department or from the department to the SOA for the payment of the goods received. So that is all very quickly moving into the electronic area which, in itself, reduces the amount of paper.

* (1540)

The other area that we constantly take a look at is in the area of regulation and regulations with respect to the sales tax or regulations with respect to the Highways and Transportation or any number of departments. The ability for the customer who uses those services to do it electronically with the provincial government is certainly another area that is being looked at very seriously and pursued to be able to have that kind of customer government-type of linkage.

Since we have entered into the agreement on internal trade with most of our other sister provinces, we have adopted the MERX system which is the electronic tendering system, and that in itself has dramatically reduced the numbers of tender documents that we put out. Prior to MERX, anybody that was a potential supplier of the product, we would have to send them the tendered documents in case they were interested in filling them out and submitting them. Today, it is electronically filed on the MERX system. If a company looks at it and says that we have the ability to fill that contract, then they can request the tendered documents from the lister and be able to respond directly back to the tender proposal. So that, in itself, has eliminated a tremendous amount of paper

that we would have to distribute in terms of tendered documents. Of course, being on the MERX system and being a part of the AIT, we are not just talking about Manitoba now, we are talking about nationally right across Canada. So not only does it save us paper, but it also saves us a tremendous amount of money in postage as well that we would have to use to send these documents to the rest of the provinces that might have some interest in responding to the tenders.

So it is a long, drawn-out and complicated process. You can just say, yes, we would like to reduce the amount of paper, and I think that very realistically we can reduce the amount of paper that is used in the provincial government in many areas, but at the same time, I think that they will stand on their argument that if we want to preserve information for the long term in the historical archives of this province, we are probably going to have to take a look at either a microfiche type of system or filing it on paper that is probably guaranteed to last 300 to 400 years.

Mr. Maloway: I know the minister is talking about stability of the media, and I guess that is a big issue. It is no point in putting all your information on eight-tracks if they are out of vogue and not available, or Beta tapes. So that is a problem with any storage system that you have, and the minister is correct, I believe. Papyrus and old-style books from 500 years ago are still around, but paper that is produced with the modern process is going to last a hundred years or less. People are finding that it is falling apart because of the chemicals that are added to it. So, certainly, that is a problem.

The point, I guess, is that the income tax department requires you to keep your records for, I believe, six years maximum. A lot of the activities of the government do not require lifelong records, so I do not know that you are ever going to have the proper answer if you simply sit around waiting for it. I guess the type of answer I am looking for is that similar to when we dealt with Fleet Vehicles under the minister's former colleague, the greatly missed ex-member from Portage la Prairie. We asked him whether he would look at Fleet Vehicles adopting some alternative fuelled vehicles, and his line was, no, we are a very slow-moving

government here. We do not act; we simply react. When the cost of these vehicles gets one cent lower than gas-producing vehicles, then we will look at them. But in the meantime, we are going to buy simply the cheapest vehicles we can, and we are not going to look ahead and be proactive here and look at something that might reduce pollution and so on. He was not interested in it at all.

So it seems to me that the answer that I am sort of looking for is that we will have somebody check into Dell and Cisco and other companies out there to just try to get ahead of the game here and see whether there is a possibility for significant cost savings in the use of paper, or anything else, for that matter. If somebody is doing it better somewhere else, then you should be willing to take a look at it.

The minister is also aware that if you were to install your media on a certain type of disk, the industry always seems to be able to make it possible to retrieve it and put it on a new type of disk. For example, if you have your material on a VHS tape, the methods are there to transfer it to a digital tape or to a Beta tape. You can do that, and there may be a cost factor associated with that as well. I mean, no system is going to last forever, as the minister agrees. Even books are not going to last more than 300 or 400 years, and it depends on how they are taken care of. We do not have 300 or 400 years, he and I, to worry about this problem. All I am asking him right now is: are there immediate gains that could be made by looking at what some other companies are doing right now to see how you could possibly reduce the cost of the government buying paper and save the taxpayer some money in the process and make a much more efficient system along the way? I would like the minister to make some sort of commitment here as to how he sees that he could move on this.

Mr. Pitura: I think as I indicated to the honourable member earlier, the fact that we are in the process of trying to improve our efficiency by reducing the amount of paper we use, thereby reducing the cost to the taxpayer. I think as the honourable member appreciates, we are still maintaining our status here in Manitoba as the lowest cost government per taxpayer across this country, and we continue to pursue even lower

costs to taxpayers and still maintaining a high level of service. But, yes, we are looking at areas such as the document management project which I talked about earlier. As a good deal of information is shared within departments of government and between departments of government in terms of a hard copy document. Being able to share these documents electronically is certainly going to reduce the amount of paper.

So, yes, we are committed to certainly trying to find ways of reducing taxpayer costs vis-a-vis the using of electronic medium to reduce the amount of paper, and we are committed to keep looking at that area. We will endeavour to do anything we can to reduce the amount of paper that we use in the provincial government.

Mr. Maloway: I did want to ask a couple more questions in this area. One of them had to do with servers. What has happened in that area is the department bought more of these things. I do not know how many you have right now and how well they are working or where you actually bought them all. You are probably aware that there are competing ideas out there as to how you should approach this server business. For example, I think it is Microsoft and its trading partners buy the idea that you should buy a whole bunch of the government—for example, the government of Manitoba would buy itself half a dozen little servers and run the government that way, so the government would have half a dozen servers. But there are other companies out there that argue that is not the way to go, that the proper way to go is to have one big server dealing with the whole government, and that is going to be the trend in the future with the development of technology that in a number of years, well, maybe not in a number of years but within a couple of years that you will not have to use—they liken the argument to the telephones.

*(1550)

With the telephones you have a little dumb terminal in your house, and all the software is down the street at the big phone company office. So the computer business has that argument raging within it where companies say it does not make sense. It is good for Bill Gates that everybody has Windows operating system on

their computer, but in reality that is obsolete thinking. That is not where the future lies. The future lies with people getting away from buying all these tons of software which by the way never works anyway. If you have ever bought any software, you know it will work for a while but then things happen. I think a lot of people may opt for a solution whereby they do not have to buy a \$2,000 computer, another \$2,000 worth of software that never really works all that well anyway and will opt in the future for basically a dumb terminal in their house, much like a telephone today, with all the software down in a central server, central office.

That is the argument, and I would just like to know what your comments are about that as to whether—you have obviously committed yourself for this phase of the operation with Bill Gates and Microsoft and those guys. The question is: what are your observations and your knowledge of the other solution, and what do you think the possibilities are for eventually switching to that method?

Mr. Pitura: The member puts forth an interesting observation. I guess there is no black-and-white answer. It is not a black-and-white area that one can look at and say, well, yes, one should go to a large single server with the software enclosed in that server and everybody use that.

Just for the member's information, the servers that are associated with the Desktop Management Unit are the file and print servers, but the argument for a large single server, I am told, would really have to be done on a business-case basis because, if you are using one single large server, and with the way the province is set up in terms of geographical distribution of all of our offices, you would need to have a very high-speed, low-cost communication set-up.

In other words, if you are going to be using a single server, you have to have the ability to move information fast; otherwise you lose a tremendous amount of the efficiency having one large file server as opposed to many small ones. There is also the factor that one server, if you are utilizing one server, when that server goes down, government shuts down, whereas using a multitude of smaller servers, it just means that

that particular area is affected and it can be isolated and brought back on stream and everybody else is still on. It is kind of a risk analysis that you have to do as to whether you are indeed the downside risk as opposed to the upside risk on putting in a larger server, is going to give you a much better chance on the upside than it is on the downside.

Certainly, on the downside part of going to a larger server is going to require the high-speed, low-cost type of communication, which in the large part we do not have at this point in time. Perhaps, when we get to the point where we can have our communication via satellite, then we could have high-speed, but right now it is a cabling system, and as such it is a very high capital cost investment to obtain that high-speed transmission.

Mr. Maloway: How many servers did you buy, and what company did you buy them from? Are they all from the same company, or are they different?

Mr. Pitura: The honourable member asked how many servers are part of the desktop system in government. I am advised that there are 150 Hewlett-Packard servers across government. The honourable member has this look of astonishment on his face. I am not sure if we have the costs or not available. We probably can get that information for the member, but the honourable member looked a little bit surprised at the number of servers, but you have to also remember that geographically in this province we are spread out with all our provincial office buildings in a number of communities throughout the rural areas in the North.

I am also advised that the Hewlett-Packard servers are owned by EDS, and they are responsible for the servers themselves. In fact I am not sure, but I believe the honourable member and I went on a little tour of the central control area where they showed you that they can monitor the servers across the government and be able to attend to a server before it actually went down on the basis of the monitoring system that they had. They do own the servers, and this is all part of the managed environment that they have on contract with the provincial government.

* (1600)

Mr. Maloway: Was any cost comparison done originally as between the idea of having one big server versus these 150 little ones?

Mr. Pitura: I am advised that when we went to tender on the entire project, we did not specify the number of servers. What we asked for was a network service being supplied to the provincial government. Whether or not they looked at larger servers or the number of servers within the provincial government, that was really a part of the people who were establishing the network for us to utilize. I am sure that they must have had some rationale for making the choices that they did with regard to the number of servers.

The member was asking for the cost of servers, and I am advised that that cost is part of our per seat fee and part of that of buying the network service, so it is all part of that per seat fee.

Mr. David Faurschou, Acting Chairperson, in the Chair

Mr. Maloway: Did anybody quote of the six, I think it was. Was it six companies? I am not sure how many there were. But, quote on the contract, did anybody quote the single-server concept, or was that precluded by the specifications, specifying that it be a multiserver approach?

Mr. Pitura: I am advised that all the proposals that were brought in response to the tender call were multiserver proposals. None of them were single server.

Mr. Maloway: The software licences that you have with Microsoft, I guess, that is who they are with, are they to run out at the same time that the contract does with SHL?

Mr. Pitura: Our understanding is that we think they are to terminate at the same time, but we will have to validate that information. We are prepared to do that and bring that information back for the member.

Mr. Maloway: Because at the point at which the contract runs out, in a couple of years from

now, if the software licences run out about the same time, then that would probably be the appropriate time to relook at the whole area again, because my understanding is that technology is developing in such a way that maybe two years ago you would have come up with the multiserver conclusion, but today it may look different. There are companies that do their worldwide operations on a single server, and where they save is not only on the hardware, but they also save not having to buy, in your case, probably hundreds and hundreds and hundreds of licences. You probably have one licence for every machine, I would think, and that is quite complicated.

The other point that you would look at here, and I know you gave some compelling reasons for why you would go with multiservers, because if one breaks down, you have 149 left, but one of the other big cost factors, I am told, with the multiserver approach and by having all these Microsoft programs on each of 9,000 machines, I guess, by the time you get finished, is that every time you have to do an upgrade, you have to do the upgrade on each and every individual machine. Now, I do not know whether that is true or not, but I assume that is the case. Whereas with the single-server concept, when you have a change in software, any change, and you know the changes keep coming through, you just simply put the change on your big server and it is done. You do not have to worry about did somebody forget to do it in Family Services or did somebody else forget to do it in Justice. You do not have to rely on that. You simply make the single change and it is done, and that is supposedly a fairly considerable cost item for you and your multiple-server approach.

Anyway, I will let you answer some of those questions.

Mr. Pitura: I am advised that even now, whether or not there is a large number of servers or not, that a large portion of the upgrades that we get now can now be done centrally from the Winnipeg operations. So there is that ability to change centrally through the network right now. So I do not think it is directly related to the number of servers necessarily, but it is the way the network is set up.

Mr. Maloway: Last year I asked the minister some questions about fire walls, and I think he told me there were half a dozen. Each caucus was fire-walled, I believe.

An Honourable Member: Not yours.

Mr. Maloway: Not the NDP caucus, no. That is why you always know what we are doing. But, anyway, I would like to know what is happening with the fire walls that were set up, and have there been any occasions where hackers have broken in through any of the fire walls that you are aware of? I would just like to know what the current system is.

* (1610)

Mr. Pitura: Mr. Chairperson, I would just like to share with the honourable member some of the security privacy initiatives that are presently in place or to be in place within the security environment.

First off, I would share that Systemhouse is obligated to implement the security controls listed in the Manitoba Desktop Initiative Security Guide. Systemhouse is bound to follow all other Manitoba security policy and guidelines documents. Proactive processes such as real-time virus protection have been established. A minimum security standard has been established for all departments. Optionally, departments may upgrade to higher levels of security if they so choose. The technical architecture sets the framework for Manitoba's network design and is designed to prevent unauthorized access to data. Fire walls have been deployed to provide enhanced security.

Here I might just share with the member that the caucuses within the Legislative Assembly are under the auspices of LBIS. Therefore, they are out of scope for the Desktop Management Unit, so they are unto themselves.

The use of data encryption is being implemented, and if there is over-the-shoulder support services provided by Systemhouse, they require the user's authorization to do so. Users are restricted to viewing and accessing data that falls within the scope of their work requirements. All unauthorized access attempts will be

monitored, and procedures are in place for establishing user ID in setting of passwords. Users are required to follow stringent security procedures, example, password-protect their personal computers.

Lastly, it is the longer-term goal of the province to establish an information protection centre responsible for ensuring the ongoing security of the information technology infrastructure within the provincial government.

To date, I am advised that we are not aware of anybody, as the member put it, hackers and whatnot, getting access to the information.

Mr. Maloway: Mr. Chairman, does anybody have basically a key to the entire system? Usually in systems, there is always one the systems manager, I think they call them, has on any network. While individuals may have a level of security that they can go through to get certain information, there is always somebody centrally at the top that is managing the whole network who has access to all of the data. Is that the case here or is it not?

Mr. Pitura: Mr. Chairperson, I am advised that there is not one keyholder for the entire system. There are rights granted to individual units for access in certain areas, but nobody is granted access to the entire area.

Mr. Maloway: So nobody in the government or in SHL has access to the entire system. Is that what the minister is telling me? Not one single person?

Mr. Pitura: I am advised not one person or organization.

Mr. Maloway: Is it possible that the fire wall could be violated, and the system could be accessed by a hacker and you would not know about it at this point in time—at any time since the system has been set up?

Mr. Pitura: As I indicated to the member earlier, we are not aware of anybody that has been able to penetrate the system. I am also advised that, under the way the protection system is in place, it would be highly unlikely that that would occur. The member mentioned

earlier about fire walls. Of course, if you know where the fire walls are, then you know how to get around them and through them. So the idea of having fire walls for security purposes is not to tell anybody where the fire walls are.

Mr. Maloway: I would like to believe that the fire walls are totally secure and that no one can break into a system, but, as sophisticated as some systems are, hackers have broken into systems such as the Central Intelligence Agency in the United States and they changed, I guess it is the screensaver or the introductory page from Central Intelligence Agency to Central Stupidity Agency. That was done in the last year, and hackers make a game of going after banking institutions and CIA and other institutions, NORAD, and other high security places. I cannot believe that the Manitoba government would be able to fortify their system as well as the American military would or should. That is why I asked the question. How sophisticated is your fire wall system? How sophisticated is your system that some young or old hacker could not break into it and get in there undetected and be roaming around without you knowing about it? What guarantees do you have that you cannot be broken into?

Mr. Pitura: I probably mentioned it earlier, the mandate of the office of the CIO has the responsibility for security, such I indicated earlier, that they are setting up an internal protection service to ensure the security within the provincial government. Certainly I would not sit here and say to the honourable member that there would be absolutely no way, no way will anybody penetrate the system, because as soon as you say that, you are probably going to have your first hacker break in. What we intend to do is to try to put in all the necessary safeguards that would make it very difficult for an individual to break into the system and wander around within it freely.

I guess that one of the things I am advised here is that we have one of the top security experts in Canada, Mr. Robert Garigue working for us, and he is the advisor to the CIO, but having said that, you can be topnotch in the world probably, and, as the member said, the Central Intelligence Agency in the United States got broken into by a hacker.

* (1620)

What it needs, I think, is dedication to making sure that the security procedures are in place and followed and that any time that you can change your methodology for security, and this goes without saying, that with anything that you want to keep highly secure, the more you change, the less likely it is that somebody is going to know how to break in. But with the member talking about the CIA in the United States, sometimes I wonder whether maybe they do want their information shared, so that it does get out, so that they can have that shared out in the public domain.

So there may be method to their madness in this, but we are dedicated here in Manitoba to ensure that the security is kept at a high level, and we are going to do everything we can under the legislation that we passed in the last couple of years—the privacy of information bill that was passed and then all of the security checks that we have within our information technology system—to assure Manitobans that the information that they have in that system is going to be secure.

Mr. Maloway: Well, how would you know if a hacker did break in? Say the NDP caucus is fire-walled, you have a fire wall there. How would we know someone has broken in there if they were simply looking at information and they did not change any information? How would we know they were even there?

Presumably when hackers break in, they do things. They go and put viruses in there and little bombs in there and all sorts of other little things, but what if they just simply go in and look around at the information and do not change anything? Is there a way of getting through the fire wall, getting inside and taking a look around and leaving without leaving a trail, or would the trail be picked up by the detection system?

Mr. Pitura: I am advised that if there was an attempt by a hacker to get into the Manitoba Government Services database, there is a check system in place right now that would put an alert on with respect to somebody trying to break in. I think the member knows as well that there is that possibility for somebody who is very good

at what they do, and they will not leave any trail. [interjection] There is always the possibility, but it takes a little bit of luck probably along with it. You can put in as high a level of security as you possibly can, and that is what we are doing within the purview of the desktop management area to ensure that high level of security is there. We cannot do anything else but to say that we are doing our utmost to ensure that that security is in place, that security is working. We will keep people out who want to break in, but we will not absolutely guarantee that nobody will get in. I do not think you can give that guarantee, but we are going to do our best to keep them out.

Mr. Maloway: So it is possible that we have a hacker who could go into our system, view the data at will, and then get back out of the system undetected?

Mr. Chairperson in the Chair

Mr. Pitura: I am advised that you not only have the level of security in this system but the data itself is encrypted. I am advised that if one were to get through the level of security into the data, that having the data encrypted makes it virtually impossible for the retrieval of that data by whoever has got past the line of security. At the same time, you see there is time, date encryption on the data. It is highly important sensitive stuff that is encrypted, so that makes it doubly or maybe even triply difficult for anybody to get in and look at the data and then get out.

They may indeed be able to. Chances are very unlikely, very remote, but if somebody were to get in and get out, they probably would not be able to look at the data in a readable form.

Mr. Maloway: The minister the other day referred to Melissa the virus and the question is: how does a virus like that get into your system then if you have virus detection software? You said it does not come from within. You have said no government employee could introduce it into their machine. That was the answer I got the other day, so it has to come from without. The question is: where did this Melissa virus come from? If your system is so sophisticated, presumably you could track down where it came from. If it is so sophisticated, how did it get in

there in the first place, I guess? You would think it would be stopped at the door, and that did not happen.

* (1630)

Mr. Pitura: I have to point out for the honourable member that when you took a look at the Melissa virus, that within the provincial government, because of the way we have our system set up, in three hours time Melissa virus was under control in every computer within the provincial government.

If you go to the government of B.C., with their network they spent 10,000 man-hours battling Melissa within their computer system. That is the difference between, I think, a system that is—it gives you sort of the extreme ends as to what could happen. I was fairly satisfied that our system is set up to be able to combat that type of a virus, but if the entire system is set up on an e-mail system, anybody I send an e-mail to or anybody from the outside can send an e-mail into a government computer, work station. That is how Melissa came, on e-mail, from someone else as an attachment. When you hit the attachment, that is when everything broke lose.

I am led to understand that the Melissa virus could come on an e-mail from anybody. They did not know they were sending an attachment, which was the Melissa virus. But that is how the e-mail came. How they picked it up, I have no idea, but our ability to respond to it and to get it under control quickly I think has a lot to say about the way the Desktop Management Unit and the way we are set up in this system within the provincial government.

Mr. Maloway: Well, that was the question. I know the minister did give this answer before, that he had it under control, had the fire under control in three hours and stamped it out. That was not my question. My question was: how did it get there in the first place? Were you able to track it back to a guilty party somewhere along the way? Who was the guilty party, where were they, and what did you do about taking action against them?

Mr. Pitura: I am advised that if the honourable member is willing to wait awhile, the Desktop Management Unit will take a look at and find

out if they can determine where the virus was introduced into the government computers. I anticipate that that is the question the honourable member was asking. He was not asking where Melissa originated from in the first place.

But I am advised that it is probably possible to be able to locate at what point it entered the government system, at what computer unit. If the honourable member is willing to wait for that information, we can probably find that out and get back to the honourable member as to how and at what point of entry it was.

Mr. Maloway: I would be interested in knowing how it got in. I know that the minister's information about how his system worked far better than B.C.'s, I mean, that sounds pretty good. The question was: how did it get in there in the first place? The fact that it was detected and gotten rid of in such a short time is probably a credit to the system.

Anyway, what I want to ask the minister about now is back to the question about e-commerce. The other day he talked about the possibility of moving forward in the next months and years providing government services through home-based computers or through kiosks in shopping centres and so on. I asked at the time about the e-commerce studies that have been done by the Gartner Group, by Hackett Benchmarking and the Geiger Group.

We talked the other day, too, about his discussions with the people in Finance about this whole e-commerce area. I wondered if he had been able to obtain copies of these studies for me and whether he could elaborate a little bit further as to what is happening as far as pilot projects are concerned with any of these areas for e-commerce with the public.

Mr. Pitura: I am advised that the studies that we talked about the other day done by the Gartner Group were basically studies that were not specific to Manitoba conditions necessarily but to a more global situation with the utilization of e-commerce. I have not got any of those studies available for the honourable member, but we will attempt to see if we can find some laying around, and, if so, we will forward them to the member.

I have to, though, keep reminding my honourable friend here that a lot of this area is really under the chief information officer, the Office of Information Technology within the government. [interjection] Well, it is just a fact that we are the hardware guys. We are the hardware people, and those are basically the program people. They are the ones who are taking a look at security, taking a look at the various e-commerce programs. We talked about the document management project. That is all under the purview of that office, and it makes logical sense that it should be there as well.

Mr. Maloway: I wanted to ask a few questions about security here at the Legislative Building. I know the minister may want to get some different staff for these questions [interjection] Security at the Legislative Building, yes. No, we will leave computers for awhile and move on to some other areas here.

The reference was made in an article a couple of weeks ago about the card system at the Legislative Building not being Y2K compatible and there was a new system being set up. I would like to know what has happened with that, whether that has now been completed and what the effect is.

Mr. Pitura: I am advised that all the receiving stations which receive your card at the door have all been upgraded to Y2K and the central system that receives all the information and panels all the information has now been upgraded and is Y2K compliant. So the entire security system in the building is now Y2K compliant.

Mr. Maloway: A few minutes ago when the member for The Maples (Mr. Kowalski) was here, he asked the question about security in the building. He said to me privately: why is there such security at the front doors of the Legislative Building when for the last two weeks the back doors are totally open? Is that the case? If so, why would that be the case?

* (1640)

Mr. Pitura: Basically, when the system was put in, it had some start-up difficulties getting everything to operate properly. So, from time to time, the doors were open, but at the same time

when that happened, security was also present in terms of having people on the floor checking those entrances. I think that is not unusual for any system that is just being put into place.

The member was talking about a door that was open. I would have to share a story that I had with the honourable member where I could not get the door to open, and it would not read my card. I was advised that it was just a case of the alignment in the reader, that it could be fixed very quickly and then it would be able to read the card. So these little things, adjustments have to be made, and I think the honourable member can appreciate that you just do not install something that is just as sophisticated and have it work it 100 percent in the first hour of operation. Sometimes you are lucky and it happens, but in other cases, not always, but you work at it, you get it working properly. I am sure once everything is in place and working well, it will probably give you better service over the long term than anything else you have had before that.

Mr. Maloway: Any report references, bomb threats, threats and other incidents and so on, I would like to ask the minister, has there been an increase? This annual report is for 1997-98, so it is a bit out of date now. The number of bomb threats were listed as seven one year, then nine the next year. I am just wondering what the current records are for bomb threats, and also if the minister would basically tell us what sort. Are these simply phoned in bomb threats? Is that how they occur? What is the procedure when these threats are phoned in?

My guess is that the building would have to be evacuated when a bomb threat is made. I do not recall that ever happening. I think we had some sort of a dress rehearsal for something here, a couple years ago, the minister might recall. That may be before his time, I am not sure. I do recall having to go outside a couple of times here for some sort of a dress rehearsal, but I do not think it was an actual bomb threat. I am reading here that there were seven one year, there were nine another year, and there may be some more since then. I do not think anybody in the building is aware of any bomb threats being communicated.

Mr. Pitura: Mr. Chairperson, I neglected to introduce the gentleman at the end of the table who has just joined us, but I will introduce him now, and that is assistant deputy minister of Property Management, Hugh Swan. He is advising me that with regard to bomb threats, for some reason or another, the number this year is down as compared to previous years, but we will endeavour to get a hard number for the member to share with him. Basically we do not have the hard number with us, but his recollection is that it is down as compared to other years.

But I guess maybe just add for the honourable member that I know that when you read the annual report and you take a look at the number of bomb threats that are there, you are probably never advised of any of them. There is a good reason for that.

An Honourable Member: Oh, I am sure.

Mr. Pitura: No, there is a very valid reason for that. On a serious note, the evacuation procedure that the member was talking about is certainly one that we tend to reinforce and to make sure that everybody knows exactly what has to happen with respect to an evacuation. But if you take a look at the configuration of the building that is here, one of the safest places to be is probably in your office, in terms of the structural integrity of the building.

An Honourable Member: Depends on where the bomb is.

Mr. Pitura: Well, certainly that depends where the bomb is, but certainly if there is a bomb threat, the investigation takes place and the sweep is made of the building. If the threat is real, action will be taken, but I think as the member reads in the annual report that those were threats and only threats as far as the bombs, the actual bombs, found was basically they turned out to be threats and not actual bombs.

The structural integrity of the building is such that the outside perimeter is the most strongly supported section of the building, so if there was a bomb placed in a public area, the safety would be in the offices, surrounding the perimeter of the building.

Mr. Maloway: But over a two-year period, 24-month period, we had 16 bomb threats, and the question is: why were there no circumstances where the building was evacuated? Were these bomb threats all in the evening when there is nobody here? I do not recall one time when, because of a bomb threat, the building was evacuated, and I would have guessed that is what one would do is if the caller indicates that there is a bomb in the building, the first thing you would do is get people out, and then you would look for the bomb. I do not think the minister is suggesting that somehow they look around to see if there is a bomb there first, and if they find one, then they evacuate the building. Right?

Mr. Pitura: When a bomb threat is received, of course, we do have very highly skilled security people who manage the security for the building. As well, we always have as a support service, certainly the Winnipeg Police Service is there to help us out as well.

But each and every bomb threat, there is a risk assessment attached to it. Sometimes by virtue of the caller being identified with previous occasions, or whatever, it is deemed to be very low risk. If there is a high risk attached to it, the staff know how to do a sweep of the building very quickly to determine if the threat is real or not.

As well, I am advised that certainly if every time somebody made a phone call here and said there was a bomb threat—it could even be to your office, whatever, just to leave the message—we cleared the building, then there would be quite a few people who would probably have a lot of fun with that to see how many times we cleared the building in a day.

So, certainly, there is that aspect of it. There is also the safety aspect of the people involved, and this is part of that risk assessment, and, certainly, if a bomb threat was real and put people's lives at risk, then an evacuation procedure is followed. The honourable member might recall the time when there was a van parked near the front steps of the Legislature. In fact, I think it was parked on the front steps of the Legislature, and there was a risk that there could have been a bomb associated with the vehicle. I believe with that particular situation,

there was a limited evacuation of the front of the building. There was a limited evacuation of that part of the building because of where the van was located.

* (1650)

So each time there is this sort of threat, as I said, the risk analysis is done and the best possible action is taken. As I mentioned earlier, if we are talking about safety of the staff who work in this building, the first place for their protection is really to stay in their offices until they are advised otherwise. Therefore it is important, as well, that you do not go running around the building every time you get a bomb threat and tell everybody there is a bomb threat, because then there are a lot of people who are going to panic under that type of situation. So if there is something happening, you want to be able to get people to calmly follow an evacuation procedure that is laid out, depending on which section of the building is under threat.

So it is a well-thought-out process. The first time that the Assistant Deputy Minister Mr. Swan shared it with me, and Mr. Hines, the head of security, I was quite impressed with the way that the whole procedure is put into place and operated.

Mr. Maloway: Mr. Chairman, then why is it the case that when we are dealing with airlines, that every time there is any kind of a bomb threat made, they evacuate the plane? They rarely find a bomb, but they take everybody off the plane. What is the difference here? You get 16 bomb threats in 24 months, and somehow this is treated differently than if you were an airline. Why?

Mr. Pitura: Well, I could answer this a number of ways to the honourable member. First off, you do not usually evacuate an airline in midflight when you have a bomb threat on board. You get the plane down on the ground as quickly as possible. Having said that, though, in the case of an airline, the space is much more confined than it is in this Legislative Building, so therefore for passenger safety they evacuate the airplane. Now, we are talking about taking 90 passengers off the plane and putting them on

the tarmac somewhere in safety. When it is the Legislative Building, if we were to totally evacuate the staff every time we received a phone call with a bomb threat, there would be people who would probably not choose to work here because of the hassle in their lives. You also have to remember that the bomb threats often are not real.

Security staff knows how to do the sweep. The Winnipeg Police Service has a professional bomb squad that is at their disposal to be used. Once that is done and they are satisfied that there is no bomb, everything goes on as usual. There is an action plan in place should the sweep reveal a bomb, which part of the building it may be a threat to, or, in fact, it may be the entire building. So all those contingency plans are put into place. But there is no point in unduly upsetting a lot of people who work in this building on a day-to-day basis each and every time a bomb threat is received in one of the offices.

Mr. Maloway: I think there is a bit of an inconsistency here because at the airport you have a lot of security provisions which you do not have here. Just to get on the plane you have to go through different levels of security. You have to have your bags looked at. You have to have your pockets emptied out, much the same as you do to attend the Manitoba courthouse right now.

A couple weeks ago, I had occasion to go over there to look for some court documents in a legal case, and there is an airport-type security system there where no one can get into the front of the courthouse without going through a security system. Certainly, I remember in '92 in Little Rock, Arkansas, the Bill Clinton first election, there was a security system there. Every one of us who had to go through the security system to even get around the tarmac was put through the security system. So when you are dealing with the airlines, all it takes is one person to phone in a bomb threat, and they take the time to take the people off the plane. It delays. There are huge disruptions and people are happy to get off the plane to make certain that there is no bomb in there. All I am saying is I see an inconsistency here.

I do not know what the policy is with other public buildings or other buildings—Government of Canada, City of Winnipeg or Richardson Building, or any private buildings, how they are run, but it does not seem to me that you would have 16 bomb threats in two years and you did not evacuate the building one time. That does not make sense to me. That is if they are serious bomb threats, and if they are not serious bomb threats, unless this is just a make-work project, what are you writing them up in your annual report for?

Mr. Pitura: The honourable member is suggesting that airport terminals do not receive bomb threats on the same basis as the provincial government does, and I would suggest to the honourable member that he might well check with the Winnipeg Airports Authority or any airport authority across the country to see if they have received bomb threats. In recent memory, I am not aware of the Winnipeg Airports Authority having to clear the Winnipeg terminal building because of a bomb threat, but I am not so sure that they have not received bomb threats. I think they go through the same process that we do in terms of doing a risk assessment on the quality of the bomb threat that has come forward. If there is a reason to believe that it is high risk, then we act accordingly. If it is a low risk, we act accordingly. There is no inconsistency whatsoever.

The honourable member knows that if you receive a bomb threat on a plane that is halfway between Winnipeg and Calgary in the air, there is only one way that plane is going to go and land as quickly as possible and evacuate the plane. In terminals, they would receive bomb threats, I am sure, on a regular basis in the terminal itself, but they do the risk assessment and do the sweep and go about their business. The honourable member would have to appreciate that if we cleared this building every time there was a bomb threat, it may well be right in the middle of his question in Question Period that he could be interrupted and asked to leave. Having staff who know how to deal with this, the sweep is going on as you are asking your question in the House, and once the sweep is done and the assessment is taken, it is business as usual. But, if there is a real threat, then there would be action taken, and they are prepared to

take the action. So I do not think there is any inconsistency whatsoever. It is probably very wise management with regard to any kind of terrorist activity or bomb-threat activity.

* (1700)

Mr. Maloway: Mr. Chairman, then maybe the minister could explain why there is such a serious matter over at the courthouse that people have to go through a metal detection system and empty their pockets when all they are going over there for is some statement of claim on a legal action. In one case a woman was over there getting some documents regarding her divorce, and people were lined up. You would think this was a huge, high-security area, yet just a few hundred feet away, you have a much more attractive target, that being the Legislative Building, and you have just total lack of security here in terms of what a determined person could do if they wished to.

I mean, we saw what happened in Quebec a few years ago, probably ten years ago, where it was just the luck of the guy with the gun not knowing that Question Period was in the afternoon versus the morning. If he showed up on the right day, he would have been right there firing bullets into the Chamber from the Speaker's Chair. We had a case in P.E.I. a couple of years ago where a bomb blew up outside the Legislative Building.

So I would like to know what sort of approach we do have for security here. I know that, for example, the grounds of the Legislative Building, while you put people at ease by saying, well, you have security cameras out there, the fact of the matter is your security cameras do not take pictures beyond more than 50 feet or so of the front of the building. You are not covering the whole building with the security cameras. So that is what I am trying to get at here. I know the House of Commons in Ottawa, 20 years ago when you went there, you had to check any bags. You were not allowed to take them up to the gallery. The minister says you could drive your jeep through the front door. Sure. The point is, for some reason, years and years ago the House of Commons decided that people could not go up into the gallery during Question Period with purses and handbags and

briefcases. Now, they probably had a good reason for that. I do not know what it is, but they do not allow people to do it but, yet, in this Legislature and, I am sure, others across the country, you can walk up into the gallery with a briefcase, with a purse, with a shopping bag. You can walk right through the front door here with whatever kind of shopping bag you want and go up and get your ticket, go to the gallery for Question Period, and you can have whatever you want in there. There is nobody to check your bags or to question you in any way, shape, or form. Am I right in that assessment, or am I wrong in that assessment?

Mr. Pitura: When the honourable member first started out with his statement he was, I think, comparing apples and oranges here, because we were talking about bomb threats to the Legislative Building as opposed to having a security system put in place at the Law Courts with respect to violent activity. The inclusion of security and metal detectors at the Law Courts was precluded by the fact that there were individuals who made violent threats in terms of committing violent acts in the courtroom. It was deemed to be necessary to put a higher level of security at the courthouse because of the possible incidence of knives and guns being smuggled into the courtroom.

But if you are looking at bomb threats you can put a very high level of security in place and it is still possible to have a bomb threat. That does not stop the threat from happening. You may have more confidence in the bomb being placed, but the threat is still there. You have to treat it again on the basis of risk analysis. The member is talking about the further security enhancements within the building and the level of security that one would like to see. It is always a difficult road to go down, because every time I receive a class of children from a school out in my constituency and I welcome them here, I welcome them to their building and, as such, this building is for all Manitobans to have and enjoy. Keeping them outside of the building is not always necessarily the right way to go and still be allowing Manitobans to enjoy the building.

But certainly our investigation of legislative buildings across the country and the security

systems that they have in place. If you go to the Quebec National Assembly, of course the honourable member referred to the shooting that took place there a number of years ago. They have a very, very high level of security to get into the legislative building there for absolutely everybody. It is like a fortress. If you go to other legislative buildings across the country, I think that Saskatchewan and Manitoba are probably the two legislative buildings that are probably the most open to the public. But there are varying levels of security procedures that have been put into place.

So far, within Manitoba, within the Legislative Building here, we are certainly aware of those things that could occur. So a lot of time is spent training staff and working out procedures by which a lot of the things that the honourable member was referring to with the shopping bags and the parcels that are left behind sitting in the gallery or whatever are soon detected right away. One of the roles of the Assembly staff is to make sure that when the Assembly is cleared of people they do a check behind them for that. Those are little things that we do for enhanced security. There may well come the day when a much higher enhanced level of security is required at all entrances to this building to control the flow of people in and out of the building, but I remind the member that I said earlier that it is a road that you go down very carefully because you have the rights of the people to enjoy the building. You also have the responsibility to provide an adequate level of security to everybody in this building that they may work here having peace and security of their person while they are working in this building. If you cannot provide them with that level, then we are going to have to enhance the level of security.

Many office buildings in this province that are in the private sector do have identification tags that are necessary, and everybody that comes in is required to sign in and/or go through some sort of security device. So maybe we are not too far away from that. Certainly we are not closing our eyes or turning our backs on any kind of security enhancement measures that we can take the opportunity of. We want to be sure that our level of security in all government buildings will allow the people who work in

those buildings to have the safety and security of person. If we achieve that, then we are doing our job. If we are not achieving it, then we have got to enhance our level of security.

Mr. Maloway: Can the minister tell me what the point is of checking for bags being left up in the gallery after the Question Period or after the gallery closes as opposed to having bags checked before people get up into the gallery? Tell me what the sense is of checking afterward to see if somebody has left a bag as opposed to checking when they first go up into the gallery.

* (1710)

Mr. Pitura: Right now the reason that we are doing it sort of post-event or when people get up to leave, it is a good practice to do that because it will reveal anything that is left there intentionally, but it is also great service to those people who get up out of the gallery and leave to have somebody present them with their unintended article that they left there. So there are a bit of pluses here on both sides.

However, we are looking—and let us share this with the member—and trying to work with the Legislative Assembly Management Commission and the Clerk's staff on little enhancements to the security procedures within the Legislative Building that, as the member indicated, could require people who carry in parcels or bags or briefcases and want to go up to the gallery to have to check them. It will not be the end of the world for those people who have to do that. I think what we are trying to do in taking a look at and studying is how we can put something like that into place that allows the individuals to check their bags or their briefcases and know that they are fully secured while they are up in the gallery, and then they can come back and pick them up. Once that happens, then it also throws in a different angle to the whole thing from the standpoint that now you have all of these parcels and briefcases and bags in one spot.

An Honourable Member: In your office.

Mr. Pitura: Well, no, I thought maybe they could be checked in at the honourable member's office, but I think the honourable member knows

what I am talking about is the fact that you are in effect allowing somebody who knows the system to be able—and if they wanted to do a very good job in terms of violent action. Then you say, well, you have to be able to check each parcel and bag and briefcase and whatnot for some sort of detection device to be able to ensure that they are clean. So you add that variable to it that has to be looked after.

So it is not an easy job to just say we are going to enhance this, enhance this, because there are ramifications of each action that you take. For every positive action you take, there is always probably a negative action that occurs. So you do the best you can, but we are looking at it. We want to enhance the security, and we do not want to be obtrusive about it.

Mr. Maloway: There were also a total of 42 threats over a two-year period, threats directed towards elected officials and staff. Can the minister outline for us what the nature of these threats were and what sorts of conclusions he has come to as to how to better protect the people in question?

Mr. Pitura: Mr. Chairperson, I am advised that it is very difficult to capsualize for the member in terms of categorizing the threats, in that they were verbal threats, threats received via the different modes of communication that we have, maybe some like I am going to come and, you know, flatten your nose, to maybe some more violent nature. But they are basically just threats that are made against people who are in this building or work in this building. When these persons receive these threats, they deem it important enough to advise security for the building about them. I am sure that many of us have received threats that would not even make it to the security desk, but these individuals have felt that these threats were important enough in terms of the safety and security of their person; they felt they should have the assistance of security in being able to deal with them.

Mr. Maloway: So these are not cases where the threats are made to security, and then security presumably tells the official. Well, how many would there be like that, and do they tell the official in all cases?

Mr. Pitura: I am advised that the threats come in different modes. Some of them will come directly to security, but probably, by and large, most of them will go to the offices, that an individual will call that office and directly threaten the front office staff in that office, in which case they report it to security. Security does the investigation on each threat and then documents them as well as the bomb threats, so that the better the documentation you have on file, the easier it is, the next time you go around and you receive a personal threat or a bomb threat, to be able to investigate.

Mr. Maloway: Let us go back to the court again. I would like to know roughly how many bomb threats over those last two years the courthouse would have received and how many threats towards officials over there the courts would have received.

Mr. Pitura: I am advised we do not have the documented evidence for the courthouse with us, but we can obtain that information for the member.

Mr. Maloway: I am not condemning the minister here. I am just making the observation that it seems that you must have an awful lot of bomb threats and threats toward court officials if you have set up a system over there that has metal detectors and basically a real high level of security for people going into the courthouse. I think I know why it is there, but it still does not stop somebody, whose intention is to do things, to simply bypass the courthouse and come right to the big house over here.

I mean, the people can figure out that this is the place where the laws are made, and the Legislature is sort of an attraction for people with grievances, so it does not make sense to me that if you are going to go with this big system over at the courthouse, you leave the Legislature totally open. Either you are underreacting over here and overreacting over there, or whatever. There is an inconsistency anyway in the fact that the buildings are so close together. So presumably they have had a much larger number of bomb threats and threats against courthouse officials than you have over here for them to take the action that they have.

* (1720)

Mr. Pitura: I think the honourable member compares the courthouse to the Legislative Building. Within the confines of the courthouse, of course, there are many more individuals involved in the daily courthouse proceedings that could indeed be the target of violence, whether it be a judge or whether it be a Crown counsel, or whether it be a protected witness. There are probably many more reasons why one should be on guard and have a higher level of sophistication with regard to security at the courthouse as opposed to here.

As the member is probably aware, most of the incidents that have occurred in terms of many violent incidents have taken place within the courthouse. As a comparison, over here at the Legislative Building, very little of that happens. So there is a requirement and a need for the enhanced level of security at the Law Courts Building. In fact, I do not think it is dissimilar from any law courts building across this country in terms of the level of security.

But it is quite unusual to see that level of security in a legislative building. As I said to the member earlier, there is only one building in Canada that has that level of security, to my knowledge, and that is the Quebec National Assembly. All the rest of the legislative buildings have a lower level of security.

Some of the buildings, the way they are designed, it works very easy just having the staff confronting everybody who comes through the building. We have a beautiful foyer and entranceway here. It poses a problem in terms of being able to ensure that all people coming through the front doors have to channel through security. So there are some logistics there. Saskatchewan has a narrow hallway in theirs, so they are able to squeeze everybody in past the registration desk.

But the courthouse is probably subject to more incidents of violence because of the nature of the business that is conducted there, as opposed to the Legislature.

Mr. Maloway: So the minister has no plans currently to install a system similar to the

courthouse system over here at the Legislative Building.

Mr. Pitura: No, not at the present time. But I would share with the honourable member that we are constantly looking at security and at improving security for the individuals who work here, and at the same time not be overly obtrusive for the public who come through the door. It is a delicate balance we are trying to achieve. Hopefully, we will always be on the right side of the decision making on this one.

Mr. Maloway: Now on the Legislative grounds itself, I understood that there are cameras and there are patrols and so on, but there are cameras covering the whole area here. But I understand that is not in fact the case, that the cameras, in the front anyway, do not even cover the parking lot up front. As a matter of fact, they only go to a few cars to the left and to the right.

Now over the last few years there has been at least one case of an MLA being accosted in front of the building. There was another one who was locked in his trunk. If there had been cameras trained in that area, presumably this would have been on tape. I would like to ask the minister then, why is that the case? Is the price of cameras too expensive? What is the reason for only a small portion of the front of the building being covered by these cameras?

Was there ever a resolution in the case of the member who was locked in the trunk? Did you ever have any tape of that? If so, what was the final resolution? That was a few years ago. We have not heard any final resolution on that.

Mr. Pitura: I think, with regard to the camera surveillance, the ultimate goal with the surveillance cameras on the building was to be able to monitor activity around the building. I am advised that in terms of the camera and the camera angles and the way they are set up is that any kind of activity along the building can be picked up by the camera. So, if there is somebody lurking in the shadows along the side of the building, they will be picked up by the camera. But the camera does not, as the member states, in terms of the parking lot, go out very far because it is designed to secure the perimeter of the building.

There is an additional camera down by the walkway at the river. I am also advised that the Lieutenant Governor's house is covered as well. But the cameras are not put into place to cover activity over the entire grounds; they are basically around the building. As an addendum to that, if there are staff working here late at night, if deemed necessary—well, actually it does not have to be deemed necessary. There does not have to be a request. Our security staff will approach the individuals who are leaving the building, especially the female individuals, to escort them and walk with them to the vehicles to ensure their safety.

I think the honourable member can appreciate that the only way you are going to have a real high level of safety and security is if you turn it into a fortress and have tons of people around. But the security that works in the building here does a very good job, and they certainly look after people who are leaving this building after hours. They also have building perimeter patrols at night around the outside of the building just to ensure that there is no threat.

The member is also probably very much aware of the changes in the shrubbery that have occurred around the perimeter of the building where the types of shrubs that are planted are such that it is more difficult to use as a camouflage or something to hide behind. So we have taken steps like that to make it more spacious, more open, more brightly lit, so that is the level of security that we have there right now with regard to the cameras.

The honourable member should appreciate the fact that you can never design a camera that is going to be foolproof and always catch the perpetrator on the lens. It sometimes happens in a 7-Eleven store, but when you have a camera that is always moving, constantly moving on a 180 plane or grader, there is the opportunity for perpetrators to get an idea where the camera is focusing and to be always outside that angle. So that is why we have the perimeter building patrols to ensure that there are no people lurking around the edge of the building.

* (1730)

Mr. Maloway: Maybe a month ago, a few weeks ago the courthouse was hit with graffiti. I

believe, I think the LG's residence was tagged as well. I would like to know just what the minister's policy is on graffiti and what was actually done about it. I have not checked lately but I know that the graffiti was still up there the next day. I understood it was certainly the policy of the city graffiti co-ordinator—I was at a meeting where he was at just last week. Their policy is to try to identify it and get it changed immediately so as to not draw more activity of that type. This was still on the buildings the next day. I wonder what eventually happened there and what is your policy towards this.

Mr. Pitura: Our policy with respect to graffiti being applied to any government building is to clean it up as soon as possible. I think, when this story appeared in the paper, the graffiti was applied, from the sources and the documentation we received on camera surveillance, approximately 3 a.m. By 8 a.m. it was almost fully removed on the Law Courts Building and the LG's residence, and by 11 a.m. that day it was all done. We are talking about approximately five to eight hours after it was sprayed on, it was taken off. The only difficulty we had was with the statue of Louis Riel where the graffiti group that is organized by the City of Winnipeg had a great deal of difficulty taking it off. But they do have an excellent group, I am told, of graffiti fighters in terms of getting rid of the graffiti. They were there first thing in the morning to get rid of the graffiti.

That is really one of the best policies with respect to graffiti, is that people who do it go back there to see what their work is like the next day and it is not there. That is maddening to them and it frustrates them and they are probably not going to do it again. That leads me to another comment, where the honourable member's colleague has brought forward graffiti legislation. It very simply puts down, if the perpetrator is caught, there is a \$500 fine, I believe, or community service. I do not know of too many graffiti makers that get caught. In fact, most of them do not get caught. So I really question the validity of that legislation as to what effect it will have. I think what we have done is probably the best thing you can do is get rid of it before they have a chance to get up out of their beds and come back and have a look at their artistry.

Mr. Maloway: I appreciate what the policy is. Maybe we are talking about different incidents because this was the one that occurred just about a few weeks ago at the courthouse. I know that my assistant was at a meeting on Henderson Highway and the reporter that was there was called away to some disruption downtown at the courthouse. The question of graffiti was brought up and this was around noon, 11 to noon. At six o'clock that night when I left the building I drove around the courthouse, and all that graffiti was still up there, was up at six o'clock at night. So I think maybe the information is a little bit—maybe you are out by a day. Perhaps it was dealt with the next day, but certainly six o'clock that night it was still on. I am talking about this one. I could give you the date, but I would have to check with my records.

Mr. Pitura: I am advised that there were actually two incidents when graffiti was applied to the Law Courts Building. I think the one I was referring to was the first one that was cleaned up very quickly and the second one was the one that occurred the following night. [interjection]

No, maybe it was not cleaned up as quickly, but it was more difficult I think in terms of being able to get rid of it.

Mr. Maloway: There is a new high security prison being built in south Winnipeg right now to handle a trial this fall. I would like to know just what is happening with that right now. I think the figures were at \$4 million or something like that for the cost of this. I was interested in knowing why that particular location was chosen. Why could you not simply conduct this trial in the existing facilities? Just what is the rationale for spending that kind of money on this kind of facility?

Mr. Pitura: If I can share with the honourable member, firstly, if we take a look at the configuration of the interior of the courthouse in which there are approximately 30 to 35 defendants, accused. According to the laws of the land, parliamentary law, all of the accused must have a line of sight direct to the jury and must have a line of sight direct to the judge. Therefore, you have to establish 30 to 35 areas where the defendants have a straight line of sight

to the jury and to the judge. That is one of the requirements that was necessary.

So the honourable member can appreciate that in the provincial Law Courts building, none of the courtrooms were able to accommodate 35 accused being able to have that straight line of sight. Therefore we needed to have a courtroom that was fairly spacious and designed in such a way that the accused would have this line of sight.

* (1740)

Secondly, if they have 30 to 35 accused in a courtroom, it is indeed possible to have 30 to 35 defence attorneys. So the question is, in a normal courtroom, where do you seat that many defence attorneys? That was the second problem that had to be overcome, so that had to be done. Also, space had to be provided for Crown counsel as well. So the interior configuration of the courtroom had to be established in that manner so that you would be able to meet those specifications.

Now we go to the outside of the courtroom. We know how much space we need on the inside. We know we have to get the accused in and out of the courtroom facility. We have to provide decent accommodation for the jury. We have to provide accommodation for the defence attorneys. We have to provide accommodation for the Crown counsel. So it was imperative to get a building of substantive size to be able to accommodate that.

Now, in terms of location, we are looking at a location that was not adjacent to a residential area. We are looking at a location that was easy to have a security perimeter fence put into place, where we can control vehicles on and off the property. We also wanted to find a location where, should something happen down the road a piece, that we would have a piece of property that we could put onto the retail market if constitutionally this thing did not fly, because it is the federal government that brought in the new legislation which says that you can charge people on a conspiracy charge, but what happens if it does not hold up constitutionally and we have this huge courtroom? If it holds up, that will be probably one of the most highly used

courtrooms going, and, in fact, it may even be utilized by other jurisdictions for their use as well. In fact, I would like to market it that way.

But it all had to be selected on that basis, and that is what brought us to Chevrier Boulevard, was the fact that that was the only location in the city that was able to accommodate all of the requests that Justice had with respect to the inside criteria and the outside criteria.

Mr. Maloway: Well, who found the building, and how was the price established?

Mr. Pitura: Mr. Chairperson, basically, the Accommodation Division of the department went on a search with that criteria in mind, made some contacts with people in the realty business, for one, and found out all the property listing. Then they also were advised about who the owners were of certain properties that were looking at the possibility of leasing or selling their properties.

So they went on a search, and all of the potential properties were catalogued. We tried to do the best thing possible. First, at City of Winnipeg, did they have any building space that would be available? We could utilize that. We were advised that there was not any available. Also Public Works Canada, we thought that if they had a sufficiently large enough building we could use that. That was not available. We went to National Defence. We said, now, National Defence has got to have a lot of buildings that are the right size, like a hangar or anything like that that could be temporarily put into place, only to be advised that, sorry, because the Pan Am Games were conflicting with your space they could not guarantee us any space until after the Pan Am Games.

Our information was that we needed it to happen sooner, because there is a constitutional right to a trial, apparently, when you are the accused. So once we did take a look at some—I do not even think we saw more than one. That was the only the property that fit the criteria, if I am not mistaken. All the rest of the properties had some sort of problems with them, that were in the private domain, that were identified.

We looked at approximately 13 different properties. Each one, well, it was either, you know, you had the residential area too close, you could not secure the perimeter, or the inside of the building, in terms of configuration, did not have large enough rooms, did not have enough floor space or whatever to accommodate. So we ended up at Chevrier Boulevard.

The first recourse was to lease the building, right? We just wanted a temporary courtroom to utilize, but when we started to take a look at the long-term implications for this and the fact that the trial, if it was contested on the basis of constitutionality for first, and then there was the trial and then there were appeals, the way the courtroom was set up is it can be used as a Court of Appeal. There is sufficient room for three judges there. You went through the whole process, but indeed if you went to a three-year lease, it might be way beyond three years by the time the whole issue is resolved. So we made the decision that it was a better investment for us to purchase the property and renovate the building. At the same time, I think the area that we have the property in is an area that is rapidly expanding

An Honourable Member: How did you establish a price?

Mr. Pitura: We established a price with Land Management Services, which is an SOA within Government Services. They did the real estate appraisal on the property in terms of the value of the property.

Mr. Maloway: I am sorry to interrupt the minister, but we only have 10 more minutes left. I want to get as many of these questions asked as possible.

How many appraisals did they do? I imagine there is a standard number they do when Land Management appraises property.

Mr. Pitura: Land Management Services, a large number of their staff are qualified real estate appraisers. As such, they have a lot of experience in real estate appraisals and have done a lot of work in terms of appraising real estate.

Mr. Maloway: Can we get a copy of the appraisal assuming that only one was done?

Mr. Pitura: I am not sure. We will have some discussion with Land Management Services. I am just not positive or sure about whether these are appraisals or not. I presume they do. But for the honourable member's information, we paid \$1.5 billion for the building and that was within the appraised value parameters—[interjection] Building and land. That was the value that was placed on that property by LMS as being a fair value for that property. If we cannot supply the appraisal to the member, then I trust that the member will accept the \$1.5 billion as being the appraised value of that property.

* (1750)

Mr. Maloway: The final cost of the building then, when it is completed, will be what, because I have heard different figures.

Mr. Pitura: I am advised the approximate cost, finished, is \$3.6 million.

Mr. Maloway: I would like to ask the minister what is the current status of the Headingley jail situation. Back in '96 I guess it was, there was the big riot at the jail. The minister who is no longer the Minister of Justice, I heard her on the radio echoing the sentiments of a lot of Manitobans at the time saying that the people who caused this riot should be responsible for the cleanup. Their hopes were all dashed when reality set in, and we realized that the prisoners did not end up cleaning anything. They created the mess and then the public ended up having to rebuild the jail. So I wonder in the final analysis how things turned out, because I think there were various incarnations of the plans. I would like to know just what the final cost was and what the final state of affairs was with regard to the reconstruction of Headingley jail.

Mr. Pitura: I guess some numbers are being found for the costs. I would share with the member that as far as the renovations in the existing Headingley jail are concerned, we are on the last phase of the renovations and upgrading to the old jail with the smoke detection and fire alarm systems being installed. That is moving ahead. As the member is

probably aware, we are in the process of building a 76-bed maximum security unit and a 76-bed minimum security unit. We are also adding a minimum security unit. As well, these two new minimum-maximum security units are on the west side of the building and the minimum security unit is on the south side of the building. With regard to that, the construction is going on all fronts on both the minimum and the maximum security building. There was a reason to build both those buildings at the same time, because the fact is that they basically use the same basic design. So, as a result, all of the approach to it could be on a turnkey basis, with the buildings virtually going up together. It will provide us with approximately 152 extra beds once completed of both minimum and maximum security plus I believe there are 42 or 48 beds in the additional structure on the south side of the building.

Things are moving, progressing well. I guess, ideally, it would be nice to have a high vacancy rate in that place, but we will wait and see what happens.

Mr. Maloway: I just would like to know how this new construction will be different from the old construction. The old construction evidently had open ranges where people could wander around, and they did I believe. I assume that that has been changed now. So I would like some confirmation as to that.

Also, there was an article the other day in the paper regarding the boot camp at Agassiz. I know the government made a lot of pronouncements about that just before the last election of how tough things were going to be, and it does not sound like things are that tough in the boot camp. Although, if the article is correct, it does sound like there are some good improvements there over the old system. The question is in Headingley jail. What other changes, other than closing the ranges a bit, are there? The televisions are the same as they were before, or what sort of changes have you made to toughen things up in Headingley?

Mr. Pitura: I am not an engineer, nor am I a corrections expert, but a number of changes have taken place in Headingley which will really improve the security in the existing building, and

the member already alluded to one as the elimination of the ranges. Things like electronic mechanical lockdowns, very important, which was not in place before. There is the ability right now to do a total lockdown with the flick of a switch, and before this it just was not possible. It had to be manually locked down. So there are improvements along that way. Every guard station that has been rebuilt in that place is designed and built to take a sustained attack, which is one of the other failings of the old institutions, that the inmates were able to take control of the guard post. There are improvements in that venue that makes the building a lot more secure for keeping the inmates there in check and as well providing some more safety and security for the staff who operate in there.

Of course, the new maximum and the new minimum security buildings will be state-of-the-art type of technology. In fact, in the maximum security unit, it is set up in such a way that if one of the offenders that is locked up decides he wants to burn down the building and lights a fire in his cell, it is possible to exhaust that smoke directly right out without having to evacuate any inmate in that prison. So those are some of the new high-tech features that are in this new building.

Mr. Maloway: I guess what I am also asking is, in the boot camp area, the TVs have been removed, the inmates are going on an educational program, they are working more. What is happening in Headingley jail? Are you applying some of the same successful methods that appear to be working in Agassiz in the jail, or are they still watching TV and doing drugs and other things in that jail?

Mr. Pitura: I appreciate the question from the honourable member, but we build the buildings. We operate the buildings. We ensure they are functioning properly. We, unfortunately, do not run the programs that are inside those buildings. So, as much as I would like to be able to give the honourable member a positive answer to that, I think the best place to ask that question is in the Department of Justice.

Mr. Chairperson: The time being six o'clock, committee rise.

* (1710)

JUSTICE

Mr. Chairperson (Marcel Laurendeau): Will the Committee of Supply please come to order. This section of the Committee of Supply will be dealing with the Estimates of the Department of Justice.

Will the minister's staff please enter the Chamber at this time.

4.2. Criminal Justice (c) Provincial Policing \$55,893,600—pass.

4.2.(d) Law Enforcement Administration (1) Salaries and Employee Benefits \$342,000—pass; (2) Other Expenditures \$135,500—pass.

4.2.(e) Public Safety (1) Salaries and Employee Benefits \$1,688,200.

Mr. Gord Mackintosh (St. Johns): The minister has announced, in conjunction with the Minister of Urban Affairs (Mr. Reimer), a Take Back the Streets Initiative. Can the minister tell us where the funding for that initiative is?

Mrs. Myrna Driedger, Acting Chairperson, in the Chair

Hon. Vic Toews (Minister of Justice and Attorney General): All I can indicate for the member is that the funding coming from the Department of Justice or related to programs coming out of the Department of Justice, for example, the additional resources for the justice committees is \$56,000. As you know, the justice committees have been receiving increased resources given their, I think, very important function that they play in the overall justice system. I believe it was two years ago we announced funding for \$41,000. Now these additional resources for these justice committees are \$56,000. Those are coming out of the Justice Initiatives Fund.

There are additional resources for community sports camps. That is in the amount of \$100,000 coming out of the WDA Urban Safety program. The Community Policing, the additional officers, some of it comes out of the

Urban Economic Development Initiative, which deals with the Winnipeg Police Service. Four additional officers for the Winnipeg Police Service, and for the Brandon Police Services, two additional officers, comes out of the REDI fund. That is \$50,000. The Winnipeg Police Service, the four additional officers were \$200,000.

The Joint Forces Intelligence Unit, which deals with four additional RCMP officers; Winnipeg Police Service, six additional officers; and the Brandon Police Service, one additional officer, as well as operating costs and start-up costs for a total of, I believe, \$1,528,700, comes out of the Urban Economic Development Initiative fund, 70 percent of that, and 30 percent comes out of the REDI fund. The Violent Crime Linkage Analysis System, or ViCLAS, which will add five additional RCMP officers and three additional civil servants, as well as operating costs and start-up costs, for a total, I understand it to be, in this coming fiscal year, of \$228,000, is coming out of the Justice Initiatives Fund.

In respect of the former Joint Forces Intelligence Unit that I had indicated earlier, it is \$721,000 coming out of the Urban Economic Development Initiative and the REDI fund for a total of \$721,000. The figures that I had quoted were not only for this fiscal year but for the next fiscal year.

In respect of the Targeted Offender Unit, which deals with, first of all, the Corrections staffing costs for 11.1 additional FTEs and Corrections operating costs and Corrections contract monitoring costs, Corrections start-up cost, Prosecutions staffing costs of 6.90 additional FTEs, Prosecutions operating costs, Prosecutions start-up costs, for a total of \$699,400, that is coming out of the Justice Initiatives Fund in the amount of \$200,000 and the Urban Economic Development Initiative in the amount of \$499,400, for a total of \$699,400.

* (1720)

The auxiliary policing initiative will increase our auxiliary policing by 250 additional volunteer officers. There will be an additional 150 for municipalities with their own policing and 100 in communities with RCMP. That is in

addition to the already existing, I believe it is, 140 RCMP auxiliary police officers already in existence. I believe that number is correct. The cost for that is directly recoverable from MPI. The padlock community protection act for \$100,000 in this fiscal year is coming out of the Justice Initiatives Fund. I believe that basically covers most of the initiatives that I have the responsibility for.

I might indicate that in respect of the DNA biology casework analysis we entered into in agreement with the federal government or, indeed, are in the process of entering into that agreement, which sees the province in the third year of that agreement contribute 55 percent of the cost to a total of one million dollars, I believe it is, funding will be available in the third year. These first two years, it is totally funded by the federal government. I believe that is the only other matter.

Mr. Mackintosh: Do those matters comprise the Take Back the Streets Initiative then?

Mr. Toews: From the Department of Justice's point of view, there would also be the extension of the policing agreement with the City of Winnipeg. Offhand, my staff is not aware of any other portion of the Take Back the Streets Initiative that would be run out of the Department of Justice. The better minister to ask for the overall, because he, in fact, is lead minister, is the Minister of Urban Affairs (Mr. Reimer).

Mr. Mackintosh: In a news release dated May 4 of '99, the following was stated: Funding for rural and northern victims of crime will be increased from \$225,000 to \$550,000 in the coming year. I am wondering where that amount is found in the Estimates.

Mr. Toews: The staff advise that that is money paid to the RCMP, and they are just having some difficulty locating that line, but I can get that information to the member tomorrow. The RCMP, as you know, are the ones who manage the Victim Services directly and the service providers who are hired work very closely in conjunction with the RCMP.

I believe that in almost every situation where we have now increased the funding and finalized this program—as you may well know, it

was on a pilot project basis. That has now been expanded to a permanent basis. I believe in every case the RCMP has hired the people delivering the service through contract; that is those people who wanted to be hired. I believe there has been some change in staff, but the RCMP are responsible for that on a contract basis.

But the exact line, I am advised that it is within 4.2.(e)(3) Grants.

Mr. Mackintosh: On the Grants line, we have just over \$1 million there. So, if \$550,000 of that is to RCMP victims' services, can the minister tell the committee the categories of other grants under that line?

Mr. Chairperson in the Chair

Mr. Toews: In respect of the Grants line, which I understand has a present commitment at this time of about \$981,000, the lion's share of that is going to the RCMP victims' services. That is in the amount of \$648,000. The Winnipeg victims' services is an amount of \$50,000; Brandon victims' services unit is \$30,000; the Dakota Ojibway programs is for \$26,600. I am advised that that, as well, is a victims program. The Pembina Valley victims' services has been approved for \$15,000. A \$25,000 grant is for provincial volunteer training and recruitment.

* (1730)

Mediation Services, the line is \$126,800. Westman mediation services has received \$10,000. I believe both of those are run by John Howard. I can get the details of that, but it is \$10,000 to Westman mediation services. Then there is another line of Other Research in the amount of \$50,000. That is a total grants then that have been committed for 981.4 thousand.

Mr. Mackintosh: In respect of the monies going to community agencies, and I think particularly of the John Howard Society, has the money now flowed? I understand that there was some delay and some hardship experienced on behalf of at least one of these agencies.

Mr. Toews: I understand that those cheques will be flowing shortly. It is not quite in the mail yet but very close to being in the mail.

Just in respect of the so-called delay, I know that my assistant deputy minister had some contact with the John Howard Society, and my staff advise that if there was a concern in respect of that funding being forwarded to the John Howard Society, the department could have made special arrangements to ensure that that funding did flow, but I am also told that it is not unusual that funding would flow around this time. So it is not out of the ordinary, but, in fact, in the future I know that my staff would be very interested in facilitating the very important services that are being performed by the John Howard and Elizabeth Fry societies.

Mr. Mackintosh: I just have one more question, and I believe the member for The Maples (Mr. Kowalski) has some questions on this line.

As the minister is well aware, there was an outside report of the Law Enforcement Review Agency that was concluded and which indicated that the agency, in fact, was not fulfilling its mandate properly, or if at all. I know there has been a change of management at the agency, but has there, as well, been a comprehensive follow-up by the department to ensure that the other recommendations were followed and that LERA will get back on track?

Mr. Toews: I know that there were some articles in the press that concern the operation of LERA, and I believe it was sometime last year that some of these concerns were raised, early last year or even sometime in late 1997. I guess the articles in the paper concerned some of the administration and the time it took to complete the criminal and misconduct investigations against police officers.

I noted that there was an article and a letter to the editor by a Mr. Nelson Sanderson. I know that he is a very active community individual. He is active, I believe, in the Manitoba Metis Federation. He wrote a letter to the Winnipeg Free Press, April 28, 1999. His position was that the Law Enforcement Review Agency, that had been established in 1985, was unsuccessful in fulfilling its mandate, and he certainly stressed the fact that police officers must be held accountable. He also indicated some concern over the time period in which cases are investigated. He indicated that some of the cases

before LERA had taken up to five years to investigate. His concern was that this matter should be looked into. In fact, I think it was looked into by my staff.

I think it is important to put this into the context of the act itself. As you know, Mr. Chairperson, the LERA investigations must comply with The Law Enforcement Review Act. Where a matter before the commissioner discloses evidence that a member of any municipal police department may have committed a criminal offence, the commissioner has no option in that situation. He shall report the matter to the Attorney General. Often complainants file a LERA complaint with the commissioner and make a criminal complaint directly to the individual police service.

* (1740)

The LERA complaints are deferred until the criminal process is resolved. The criminal process includes investigation by the police service and referral to the Prosecutions division of the Department of Justice for review and decision as to the commencement of criminal proceedings or otherwise. In the event of a conviction or an acquittal, the LERA process is in fact terminated. Should there be a stay of proceedings, jurisdiction reverts back to LERA, which then proceeds under The Law Enforcement Review Act.

I think it is important to understand this for the record, and that is why I am going into some detail, because I think it is significant, as you will see shortly, as to what has been done in respect to this particular agency over the last little while.

The LERA process commences with the filing of the written complaint. LERA investigators take statements, obtain official police, medical or other reports. They interview witnesses and then conduct all necessary investigations or inquiry.

Upon receipt of the complaint by the commissioner of LERA, the chief of police is required to forward copies of all documents, statements and other material relevant to the investigation. Upon receipt of this material or any other material that the investigator has, the

investigator will determine which members of the police service need to be interviewed. The correspondence is forwarded to the officers and a tentative date set. Officers seek advice and attend the interview, usually with legal counsel retained by the officers' police association.

LERA is mandated under the act to investigate public complaints of police misconduct by on-duty officers. In order to control overtime costs for the police department, officers are usually scheduled for interviews when working days or afternoon shifts. Also, ability of their legal counsel is often a complicating factor. This, of course, has an impact on when interviews can be conducted.

Upon completion of the investigation, the commissioner may decline to take further action if it is felt that the complaint is frivolous or vexatious or if the actions or conduct complained about do not fall within the scope of the act. Should there be sufficient evidence to justify a hearing, the commissioner must offer an informal resolution to the complainant and the respondent. If this informal resolution is successful, then the process is complete. I think it is a very important step that these mediations, in fact, take place. I will get into some of those numbers as well.

In any event, when a final determination as to the direction of a file is made, then the investigation is deemed complete. Referrals to a provincial judge for a hearing or review are not included for the purposes of the investigative time periods that I will be speaking about. I think that the entire process can take from six to eight weeks on the less complicated files or four to six months on the more complex files. To May 31 of this year, there are 129 open files; 124 have been open for a period under 24 months; and five files are in excess of 24 months. Current LERA files have been open an average of 7.25 months, using 24 months as a maximum time frame. LERA's 1997 annual report concluded that the average time to complete investigations was 14 months. I think the staff is quite aware that complaints be handled as quickly as possible, but still we must ensure procedural fairness and natural justice for all parties.

It must be noted that LERA does not control the length of time it takes for the police to

complete criminal investigations or for matters to proceed to criminal court or referrals to a provincial judge under the act. I can give some statistics then that pre-February '98, there were approximately 210 files. Of those, 201 are now closed, leaving nine still open. Since February 27, 1998, there have been approximately 292 new complaints. Of those, 172 have been closed, 120 are still open. So that leaves LERA with a total of 129 files still open, but 373 files having been closed.

The length of time to complete investigations, generally speaking, as I have said, is approximately 7.25 months. For example, 56 files were between one to three months; 24 files were between four and six months; 22 files between seven and nine months; 14 files between 10 and 12 months; three files between 13 and 15 months; four files between 16 and 18 months; one file between 19 and 21 months; and then, as indicated earlier, there are five files in excess of 24 months.

There have been applications to a provincial judge for a review of the commissioner's decisions in eight cases, and there has been a decision rendered in one of these cases in support of the commissioner's decision. There have been referrals by the commissioner to a provincial judge for a hearing in five cases, and there have been appeals to the Court of Queen's Bench in two cases.

* (1750)

The important point that needs to be stressed is the emphasis on informal resolutions. I know that this commissioner has stressed that, and he has resolved 36 cases. I am also quite pleased with what the commissioner is doing in respect of meeting with the Ombudsman for the City of Winnipeg, as well as, members of the Winnipeg Police Service and as well meetings with people involved with the Main Street Project.

There are any number of other meetings that the commissioner has been involved in. I think it is to his credit that he is trying very diligently to enhance the credibility of LERA. He met, I know, with Boyd Campbell of the Winnipeg Police Association and in the opinion of the commissioner, he thought it was a positive meeting. In fact, Boyd Campbell, who is the vice-president of the Winnipeg Police Associ-

ation, also remarked on the same meeting. He indicated that he, quote, I recently met with Mr. Wright—and that is the acting commissioner—and discussed mutual concerns. Mr. Wright is a former member of the RCMP and has a good understanding of the issues at hand and a stated desire to be receptive to any ideas that member associations bring to him. The provincial government has given Mr. Wright a two-year commitment as the commissioner, and after speaking with him, it is my feeling that he is taking LERA on an acceptable path.

So I think it is important that Mr. Wright's efforts are being respected by the Police Associations. I think that wherever we are in the justice system, whether we are with the management of police or in the Police Association and indeed as investigator or other staff in the LERA agency, I think we are all working for the same goal to ensure that citizens have access to a public body that takes their cases seriously, works closely with them to ensure that we can resolve these issues.

So I think what my comments have gone some way to try to illustrate is the commitment that I know staff at the Law Enforcement Review Agency are making, and partially attempt to answer some of the concerns that Mr. Sanderson raised in his letter of Wednesday, April 28, 1999, and published in the Winnipeg Free Press. I think those are my comments on this issue.

Mr. Gary Kowalski (The Maples): I seem to only have a few minutes. I was going to ask some questions in regard to a report done by Lana Maloney in regard to conditional sentencing. One thing that popped up here, I am trying to remember the name of the program that John Howard runs. It was started about five years ago. It started off as a pilot project that was jointly funded by the federal government, and now I understand it is fully funded by the provincial government to do with the court diversion program. Am I correct? Is the name of it Restorative Resolutions? Okay. For the Restorative Resolutions, is there a separate line in the Estimates process, or where in the Estimates is the funding for that?

Mr. Toews: That line is at 4.(b)(3), and it is for \$76,000. It is under Corrections.

I want to speak just briefly on Restorative Resolutions because I think it is a very good program in the sense that the Corrections Branch is reaching out into the community to work in a partnership on some very clear conditions with the John Howard Society. The Restorative Resolutions provides community-based alternatives to custody for adult offenders through victim participation, intensive supervision and mediation.

There are some criteria. The offender has to be, for example, facing a minimum sentence of 10 months. The offender has pled guilty, and the offences are—

Mr. Chairperson: Order, please. Could I ask the minister, is he dealing 4.(b)(3) at this time, because we had agreed at the previous meeting we were going to be dealing line by line? If the minister is going to be answering a question on that line, I should get leave of the committee because we were holding tight to the line after the minister's request after the last meeting.

Mr. Toews: It is 4.(b)(3), but I can answer the question very quickly by simply saying that it is not only the \$76,000, but the correctional division is contemplating bringing our total resources and commitment to that program by five seconded staff and two term positions for a total of seven staff years, plus operational support for a total of \$260,000 by June 1 of this year. So there are issues, I think, with any of these programs that need to be resolved, but I think the clear focus and mandate of this particular program is very important so that we can, in the long term, look at how successful they are.

There have been some concerns expressed that staff have expressed in terms of participation of aboriginal offenders. As you are well aware, aboriginal offenders do create—

Mr. Chairperson: Order, please. The hour now being six o'clock, committee rise.

Call in the Speaker.

IN SESSION

Mr. Deputy Speaker (Marcel Laurendeau): The hour being six o'clock, this House is now adjourned and stands adjourned until tomorrow (Tuesday) afternoon at 1:30 p.m.

LEGISLATIVE ASSEMBLY OF MANITOBA

Monday, July 5, 1999

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