



HANSARD

Second Session - Thirty-Seventh Legislature

of the

Legislative Assembly of Manitoba

**DEBATES
and
PROCEEDINGS**

**Official Report
(Hansard)**

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authority of
The Honourable George Hickes
Speaker*



MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Seventh Legislature

Member	Constituency	Political Affiliation
AGLUGUB, Cris	The Maples	N.D.P.
ALLAN, Nancy	St. Vital	N.D.P.
ASHTON, Steve, Hon.	Thompson	N.D.P.
ASPER, Linda	Riel	N.D.P.
BARRETT, Becky, Hon.	Inkster	N.D.P.
CALDWELL, Drew, Hon.	Brandon East	N.D.P.
CERILLI, Marianne	Radisson	N.D.P.
CHOMIAK, Dave, Hon.	Kildonan	N.D.P.
CUMMINGS, Glen	Ste. Rose	P.C.
DACQUAY, Louise	Seine River	P.C.
DERKACH, Leonard	Russell	P.C.
DEWAR, Gregory	Selkirk	N.D.P.
DOER, Gary, Hon.	Concordia	N.D.P.
DRIEDGER, Myrna	Charleswood	P.C.
DYCK, Peter	Pembina	P.C.
ENNS, Harry	Lakeside	P.C.
FAURSCHOU, David	Portage la Prairie	P.C.
FRIESEN, Jean, Hon.	Wolseley	N.D.P.
GERRARD, Jon, Hon.	River Heights	Lib.
GILLESHAMMER, Harold	Minnedosa	P.C.
HELWER, Edward	Gimli	P.C.
HICKES, George	Point Douglas	N.D.P.
JENNISSEN, Gerard	Flin Flon	N.D.P.
KORZENIOWSKI, Bonnie	St. James	N.D.P.
LATHLIN, Oscar, Hon.	The Pas	N.D.P.
LAURENDEAU, Marcel	St. Norbert	P.C.
LEMIEUX, Ron, Hon.	La Verendrye	N.D.P.
LOEWEN, John	Fort Whyte	P.C.
MACKINTOSH, Gord, Hon.	St. Johns	N.D.P.
MAGUIRE, Larry	Arthur-Virden	P.C.
MALOWAY, Jim	Elmwood	N.D.P.
MARTINDALE, Doug	Burrows	N.D.P.
McGIFFORD, Diane, Hon.	Lord Roberts	N.D.P.
MIHYCHUK, MaryAnn, Hon.	Minto	N.D.P.
MITCHELSON, Bonnie	River East	P.C.
MURRAY, Stuart	Kirkfield Park	P.C.
NEVAKSHONOFF, Tom	Interlake	N.D.P.
PENNER, Jack	Emerson	P.C.
PENNER, Jim	Steinbach	P.C.
PITURA, Frank	Morris	P.C.
PRAZNIK, Darren	Lac du Bonnet	P.C.
REID, Daryl	Transcona	N.D.P.
REIMER, Jack	Southdale	P.C.
ROBINSON, Eric, Hon.	Rupertsland	N.D.P.
ROCAN, Denis	Carman	P.C.
RONDEAU, Jim	Assiniboia	N.D.P.
SALE, Tim, Hon.	Fort Rouge	N.D.P.
SANTOS, Conrad	Wellington	N.D.P.
SCHELLENBERG, Harry	Rossmere	N.D.P.
SCHULER, Ron	Springfield	P.C.
SELINGER, Greg, Hon.	St. Boniface	N.D.P.
SMITH, Joy	Fort Garry	P.C.
SMITH, Scott, Hon.	Brandon West	N.D.P.
STEFANSON, Heather	Tuxedo	P.C.
STRUTHERS, Stan	Dauphin-Roblin	N.D.P.
TWEED, Mervin	Turtle Mountain	P.C.
WOWCHUK, Rosann, Hon.	Swan River	N.D.P.

LEGISLATIVE ASSEMBLY OF MANITOBA

Monday, April 30, 2001

The House met at 1:30 p.m.

Madam Clerk (Patricia Chaychuk): It is my duty to inform the House that Mr. Speaker is unavoidably absent. Therefore, in accordance with the statutes, I would ask the Deputy Speaker to please take the Chair.

PRAYERS

ROUTINE PROCEEDINGS

PRESENTING PETITIONS

Manitoba Hydro Lines Routes

Mr. Ron Schuler (Springfield): Mr. Deputy Speaker, I beg to present the petition of D. Folkers, Joyce Harmacy, E. Krahn and others, praying that the Legislative Assembly of Manitoba request that the Minister responsible for Manitoba Hydro (Mr. Selinger) consider alternative routes for the additional 230kV and 500kV lines proposed for the R.M. of East St. Paul.

READING AND RECEIVING PETITIONS

Manitoba Hydro Lines Routes

Mr. Deputy Speaker: The Member for Springfield (Mr. Schuler), I have reviewed the petition and find that the petitioners have complied with authorities and practices of this House. Is it the will of the House to have the petition read?

Some Honourable Members: Yes.

Mr. Deputy Speaker: The Clerk will read the petition.

* (13:35)

Madam Clerk (Patricia Chaychuk): The petition of the undersigned citizens of the Province of Manitoba humbly sheweth:

THAT the R.M. of East St. Paul has the highest concentration of high voltage power lines in a residential area in Manitoba; and

THAT the R.M. of East St. Paul is the only jurisdiction in Manitoba that has both a 500kV and a 230kV line directly behind residences; and

THAT numerous studies have linked cancer, in particular childhood leukemia, to the proximity of power lines.

WHEREFORE YOUR PETITIONERS HUMBLY PRAY THAT the Legislative Assembly of Manitoba request that the Minister responsible for Manitoba Hydro consider alternative routes for the additional 230kV and 500kV lines proposed for the R.M. of East St. Paul.

Kenaston Underpass

Mr. Deputy Speaker: The honourable Member for Fort Whyte (Mr. Loewen), I have reviewed the petition and find that the petitioners have complied with authorities and practices of this House. Is it the will of the House to have the petition read?

Some Honourable Members: Yes.

Mr. Deputy Speaker: The Clerk will read the petition.

Madam Clerk (Patricia Chaychuk): The petition of the undersigned citizens of the Province of Manitoba humbly sheweth:

THAT the intersection at Wilkes and Kenaston has grown to become the largest unseparated crossing in Canada; and

THAT the volume of traffic for this railroad crossing is twelve times the acceptable limit as set out by Transport Canada; and

THAT vehicles which have to wait for trains at this intersection burn up approximately \$1.4 million in fuel, pollute the environment with over 8 tons of emissions and cause approximately \$7.3 million in motorist delays every year.

WHEREFORE YOUR PETITIONERS HUMBLY PRAY THAT the Premier of Manitoba consider reversing his decision to not support construction of an underpass at Kenaston and Wilkes.

PRESENTING REPORTS BY STANDING AND SPECIAL COMMITTEES

Committee of Supply

Mr. Harry Schellenberg (Acting Chairperson): The Committee of Supply has considered certain resolutions, directs me to report progress and asks leave to sit again.

I move, seconded by the honourable Member for The Maples (Mr. Aglugub), that the report of the committee be received.

Motion agreed to.

TABLING OF REPORTS

Hon. Diane McGifford (Minister of Advanced Education): Mr. Deputy Speaker, I am pleased today to table the 2001-2002 Departmental Expenditure Estimates for Manitoba Status of Women and 2001-2002 Departmental Expenditure Estimates for Manitoba Seniors Directorate.

Hon. Drew Caldwell (Acting Minister of Conservation): I would like to table, on behalf of the Minister of Conservation (Mr. Lathlin), the Department of Conservation's Supplementary Information for the 2001-2002 Expenditure Estimates.

* (13:40)

INTRODUCTION OF BILLS

Bill 7—The Manitoba Hydro Amendment Act.

Hon. Greg Selinger (Minister of Finance): I move, seconded by the Premier (Mr. Doer), that leave be given to introduce Bill 7, The Manitoba Hydro Amendment Act; Loi modifiant la Loi sur l'Hydro-Manitoba, and that the same be now received and read a first time.

His Honour the Lieutenant-Governor, having been advised of the contents of this bill, recommends it to the House.

I would like to table the Lieutenant-Governor's message.

Motion presented.

Mr. Selinger: This bill will amend the existing Manitoba Hydro Amendment Act to protect significant resources of Manitoba Hydro from being sold without a mandate from the people of Manitoba.

Motion agreed to.

Introduction of Guests

Mr. Deputy Speaker: Prior to Oral Questions, I would like to draw the attention of all honourable members to the public gallery where we have with us today Mr. Olayuk Akesuk, Minister of Sustainable Development for Nunavut.

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

We also have with us the Honourable Percy Mockler, Minister of Family and Community Services from New Brunswick. Welcome.

I also have to announce that we have in the public gallery from the Creative Retirement Program 44 visitors under the direction of Mrs. Ingrid Wedlake. The school is located in the constituency of the honourable Member for Burrows (Mr. Martindale).

We also have with us from the Maples Collegiate 48 Grade 8 students under the direction of Mr. Al Cage and Mrs. Mylene Espinoza. This school is located in the constituency of the honourable Member for The Maples (Mr. Aglugub).

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

* (13:45)

ORAL QUESTION PERIOD

The Maples Surgical Centre Government Position

Mr. Stuart Murray (Leader of the Official Opposition): Mr. Deputy Speaker, the Premier has failed to keep his health-related election

promises. He is trying to wriggle out of them by saying that Manitobans misinterpreted them. He needs to give Manitobans more credit. They knew exactly what he promised, and they understood. The only thing that they have seen is a decrease in health care and services to patients. The nursing shortage has doubled, patients lie in hospital hallways, and waiting lists have grown longer. This weekend the Health Minister (Mr. Chomiak) said, "There is no grand scheme." He admitted he did not have a plan.

In light of the glowing report given by the College of Physicians and Surgeons to the Maples Surgical Centre, could the Premier explain what the Doer government has against this clinic that could offer Manitobans world-class facilities, improved health care access and a reduction in waiting lists?

Hon. Gary Doer (Premier): Mr. Deputy Speaker, we believe when you compare the American health care system, with its profit, and the Canadian health care system, with its non-profit approach to health care, that you have less cost to the GDP of a Canadian universally accessible health care system than the American system. You have greater efficiencies in terms of bed utilization. You have better efficiencies in terms of people that have access to health care.

As a former member of the Blue Cross board of directors, I remember people with \$50,000 coverage going bankrupt if they were injured or sick in the United States. We had to radically increase the coverage under that insurance plan, and by all indicators we would rather work to improve a system that we inherited, albeit with lots of areas that we have to work on to improve. We would rather work in a Canadian health care system rather than the profit-motivated system of members opposite.

Mr. Murray: Well, Mr. Deputy Speaker, according to the World Health Organization, the Premier may like to be happy that Canada is in No. 30 position, but we on this side of the House are not.

Mr. Deputy Speaker, considering his incredible list of broken health care promises and his accusation that Manitobans misinterpreted his promises, I think Manitobans

know better and I think Manitobans deserve better. The Premier is denying Manitobans improved health care by confining the Maples Surgical Centre to a narrow scope. He has increased pressure on the rest of the system by forbidding Workers Compensation and Manitoba Public Insurance from sending cases to that new facility.

Will the Premier at least meet with Doctor Godley to see what he has to offer instead of letting his ideology getting in the way of alternatives to help solve the health care in Manitoba?

Mr. Doer: Mr. Deputy Speaker, I understood that members opposite did not want me meeting with directors of clinics the last time I heard.

I am surprised the member opposite would be proposing the French system and the French income taxes. I would note that the Province of Alberta, with its Bill 11, one year later is now increasing spending in health care at 17.5 percent. Maybe members opposite think they can afford that, but we do not believe we can.

* (13:50)

Mr. Murray: Perhaps, Mr. Deputy Speaker, that is what a real balanced budget will do for you.

Manitobans, Mr. Deputy Speaker, no longer believe his health care rhetoric and they will not accept his fearmongering. The status quo is clearly not working. This is about allowing Manitobans to have a say in their health care system, not what you think is right. Mr. Deputy Speaker, just as MMA President Dr. Alex Chochinov said: The Doer government's ideology is preventing them from looking at other systems like those in Europe; patients are suffering because the Premier is letting his ideology get in the way.

On behalf of all Manitobans, will the Premier agree to meet with Doctor Godley to see how he can help solve this health-care malaise, the disaster that he has got Manitobans into?

Mr. Doer: Mr. Deputy Speaker, the first statement that was made at the MMA meeting—there were nine statements made, eight of them

very, very positive in terms of the plans we have and the implementation—this weekend was to praise us for cancelling the frozen food contract entered into by members opposite. We have repatriated our vegetables from Ontario back to Manitoba, Mr. Deputy Speaker, and stopped the profit in frozen food. The member opposite—

Some Honourable Members: Oh, oh.

Mr. Doer: Speaking of Europe, I have had three inquiries to date about the pre-natal and post-natal programs introduced as a preventative health care system here in Manitoba. We have had a number of positive comments about our early childhood development strategy. Today we announced 21 schools would be open later, Mr. Deputy Speaker. That is in part a work to deal with the community to involve our youth in a more meaningful way and also have more physical fitness. Remember, members opposite were going to cancel phys ed in high schools. Again, I would also point out that the—

Point of Order

Mr. Marcel Laurendeau (Opposition House Leader): Mr. Deputy Speaker, *Beauchesne's* 417: Answers to questions should be as brief as possible, deal with the matter raised and should not provoke debate. Let me make it perfectly clear, the Leader does have some latitude, but he should be dealing at least with what the question was. He said they have cancelled the frozen food. They bought the frozen food, they bought the company they liked it so much.

Mr. Deputy Speaker: The honourable First Minister, on the same point of order.

Mr. Doer: On the same point of order, Mr. Deputy Speaker, the member opposite does not have a point of order because if the Deputy Speaker reviews Hansard, he will clearly see that in the rambling question of the Leader of the Opposition, he talked about the MMA meeting, he talked about Europe, he talked about the health care system here in Manitoba, he talked about profit health care and we were beginning to address all of those eight or nine issues that he was throwing in to a smorgasbord of a question.

Mr. Deputy Speaker: On the point of order raised by the House Leader of the Opposition, it has been the traditional practice of this House to accord leeway to both the First Minister and the Leader of the Opposition, and there should be no interruption during the Question Period.

* * *

Mr. Doer: Further, Mr. Deputy Speaker, I want to refer the Leader of the Opposition to a report where we talked about the fact that Connie Curran's policies in the past—that is the U.S. consultant that members opposite paid \$4.5 million U.S.—had led to the firing of a thousand nurses. On page 34 it says, over the last several years, a thousand nurses have been laid off by by the Government, page 34.

Point of Order

Mrs. Myrna Driedger (Charleswood): The Premier knows full well that 830 of those nurses were immediately rehired. He is putting misinformation on the record, Mr. Deputy Speaker.

Mr. Deputy Speaker: The Honourable First Minister, on the same point of order.

Mr. Doer: Thank you, Mr. Deputy Speaker. (a) It is not a point of order because it is a dispute over the facts, and (b) April 1998, page 34, the Manitoba Nurses Union document expands. The facts speak for themselves.

Mr. Deputy Speaker: The Chair has received the positions of both the party in Government and the party in Opposition; however, we should adopt certain civility and courtesy in this Chamber. Differences as to facts are not points of order.

* * *

Mr. Doer: Just to complete the question, Mr. Deputy Speaker, the former Minister of Health on June 22, 1998, said in this House, it is not our intention in any way to get into private hospitals. That remains the policy of this Government as well.

Mr. Deputy Speaker: The leader of the third party, does he have permission to—

Some Honourable Members: Oh, oh.

* (13:55)

**The Maples Surgical Centre
Government Position**

Hon. Jon Gerrard (River Heights): Mr. Deputy Speaker, last Thursday, the Minister of Health indicated in reply to a question that he developed an exciting new model, a made-in-Manitoba model for health care which involved the public takeover of private clinics, I might add at very considerable public expense, more than their assessed value as we have heard. The minister sent a message to all who own health clinics in Manitoba that he wants to expand his model. I ask the minister if he will tell this Legislature when he is going to follow his model, when he is going to buy out and take over The Maples Surgical Centre.

Hon. Dave Chomiak (Minister of Health): Mr. Deputy Speaker, several years ago the federal government was fining the Conservative government of Manitoba for paying fees to private clinics. The former Minister of Health, the present Member for Lac du Bonnet (Mr. Praznik) brought in contracts where they would cap the number of procedures and pay millions of dollars to private clinics in facility fees to profits in order to do this surgery.

We have Bill 11 in Alberta. We have Mike Harris in Ontario doing a model of privatization. We have the Member for Charleswood (Mrs. Driedger) wanting to go directly down private hospitals despite what the Member for Lac du Bonnet said. We thought we would try a different model. We have negotiated. We started negotiations with several clinics to put in place a separate model to provide services. We feel that a made-in-Manitoba solution that would have the surgeries done in a day centre without having to have additional hospital capacity that is very expensive and at premium would make some sense for Manitobans and we believe might be emulated by members across the country.

Mr. Deputy Speaker: On a supplementary, the Member for River Heights. No preamble.

Mr. Gerrard: Then I ask, given your enthusiasm for this model, when are you going

to make an offer to purchase The Maples Surgical clinic and take it over just as you have the Pan Am Clinic?

Mr. Chomiak: Mr. Deputy Speaker, The Maples Surgical Centre, which has not yet opened, does not have one patient, as far as I know, does not have one doctor except for a doctor from B.C. who says he is coming in.

Mr. Deputy Speaker, The Maples Surgical Centre wanted to start as a private hospital first, then they said they did not want to be a private hospital. Now I do not know what they want to be. The principal for The Maples Surgical Centre came in and said they are going to do colonoscopies in Manitoba because it was not covered. He was wrong; it is covered.

Mr. Deputy Speaker, he has the full right to open and operate a clinic like doctors do all across the province, but we do not want him opening and operating a private hospital, which is a policy that was supported by members opposite when they were in government.

Mr. Gerrard: I ask the minister: When will he stop making expensive ad hoc decisions and give us a consistent model? When, in fact, is he going to act on The Maples Surgical Centre instead of waffling as he is doing at the moment?

Mr. Chomiak: Mr. Deputy Speaker, the member probably is aware that if The Maples were to offer insured services, his former colleagues, the Minister of Health in Ottawa would fine Manitoba for allowing that to happen. I assume he has supported that policy before. I do not know what he supports now.

Mr. Deputy Speaker, the member opposite, the health authorities negotiated. There are independent appraisals of the Pan Am centre. That information indicates that this is a viable deal that will see profits go into patient care not into people's pockets.

* (14:00)

**The Maples Surgical Centre
Government Position**

Mr. Stuart Murray (Leader of the Official Opposition): Mr. Deputy Speaker, Manitobans

know that the Premier (Mr. Doer) has broken his election promise to solve hallway medicine, and because of the Premier's silence on the Pan Am Clinic deal and because of his unwillingness to at least explore new options such as The Maples Surgical clinic, Manitobans are also questioning why this Premier is refusing them improved access to care because of his ideology.

In fact, there have been several editorials in the newspaper questioning the same thing. We all know the Premier is blocking The Maples Surgical Centre for purely ideological reasons instead of making decisions based on what is best for the patients of Manitoba. Will the Premier please explain to all Manitobans why he insists The Maples Surgical Centre operate with such a narrow focus and refuses to let that facility treat cases like Manitoba Public Insurance and Workers Compensation Board?

Hon. Dave Chomiak (Minister of Health): Mr. Deputy Speaker, we contacted The Maples clinic from the department when we heard newspaper reports supported by members opposite. We have written to them saying that they can come into Manitoba and function as a clinic, as other clinics. There are dozens and dozens of clinics in Manitoba. I do not know if the Leader of the Opposition knows that. There are dozens of clinics in Manitoba that offer services. That clinic can do as well.

Mr. Murray: Mr. Deputy Speaker, the Minister of Health, and I believe the Premier, know that Manitobans deserve better and they are failing at it. The privately run Western Surgery Centre here in Winnipeg performs both uninsured and insured services that are paid under contract from public funds.

This private clinic performs medical and diagnostic procedures, orthopedic surgery, urological surgery, cataract surgery, ear, nose and throat surgery and oral surgery. In fact, one of the ways that the private clinic takes the pressure off our public health care system is by taking on some of the patients, the caseload from Workers Compensation Board and the Manitoba Public Insurance.

Can the Premier (Mr. Doer) explain why he is refusing to allow this clinic to take on

Workers Compensation and Manitoba Public Insurance patients, a move that would further reduce the pressure on our already overburdened health care system?

Mr. Chomiak: The contract with Western Surgical, the contract with Pan Am was entered into by members opposite. The cap that was put on was put on by members opposite. It is astounding that day after day, one day the Member for Lac du Bonnet (Mr. Praznik) runs around with horrible allegations that are proved untrue in this Chamber, Mr. Deputy Speaker, runs around about fishing buddies. The next day they come in here and say why do you not improve the contract that they entered into? The member opposite ought to apologize.

Point of Order

Mr. Marcel Laurendeau (Opposition House Leader): On a point of order, Mr. Deputy Speaker. I would ask you to review Hansard on the type of language that this minister is using. He is not only provoking debate, but he is making allegations against members on this side of the House, which I find unconscionable.

Mr. Deputy Speaker: On the same point of order, the honourable Minister of Health.

Mr. Chomiak: The member referenced the contracts that were entered into, that were negotiated by the Member for Lac du Bonnet, (Mr. Praznik), the same member that is running around with fallacious arguments in the hallway. I just thought I should put on the record that he ought not to be doing that and he ought to apologize.

Mr. Deputy Speaker: I am taking the point of order under advisement so that I can review Hansard.

* * *

Mr. Murray: After very clearly promising Manitobans, Mr. Deputy Speaker, that he would end hallway medicine in six months with \$15 million and knowing that this Premier has not kept his promise, I think he should start listening to Manitobans. Considering that they admitted they do not have a plan to solve or improve

health care as confirmed by the Health Minister over the weekend, will the Premier today commit to allowing The Maples Surgical Centre to take on Workers Compensation and MPI cases to take the pressure off the overstretched health care system which has been absolutely ruined by their lack of leadership?

Hon. Gary Doer (Premier): We have an extensive plan that we have put in place that is working every month to improve health care. We have announced and the member just talked this weekend about increasing the numbers of doctors enrolled in the medical faculty here in Manitoba to reverse the decisions made by members opposite.

Now, I know it does not pay dividends in one minute because, members opposite may not know this, but it takes a little time to train a doctor to deal with the bad decisions of the past—
[interjection]

Mr. Deputy Speaker: Order, please.

Mr. Doer: Thank you, Mr. Deputy Speaker. We have announced and we have implemented a doubling of the number of nurses enrolled in nurses training. Members opposite not only fired a thousand nurses in office, they also—
[interjection]

Mr. Deputy Speaker: Point of order being raised. The critic for Health for the Opposition.

Point of Order

Mrs. Myrna Driedger (Charleswood): Mr. Deputy Speaker, I think accuracy is so important in this House. Eight hundred and thirty of those nurses were immediately rehired. They did not disappear off the face of the earth.

As far as the NDP taking credit for doubling the number of nurses in the education system, that in fact is untrue, too. All they are responsible for is putting 90 more students into the education system. That is all. They did not have anything to do with doubling—

Some Honourable Members: Oh, oh.

Mr. Deputy Speaker: On the same point of order, the honourable Minister of Health.

Mr. Chomiak: Mr. Deputy Speaker, one does get the impression that members opposite are a touch sensitive about the fact that a thousand nurses were fired during their tenure in office. They are also sensitive to the fact that they cancelled nursing programs at Misericordia, St. Boniface, and right across the province. They are also sensitive that they reduced the number of doctors to be participating in medicine. The evidence indicates that, in fact, not only were that number of nurses fired, but in fact, more nurses left the province than actually graduated during that period of time, according to this document.

Mr. Deputy Speaker: On the point of order, supposedly the member knows that points of order are violations of the rules of proceedings of the House. It cannot be used as a pretext for elaborating on debates. This is Question Period. There is a time for debate and a time for questions.

The honourable minister. [interjection]
First, the House leader, please, on a point of order?

Mr. Laurendeau: I challenge your ruling, Mr. Deputy Speaker.

Mr. Deputy Speaker: The ruling of the Chair has been challenged.

* (14:10)

Voice Vote

Mr. Deputy Speaker: Those who are in favour of supporting the ruling of the Chair, please say yea.

Some Honourable Members: Yea.

Mr. Deputy Speaker: Those who are opposed to supporting the ruling of the Chair, please say nay.

Some Honourable Members: Nay.

Mr. Deputy Speaker: In the Chair's opinion, the ruling of the Chair has been sustained.

Mr. Laurendeau: On division, Mr. Deputy Speaker.

Mr. Deputy Speaker: The ruling is sustained on division.

* * *

Mr. Doer: Carrying on on our plan on nursing, we are doubling the number of nurses enrolled in college. We think it was a lack of a plan to cancel the RN training program. We believe that an LPN, a BN and an RN-I understand in policy forums over the weekend dealing with health care people think that reinstating the RN program is a sensible long-term plan, and we have implemented that in Manitoba.

Members opposite want us to have patients go to a clinic that has never had any patients before. That is ideology. Those of us who deal with our American friends who come up here for health care services, including pharmaceuticals, know that we have to make improvements but unlike the American extremists opposite we believe in a Canadian health care system.

Pan Am Clinic User Fees

Mrs. Myrna Driedger (Charleswood): The comments on Americanization is a bunch of bunk because we are not even going down that road. The Pan Am Clinic was operating fully within the principles of the Canada Health Act. There were no user fees, there was no queue jumping, yet the Minister of Health (Mr. Chomiak) continues to lead people to believe that this private clinic was breaking all the rules.

I would like to ask the Minister of Health if he could tell Manitobans why he keeps saying he is going to now eliminate user fees at the Pan Am Clinic when user fees were eliminated there for insured services years ago. Why does he continue to perpetuate and fearmonger like that?

Hon. Dave Chomiak (Minister of Health): Obviously, the Member for Charleswood is confused and does not know what she is saying.

I will try to explain. Several years ago under the former government they were being fined thousands of dollars a month for charging fees with respect to insured services. The former member for Lac du Bonnet (Mr. Praznik) entered into a contract with his friend Wayne Hildahl to provide services at Pan Am Clinic and Midland and Western Surgical where facility fees were paid in order to allow those clinics to function.

When we came into office we assumed those contracts. I said we would continue those contracts, but in light of Bill 11 in Alberta and the private hospital problem, in light of what is happening in Ontario, we would try a made-in-Manitoba solution which is to take a private operating clinic, move it into the public sector, offer more day services and money that would go to profit is going to patient care.

Private Health Care Clinics Minister's Position

Mrs. Myrna Driedger (Charleswood): I would like to ask the minister if he could clarify his position where on Thursday of last week he said there was a clear need to do something with private clinics, yet he has previously praised the private clinic, the Pan Am Clinic, for being responsive, cost effective and for providing high-quality care. So it becomes very unclear where this minister is coming from, and I must admit, too, I do not appreciate his condescending manner toward me. I do know what I am speaking about, Mr. Deputy Speaker.

Hon. Dave Chomiak (Minister of Health): We have three choices. We continue under the present system with its cost increases and some real difficulty; we go the Mike Harris-Ralph Klein way to private, private, private and the way that Member for Charleswood and members opposite want us to do; or we go a third option where we meld some of the best from the private into the public sector and have money go from government into patient care, not into profit. We are choosing that route.

Pan Am Clinic Purchase-Justification

Mrs. Myrna Driedger (Charleswood): I would like the minister then to explain to me if

he wants profit supposedly to go into patient care why he would spend \$7.3 million to buy a building and equipment so the landlords change instead of putting the money into patient care, because for \$7.3 million they could have funded over 17 000 day care surgeries in this province.

Mr. Deputy Speaker: The question has been put.

Mrs. Driedger: Why are they spending the money on a building and not on patient care?

Hon. Dave Chomiak (Minister of Health): Members opposite want us to spend \$37 million on an overpass, Mr. Deputy Speaker. This from members opposite, who spent over \$30 million on SmartHealth contracts.

Over the past several years we have spent millions of dollars in facility fees to these private clinics. We are going to take some of that money, it is going to go to patient care, and over the long run there will be more and expanded services offered there.

We cannot stand still and we do not want to go the way that the Member for Charleswood and members opposite want us to go, the Mike Harris privatize. We are going the made-in-Manitoba way. We will put resources into patient care.

Health Care System Government Ideology

Mrs. Heather Stefanson (Tuxedo): The Doer government continues to make health care decisions based on ideology rather than what is in the best interests of patients. The Premier (Mr. Doer) said in reference to Mr. Romanow's health care review that everything should be on the table. Yet this Government is not willing to consider alternatives.

Does the Premier stand by his comments that everything should be on the table, or will he continue to let his ideology get in the way of improving patient care here in Manitoba?

Hon. Dave Chomiak (Minister of Health): The member ought to talk to the Member for Charleswood (Mrs. Driedger), who criticized the Romanow commission, Mr. Deputy Speaker.

But on that issue, I just indicated we can go the stay-pat way; we can go the Mike Harris-Ralph Klein, Tory American party way of going; or we can go on a made-in-Manitoba solution that melds some of the best with the public system where money goes to patient care. We have chosen that path.

Mrs. Stefanson: Will the Minister of Health (Mr. Chomiak) drop his Government-knows-best attitude and agree to having an open debate with Manitobans about health care reform?

Mr. Chomiak: I think that is very useful. We have been doing that for some time. In fact, at the MMA meeting on the weekend, I think it was passed on and referred to the fact that they thought we had been a government that is listening, a government that is pragmatic.

Mr. Deputy Speaker, I am not going to do what the Member for Charleswood (Mrs. Driedger) insisted that we do, that is, open up the Canada Health Act to go to two-tier privatization.

Manitobans want a made-in-Manitoba solution. We innovated on home care, we innovated on Pharmacare, we think we can innovate with providing getting more patient dollars to patient care by going on this route. That does not preclude other routes that continue to be followed.

* (14:20)

Mrs. Stefanson: Can the Minister of Health (Mr. Chomiak) explain the contradiction between his closed-minded, ideological approach to health care and the more open-minded approach that the incoming president of the Manitoba Medical Association is recommending?

Who really has the best interests of patients in Manitoba at heart here?

Mr. Chomiak: I had a very welcome opportunity of addressing the MMA for over half an hour, Mr. Deputy Speaker. They praised us for getting rid of the frozen food brought in by the government. They praised us for taking the lead on immunizations across the country.

We were praised for listening and acting pragmatically.

On the one point, Mr. Deputy Speaker, I indicated on primary care we were not going to do what members opposite did, study, study, report after report on primary health care reform. We would run some models, test some models, and if it worked, we would spread it out, but we would work with the medical community to do that. They liked that as well.

Lighthouse Program Update

Mr. Stan Struthers (Dauphin-Roblin): My question is for the Minister of Justice (Mr. Mackintosh). The minister announced the Lighthouse Program for youth. Could the minister tell this House what activities will be offered at these sites?

Point of Order

Mr. Marcel Laurendeau (Opposition House Leader): Could you tell me where this rotation is at this time, Mr. Deputy Speaker. I believe this is question six. [*interjection*]

It better not be. That is not what we agreed to. We want to start going into that again.

Mr. Deputy Speaker: The Chair offers his humble apology to the members of the House. I am not fully aware about the alternation. I will just let the Member for Dauphin (Mr. Struthers) continue and then recognize the Member for Fort Whyte (Mr. Loewen), if that is acceptable to the House. Is that agreed? [*Agreed*] Thank you.

* * *

Hon. Gord Mackintosh (Minister of Justice and Attorney General): Mr. Deputy Speaker, in response to the question, we were certainly pleased this morning to announce Lighthouses, which is a program which will hopefully see up to 21 new youth places in Manitoba, in Winnipeg, Brandon and Thompson initially. It includes police athletic clubs, up to 12 of them in various stages of development, into Lighthouses, and, as well, 9 new sites.

I thank the partnerships that have worked together on this, including the Winnipeg Foundation, Winnipeg Police Service, and many

school divisions and youth-serving agencies. This really speaks to the importance of trying to keep youth out of gangs and out of crime. It is a balanced approach, being tough on crime and the causes of crime.

The Maples Surgical Centre Government Position

Mr. John Loewen (Fort Whyte): Mr. Deputy Speaker, this weekend the president of the Manitoba Medical Association, not Ralph Klein, not Mike Harris, but the president of the Manitoba Medical Association stated: We know our system is teetering at the brink of unsustainability. We have been pushing the Government to look at models elsewhere.

The Minister of Health replied in his confession, "There is no grand scheme."

That fails to instil confidence in Manitobans. My question to the minister: If his only plan is trial and error, why is he so against allowing The Maples Surgical Centre to help alleviate the wait for health care services in the province of Manitoba?

Hon. Dave Chomiak (Minister of Health): Mr. Deputy Speaker, The Maples Surgical Centre was authorized by the College of Physicians and Surgeons to operate like a clinic, like dozens of other clinics, and will operate like a clinic.

Secondly, as I pointed out to members opposite, who were not in attendance and perhaps some of them should have been at the MMA speech, would have found out, with respect to the plan issue, I said on primary care we would not do what the former government did, study, study, study and not do anything. We would run six or seven pilots, plans, tests to see what works, and then roll it out across the province on primary care.

The MMA were very appreciative of the fact that we are getting out of frozen food. They are very appreciative of the fact that we are in the lead in immunization programs. They are very appreciative of the fact that we are listening to the MMA, and there is a dialogue, something

that I do not think happened too much in the past.

Mr. Deputy Speaker: The honourable Member for Fort Whyte, on his first supplementary.

Mr. Loewen: Mr. Deputy Speaker, I would ask this minister: If he is so intent on working with the MMA to reduce waiting times for surgeries, why is he spending \$7.3 million on the bricks and mortar, not services, the bricks and mortar of the Pan Am medical clinic instead of allowing The Maples Surgical Centre to provide these same services to the people of Manitoba at much less cost to the taxpayer?

Mr. Chomiak: Mr. Deputy Speaker, I do not know if the member is clear, the member who has been asking us to spend \$37 million on bricks and mortar for the Kenaston underpass, but The Maples Surgical clinic can operate, Pan Am is operating under contract, Midland and Western are operating under contract.

All we are saying is we are going to take some of the money we are spending on facility fees that go to those clinics, and we are going to use that, and one-time capital to purchase, and operate and expand the capacity to provide surgical services. We think this made-in-Manitoba solution is a contrast. It is being done by the WRHA. It has been recommended by the WRHA. It is in stark contrast to what members opposite are wishing for with respect to a U.S.-style system that is pay, pay, pay.

Mr. Deputy Speaker: The honourable Member for Fort Whyte, on his final supplementary.

Mr. Loewen: Mr. Deputy Speaker, the minister has a responsibility to state the facts clearly. I ask the minister: How many more dollars is he willing to waste before this Health minister is ready to listen to Dr. Chochinov's advice to look at models elsewhere to help find a solution for the efficient delivery of health care services to this province, or is he telling the people of Manitoba that he is going to solve it all out of the infrastructure fund?

Mr. Chomiak: Mr. Deputy Speaker, we are expanding the College of Medicine to train more doctors. We have expanded the number of

nurses trained. We have rolled out more programs in the community than occurred under a decade under that regime, and now there are options in Ontario where Mike Harris has said: Go private. In Alberta, Ralph Klein has said: Bill 11, go private hospitals.

We say there is a made-in-Manitoba solution that takes some of the best with respect to services that are offered on a day-surgery basis, and we will operate them in a clinic that is operated within the public system, something the members on this side of the House support and obviously members on that side of the House are not supporting.

* (14:30)

Nursing Profession Legislation Proclamation

Mrs. Bonnie Mitchelson (River East): When the Minister of Health was in Opposition, and legislation came forward for registered nurses, for psychiatric nurses, for licensed practical nurses, for physiotherapists, the then-member for Kildonan and the Health critic made comments in this House that he supported the legislation and that he looked forward to speedy passage and the implementation of those bills.

Mr. Deputy Speaker, that was over two years ago. My question for the Minister of Health is: When is he going to proclaim and put into law those pieces of legislation for nurses and physiotherapists, professionals within our health care system rather than leaving them sit in his office gathering dust?

Hon. Dave Chomiak (Minister of Health): Mr. Deputy Speaker, I had a very productive meeting with all those groups as recently as last week with respect to dealing with those particular issues.

Mr. Deputy Speaker: The honourable Member for River East, on her first supplementary.

Mrs. Mitchelson: Since nurses and physiotherapists, right throughout the community, Mr. Deputy Speaker, are indicating that they have been waiting and the regulations have been sitting on the minister's desk gathering dust: When will he proclaim those pieces of

legislation and give respect to the health care professionals in our province?

Mr. Chomiak: Mr. Deputy Speaker, one of the things I think we did in terms of giving respect to nurses was to reverse the decision of the former government and put back in place the diploma nursing program, which was the No. 1 issue that registered nurses told members on this side of the House was required to be done. We did that shortly after coming to office, and we hope to have the benefits of that.

As indicated, I have met with those groups as recently as last week, Mr. Deputy Speaker. We had very productive discussions, and I look forward to the proclamation of those acts soon.

Mr. Deputy Speaker: The honourable Member for River East, on the final supplementary question.

Mrs. Mitchelson: Since the Minister of Health gave those same answers last session, and those acts are still waiting to be proclaimed, will the Minister of Health tell professionals in our health care system what his hidden agenda is?

Mr. Chomiak: Mr. Deputy Speaker, our agenda is to train and educate more nurses, something that did not happen over the past decade. Our agenda is to train and educate more doctors, something that did not happen in the last decade. Our agenda is to support and train more health care aids, something that did not happen in the last decade. Our agenda is to support and train more health care aides, something that did not happen over the last decade. Our agenda is to put more resources at the hands of the professionals and the caregivers, something that did not happen over the past 10 years, and our agenda—

Mr. Deputy Speaker: The honourable Opposition House Leader has a point of order.

Point of Order

Mr. Marcel Laurendeau (Opposition House Leader): On a point of order, *Beauchesne's* 417: Answers to questions should be as brief as possible, deal with the matter raised and should not provoke debate. Mr. Deputy Speaker, if this minister is going to hold it above the nurses'

heads until they agree with him on another position, just let us know.

Mr. Deputy Speaker: The Government House Leader, on the same point of order.

Hon. Gord Mackintosh (Government House Leader): On the point of order, Mr. Deputy Speaker, that was an entirely responsive question. The question was about what our agenda is. It was clearly being laid out. They did not like the thought of it. That is all that is the matter with that answer.

Mr. Deputy Speaker: On the point of order raised, the Chair finds the question very precise and finds the answer very responsive.

* * *

Mr. Chomiak (Minister of Health): Mr. Deputy Speaker, and finally our agenda is to be compassionate to those who need care like the hep C victims, unlike the parents from the Sinclair inquiry, to deal with all of those matters with compassion and with caring and with prudence.

* * *

Mr. Laurendeau: A point of clarification, Mr. Deputy Speaker. Was there or was there not a point of order?

Mr. Deputy Speaker: The Opposition House Leader—

Mr. Laurendeau: On a matter of clarification—

Mr. Deputy Speaker: On the point of order.

Mr. Laurendeau: On the point of order. Was there a point of order or not? We heard your comments, Mr. Deputy Speaker, but I did not hear whether it was a point of order or not.

Mr. Deputy Speaker: When the answer is very responsive, there is no point of order.

* * *

Mr. Chomiak: Mr. Deputy Speaker, we provided resources to the health authorities, to

others, that are far in excess of when members were in office. We think balancing the Budget and providing resources to our health care system is what the people of Manitoba elected us to do.

Mr. Deputy Speaker: The time for Question Period has expired.

MEMBERS' STATEMENTS

Manitoba Writing and Publishing Awards

Hon. Diane McGifford (Minister of Advanced Education): Mr. Deputy Speaker, this past Saturday, I was delighted on behalf of the Minister of Culture, Heritage and Tourism (Mr. Lemieux) to attend the 13th Annual Manitoba Writing and Publishing Awards, Brave New Words.

I was pleased, as well, to present three awards sponsored by the minister. These awards, two in English and one in French, honour the role the literary arts play in our cultural heritage. They are named in recognition of three distinguished Manitoba writers and of course celebrate not only the legacy of these writers but the achievements of our contemporary breathing and living writers.

On behalf of the minister, I would like to thank Todd Besant and David Carr, consultants in naming the awards and making other decisions about them.

Mr. Deputy Speaker: Order, please. State your point of order, please.

Point of Order

Mr. Marcel Laurendeau (Opposition House Leader): On a point of order, Mr. Deputy Speaker, I do believe the member was representing a minister when she made this presentation, so it should be a ministerial statement at the beginning of this House's sitting. It has been ruled on prior by previous Speakers. It is under our rules that ministers' statements should be held as a ministerial statement at the beginning and not a member's statement.

Hon. Steve Ashton (Minister of Transportation and Government Services): Mr. Deputy Speaker, the real restriction is that ministers cannot use members' statements to make announcements that should be the subject of a minister's statement by their own department.

There has been a practice established since we established private members' statements of individual ministers being able to make comments on events in their constituencies so long as it does not directly involve their role as a minister. I do believe, if you peruse Hansard, you will see that the member was speaking about a constituency event and was not speaking about anything within the mandate of her responsibilities as a member of Executive Council, so I do believe it was in order.

Mrs. Bonnie Mitchelson (River East): I think this is one issue I would recommend that you take under advisement and look at because it could be very precedent-setting in this House. I clearly heard the Minister of Advanced Education, when she stood, talk about representing another Government minister and presenting awards on behalf of Government to members of our Manitoba community.

When a private member's statement is read, it is about dealing with issues in your own constituency, but it is certainly not allowable to stand up during private members' statements and talk about representing Government and presenting government awards. That is clearly not a private member's statement. That is a ministerial statement and should be presented at the beginning before Question Period, and members of the Opposition should have an opportunity to respond to those ministers' statements.

So I would recommend that you do take it under advisement because I think this would be setting a new precedent in this House, and we should not take this kind of an issue lightly.

* (14:40)

Hon. Gord Mackintosh (Government House Leader): We certainly are recognizing the rule that says that ministers cannot use members'

statements in order to comment on Government policy or on ministerial departmental action. I think the issue raised is an important one. Certainly we would welcome any clarification as to whether the comments may cause problems. I think that kind of direction can always be welcomed. If the member, perhaps, could finish her statement without referring to any governmental action, then we can await your ruling, Mr. Deputy Speaker.

Mr. Deputy Speaker: Is there agreement on the part of the members of the House to allow the honourable member to complete the statement so that it can be perused in Hansard, and then they can study and determine whether or not this is in accordance with the rules?

Some Honourable Members: Oh, oh.

Mr. Deputy Speaker: Is there agreement or is there not?

Some Honourable Members: No.

Mr. Deputy Speaker: I take the rational advice that I heard and will take this under advisement.

Stefany Blackey

Mrs. Louise Dacquay (Seine River): I am pleased to rise today and acknowledge the efforts of one of my constituents, 10-year-old Stefany Blackey, and her drive to have smoking banned in public places in Winnipeg. I am sure many of my colleagues received an information package from Stefany on this issue. Banning smoking in public places is a subject matter that is near and dear to Stefany's heart. She is allergic to smoke, and smoking has also had an adverse affect on the health of some of her family members. She is thinking not only about her well-being but about the well-being of those around her.

It is very encouraging when young people take an interest in health and public policy issues and bring their views forward to legislators. Too often it seems we ignore the voices of our young people and pay little heed to their ideas. This is most unfortunate as they can offer us some refreshing insights into issues such as health care, education and the environment, to name a few.

They are our future, and we should not take their views for granted.

I would like to congratulate Stefany on undertaking this most important initiative. I would encourage all MLAs to sign her petition on the Web site, and I wish Stefany much success with her petition drive.

Dakota Collegiate Alumni Tournament

Ms. Linda Asper (Riel): I wish to report that Dakota Collegiate held an alumni basketball tournament, April 18 to 22 of this year. Known for its long history of successful basketball teams, the school hosted 150 players over a five-day period with 14 teams involving 22 games. Some players even came from other provinces and the United States to participate.

This tournament was also an opportunity to promote the school's upcoming 40th anniversary celebration in 2003. Dean Favoni, math teacher at Dakota Collegiate and coach of its varsity boys basketball team for the past decade, was lead organizer of this event that was a year in the making. He and his five committee members researched names and addresses in yearbooks and by telephone, developing a list of some 500 names stretching back to Dakota's first graduating class of 1964.

Teams were divided by graduating years. The current varsity boys' team kicked off the tournament with a match against the current staff team. The boys won. Even a volunteer athletic therapist was on hand just in case. A reunion social was also held. The event was so successful that Dakota Collegiate is thinking of making the alumni tournament an annual event.

Congratulations to Mr. Favoni and his committee for bringing the alumni basketball teams together. The tournament was a way of celebrating Dakota's success in basketball over the years, an opportunity for friends to renew contact and a chance for former athletes to rekindle their skills on the court. Let us hope the alumni members will have recovered to play again next year. Thank you, Mr. Deputy Speaker.

Communauté de Haywood—système d'eau et d'égouts

Mr. Denis Rocan (Carman): Monsieur le président, ça me fait grand plaisir aujourd'hui de me lever pour dire quelques mots à propos du fait que la communauté de Haywood va bientôt avoir des améliorations dans ses services d'eau et d'égouts.

Grâce au financement venant du programme d'infrastructure Canada-Manitoba, le village de Haywood et la municipalité de Grey profiteront de l'eau propre et d'un système d'égouts qui est sain pour l'environnement. Récemment, la contamination bactérienne obligeait les habitants de la région de faire bouillir leur eau du robinet.

Au Canada, nous sommes habitués à prendre l'eau propre pour acquis. D'habitude, nous tournons le robinet et avons accès à de l'eau propre pour nettoyer, pour boire, pour faire de la cuisine et aussi pour nous laver. Nous ne sommes pas capables d'imaginer le stress que les résidents de Haywood et ses alentours ont dû subir pendant des mois. Ce projet mettra fin à une période éprouvante pour eux et leur permettra d'avoir une confiance renouvelée dans leur système d'approvisionnement en eau.

Plusieurs personnes ont contribué leurs efforts pour assurer le financement du projet. J'aimerais remercier les résidents de Haywood, les responsables municipaux de la municipalité de Grey, la ministre des Affaires inter-gouvernementales, Madame Jean Friesen, le député fédéral de Winnipeg-Sud, Monsieur Reg Alcock, et Madame Lucienne Robillard, ministre fédéral responsable de l'infrastructure, d'avoir appuyé ce projet. Leur travail fera une grande différence dans les vies des résidents de Haywood pendant bien des années à venir. Merci, M. le président.

Translation

Mr. Deputy Speaker, I am pleased to rise today and put a few words on the record about the fact that the community of Haywood will soon have improved water and sewer services.

Thanks to funding under the Canada-Manitoba Infrastructure Program, Haywood and

the Grey municipality, will benefit from clean water and an environmentally sound sewage system. In recent times, bacterial contamination forced local residents to boil their tap water.

In Canada, we tend to take access to clean water for granted. We usually turn on the tap and have ready access to clean water for cooking, cleaning, drinking and bathing. One cannot begin to imagine how stressful it has been for Haywood and area residents for several months. This project will put an end to what has been a challenging time for these people and offer them renewed confidence in their water supply.

Many people were involved in securing the funding for this project. I would like to thank the Haywood residents, municipal officials in the rural municipality of Grey, Intergovernmental Affairs Minister Jean Friesen, Winnipeg South MP Reg Alcock and Lucienne Robillard, federal minister responsible for infrastructure, for their support of this project. Their efforts will make a major difference in the lives of Haywood residents for many years to come. Thank you, Mr. Deputy Speaker.

Leaf Rapids—Economic Diversification

Mr. Gerard Jennissen (Flin Flon): I rise today, Mr. Deputy Speaker, to draw the attention of this House to the efforts of the Manitoba government in supporting economic diversification in the town of Leaf Rapids.

The Manitoba government, via the Mining Reserve Fund, is providing the necessary support to fund the Community Development Corporation marketer-manager position for the town. In today's changing economy, provincial and municipal governments must work together to encourage economic diversification and new development, helping to create sustainable and innovative alternatives for the future. The position of a community development corporation marketing manager is integral to Leaf Rapids' effort to promote exciting projects such as its town centre complex and to attract other new enterprises.

As a part of this new initiative, the Province is providing a three-year \$150,000 funding commitment to Leaf Rapids in a 50-50 funding

arrangement with the community. This economic diversification initiative has the support of northerners. I particularly want to thank the mayor of Leaf Rapids, Barbara Bloodworth, who described the funding for the marketing manager position as an exciting and important commitment on the part of the province to improving the viability of her community. I know that she and others have worked long and hard to make the community development corporation marketer-manager position a reality for Leaf Rapids.

I was pleased to work with Mayor Bloodworth in securing this important funding to help the town's efforts to diversify the economy and help shelter the community for future downturns in the mining industry. I wish Mayor Bloodworth, the future community development manager and the residents of Leaf Rapids the best of success as they seek creative and innovative ways to build for the future. Thank you, Mr. Deputy Speaker.

Committee Changes

Mr. Gregory Dewar (Selkirk): Mr. Deputy Speaker, I move, seconded by the Member for Radisson (Ms. Cerilli), that the composition of the Standing Committee on Agriculture be amended as follows: La Verendrye (Mr. Lemieux) for Wolseley (Ms. Friesen).

Motion agreed to.

ORDERS OF THE DAY

Hon. Gord Mackintosh (Government House Leader): Mr. Deputy Speaker, would you canvass the House to see if there is agreement to waive private members' hour today?

Mr. Deputy Speaker: Is there agreement on the part of the members of this Chamber to waive private members' hour today? *[Agreed]*

Mr. Mackintosh: Would you also please canvass the House to see if there is agreement to adjourn at 5 p.m. today?

Mr. Deputy Speaker: Is there an agreement that this House be adjourned at 5 p.m. today? *[Agreed]*

Mr. Mackintosh: Mr. Deputy Speaker, would you also canvass the House to determine if there is agreement that sponsorship of Bill 9, The Vital Statistics Amendment and Consequential Amendments Act, currently standing in the name of the Honourable Mr. Lemieux, be transferred to Honourable Mr. Smith, Brandon West.

Mr. Deputy Speaker: Is there an agreement that the sponsorship of this bill be transferred from the Minister of Sport to the honourable Minister of Consumer and Corporate Affairs? Is there an agreement? *[Agreed]*

Mr. Mackintosh: I move, seconded by the Minister of Aboriginal and Northern Affairs (Mr. Robinson), that Mr. Deputy Speaker do now leave the Chair and the House resolve itself into a committee to consider of the Supply to be granted to Her Majesty.

Motion agreed to.

COMMITTEE OF SUPPLY (Concurrent Sections)

LABOUR AND IMMIGRATION

Mr. Chairperson (Harry Schellenberg): Order, please. Will the Committee of Supply please come to order. This afternoon this section of the Committee of Supply meeting in Room 254 will resume consideration of the Estimates of the Department of Labour and Immigration. When the committee last met on April 26, 2001, it was agreed that the order of consideration for today would be the following.

The committee would first consider Resolution 11.3. Immigration and Multiculturalism. Once consideration of this section is completed, the committee would then revert back to Resolution 11.2. (m) Office of the Fire Commissioner. Upon completion of this section the committee would resume considerations of Resolutions 11.2 (e) Manitoba Labour Board.

We will now proceed to line 3. Immigration and Multiculturalism (a) Immigration (1) Salaries and Employee Benefits \$2,098,200.

Mrs. Louise Dacquay (Seine River): First of all, are you not in the supplementary, because this is the only document I got? *[interjection]*

Is there the will of the committee to do immigration and all the questions that I have involving the responsibilities of Immigration and then move to Multiculturalism?

Hon. Becky Barrett (Minister of Labour and Immigration): Yes, however you wish to do it.

Mrs. Dacquay: Before we pass line by line, is there willingness to let me have, sort of, free-wielding questions regarding Immigration and then do the line-by-line passing before we move to Multiculturalism?

Ms. Barrett: Certainly.

Mr. Chairperson: Is there leave by the committee to do this? *[Agreed]*

Mrs. Dacquay: My first question is that I recognized that the fourth quarter actuals are not yet available. I am working only from the projected estimates of expenditure. Can the minister give me any indication if these figures are reasonably accurate in terms of spending, to date?

Ms. Barrett: Yes, we anticipate that there are not to be any major anomalies and that these should be pretty close to accurate.

Mrs. Dacquay: In the line 3.(a) Immigration, can the minister please explain. I understand that a portion of this increase year over year with the projected estimates is based on an increase by the federal government. My calculations indicate there is a \$466,800 increase year over year. Can she tell me if all of that increase is explicitly due to the federal immigration agreement?

Ms. Barrett: I am not quite clear, if the member could say what specific line she is talking about, please.

Mrs. Dacquay: 3.(a) Immigration, the total estimated budget this year, the Subtotal 3.(a)(a), is \$8,643,700. Last year the estimate was \$8,176,900, and that is a difference of \$466,800

increase year over year. My question is: Is that total amount of the increase reflective of the new agreement that was negotiated with the federal government, or are there other increases in other lines, because I see Salaries and Employee Benefits?

I guess what I want to know is: How much is related to the signing of the agreement, because I understand the federal government gave an increase for immigration this year?

Hon. Becky Barrett (Minister of Labour and Immigration): Mr. Chair, the federal government provided an increase of \$293,900, and the rest is an increase in provincial funding.

Mrs. Dacquay: Under 3.(a)(1) Salaries and Employee Benefits, there is some increase there. Is this just attributable to COLA and other classifications, or is there an increase in the staffing component?

* (15:00)

Ms. Barrett: It is a combination. Some of it is due to the general salary increase that was negotiated for members of the Manitoba Government Employees Union, and an additional amount is due to the increase in the staffing component, which goes from 33.5 to 40 employees. So part of that increase is due to the GSI, and most of it would be due to the addition of 6.5 staff years.

Mrs. Dacquay: So the 33.5 full-time equivalence, is that what the minister is referencing, has now gone to 40? Can you please give me the breakdown of the new employees and their positions and salaries?

Ms. Barrett: In the Adult Language Training program, there is a half-time FTE additional assessment and referral officer. The total salary and benefits expenses are \$16,300. There is one FTE program co-ordinator, Salary and Benefits, \$42,400; one FTE admin officer, Salary and Benefits, \$34,500; one FTE program evaluation, \$46,600.

I apologize. I did not read a line. Those figures I just gave were salary only. Then the benefits for that group are \$13,900 for all of

those positions. So a total salary and benefits in that area of \$153,700, and that would be 3.5 staff positions.

In the Immigration area, two FTE immigration program officers, salaries \$84,800, and one FTE marketing and promotion coordinator, salary \$52,100, benefits for those two, \$13,100, for a nice round total of \$150,000 for the Immigration part, and that was 3 FTEs. So it is 6.5 FTEs.

Mrs. Dacquay: May I ask what the duties and responsibilities are under the ESL section of the breakdown for the administrative officer?

Ms. Barrett: This person will be responsible for co-ordinating and doing all of the administrative support around all of the contracts that are signed with the various organizations who provide adult language training. There is about \$3.5 million a year in contracts that the department signs with various organizations, quite a number of them, some small, some large. So this person's responsibility will be working through those contracts and making sure everything is set up and followed through appropriately.

Mrs. Dacquay: Can I please ask for the same breakdown on the program evaluator?

Ms. Barrett: Because there is a federal-provincial agreement and a fair bit of federal money that comes to this department, the program evaluator will be responsible for assuring accountability that the funds are being spent appropriately and connecting with the federal government as to how the funds are being spent and just an update in both the settlement and the ESL sections.

Mrs. Dacquay: Also under 3.(a) I notice there is a slight increase in the Financial Assistance and Grants. Can the minister identify what new grants are being offered that account for that increase?

Ms. Barrett: There is approximately \$140,000 additional funding for the various organizations that provide settlement services and programs for immigrants throughout the province.

Mrs. Dacquay: I have some questions on the ESL program. How much was cut by the Province from the ESL program?

Ms. Barrett: Is the member talking about the cuts that were made to the Adult ESL Program out of the Winnipeg School Division No. 1?

Mrs. Dacquay: Yes.

* (15:10)

Ms. Barrett: Okay. There was a cut of \$75,078 from last year, so the grant is now \$1,710,922. It was approximately \$1,785,000 previously.

Mrs. Dacquay: Was that \$75,000-some-odd dollars transferred to another ESL program or institution that delivers the ESL programming, or was it deleted from the budget?

Ms. Barrett: Yes, it was transferred. It was redistributed. It was not cut from the budget itself.

Mrs. Dacquay: Can I ask why it was transferred from Winnipeg School Division No. 1 and where it was transferred to?

Ms. Barrett: The why of the transfer is because all of the programs are based on an estimate of a take-up and how many people will be taking these courses. Over the past two years that I know of, the take-up was less than had been budgeted for, \$70,000 less two years ago and about \$30,000, I think, in this last fiscal year. So the take-up from Winnipeg No. 1, which provides pretty basic entry level kind of language training, has been lower, whereas, in other areas, such as the—this is where the money kind of went—groups like Red River College, that provides a higher level of language training and more specific to particular occupations.

The other thing I should mention to the member is that this is an estimate, and should the take-up change over the year then we will revisit the program, the way the funds have been allocated. At this point, it was a reallocation, not a cut, No. 1, and it went to areas where there was a higher level of language training provided.

Mrs. Dacquay: Last year there was a substantive increase in the number of immigrants to Winnipeg, to Manitoba, and, as a direct result of that, I guess I am having some difficulty making the correlation between the increase in immigration and the number that are then registering for the ESL program in Winnipeg No. 1.

Ms. Barrett: I know it does appear on the surface to be a disconnect, but the reality is that the immigrants who are now coming into the city of Winnipeg, a lot of them are coming through the Provincial Nominee Program. Part of the requirements of the Provincial Nominee Program, one of the elements that they look at, is language ability. So, while there is still a lot of need in the city, and we are putting \$1.71 million into Winnipeg School Division for adult ESL, it is the immigrants who are coming in over the past couple of years, due in no small part to the Provincial Nominee Program, have a higher level of language than might have been the case before the Provincial Nominee Program. So there is not as much of a need for the basic lower level basic language training and more of a need for people to get that more specialized specific training in the higher levels of language that can be more workplace specific.

Mrs. Dacquay: Then, if I understand the minister's comments correctly, the ESL programs, as an example, at Red River College are more technical in terms of the specific section of training that they are going to be employed in; I guess that is the best way to put it, because I do not know how many need retraining or advanced training.

Ms. Barrett: Yes, the member is correct. That is basically it. At Red River, for example, the programs are tailored more to specific professions, and they are longer in duration often, because of the requirements. Those two things mean that some of the money is now going over to those more specific training components.

Mrs. Dacquay: Was the reallocation of funds only to Red River College?

Ms. Barrett: It is hard to say exactly where that \$75,000 went specifically. There is a timing process here. Winnipeg No. 1 needed to know

earlier than almost every other group because of when their classes start what their budget was going to be for this year. It is by far the largest of the many organizations that get funding. So we established the contract with Winnipeg No. 1, and now we are in the process of finalizing the other contracts with other groups.

* (15:20)

The other major groups that get funding in this adult ESL training category are adult ESL programs in schools and colleges, and this is basically Winnipeg School Division No. 1, and then a few others that have a smaller number of students. Red River College Language Training Centre has a fairly large number of students. Another group is community-based language training. This has components English for Seniors that works with Age and Opportunity centres, Jewish Child and Family. Good Neighbour Senior Centre delivers 19 classes at nine different sites to a little over 300 seniors from 17 language groups.

Then there are community ESL classes for women, 12 sites, in conjunction with community groups, churches, schools and the library. It also includes transportation and child minding for women who have a hard time with child care, et cetera. There is a Women in Transition from home to work that has some money that goes into language training.

A third component is Language and Communication in the Workplace. This is a program that is jointly sponsored, works with employers who have a number of people for whom English is a second language in their workplace. They contract with our department to provide workplace-specific language training for their workers there, residential care workers, health care aides, pharmacists, and then there were 32 different industry partners. I know a case of one business that has I believe has five or six different languages spoken in their workplace, and they are working with our department to ensure that there is good, basic language training.

There is a regional stream of adult ESL programming, and that is basically for the large number of immigrants that have come through

the Provincial Nominee Program that are settling in the Pembina Valley for whom English is a second language. So there are some additional resources there.

Mrs. Dacquay: What is the approximate percentage of funding allocation to Winnipeg No. 1 and Red River? Percentage of the total budget, I should clarify.

Ms. Barrett: Last year for the two it was \$2.4 million out of a total of adult ESL services of \$3.7 million.

Mrs. Dacquay: Is that for Red River or is that for both of them?

Ms. Barrett: For Red River and for Winnipeg No. 1.

Mrs. Dacquay: Then I assume the difference, about 1.3, is what is allocated to the community-based groups?

Ms. Barrett: Yes.

Mrs. Dacquay: With the reallocation this year then, I assume that the allocation to Red River will be substantially higher than the allocation to Winnipeg No. 1. Will it still be approximately the same percentage of the total budget?

Ms. Barrett: Actually last year's to Winnipeg No. 1 was closer to 1.8, so the total should have been closer to 2.5 out of 3.77 actually. So the \$75,000 coming out of the Winnipeg No. 1 I doubt will all go to Red River, but we have not finalized those contracts yet. So the proportions will remain largely the same. The money that will go to various organizations using that 75 will not change a whole lot of the proportions.

Mrs. Dacquay: Late last fall there was some indication by Marty Dolin that there was a housing shortage for immigrants, is what he specifically spelled out. Is the minister aware of the housing shortage, and is she aware of any plans that were taken to address the housing shortage for immigrants?

Ms. Barrett: Yes, the member is correct. The overall vacancy rate, particularly in downtown where many new Canadians come to begin their

lives here—although I think it may not be as high a proportion now as it has been in the past. That is a small detour.

Our department is continuing to work with Family Services and Housing to look at individuals whose income, and a lot of new Canadians' income, particularly in refugee situations, they definitely fit into the low income housing market. So we are working on a case-by-case basis with Family Services and Housing to try and address those issues.

There is a lot of work that is being done actually through other renovation projects and things to try and increase the housing market in the downtown area. We do not have a specific program that is designed. We are working more with Family Services and Housing.

My sense is, and I am open to challenge if this is not accurate, but is that by and large families are able to find living quarters quite quickly. It may not be exactly what they want, especially for larger families, smaller than we would like them to have, but they are able to get facilities and working with other organizations on getting them jobs and training et cetera, gives them a little more income quite quickly to be able to move out of their first housing situation.

Mrs. Dacquay: What is the proposed number of new immigrants expected in 2001?

Mr. Stan Struthers, Acting Chairperson, in the Chair.

Ms. Barrett: It depends. It is hard to say what the actual numbers will be. The immigration stream has at least three major components. Two of them are pretty much tied to the federal immigration process, and that is the regular immigration and the refugees. The third is the Provincial Nominee Program, which we have expanded from 200 families to 500 families.

Now, we have not yet held discussions with the federal minister about expanding that number, although she has been very open to any discussion, and we are soon going to have those meetings with her to attempt to increase our Provincial Nominee Program.

The other thing is the actual numbers, that 500 right now, is primary, is the principal person, member of the family. So it is 500 families, so you could have theoretically 500 individuals or you could have 2000, 3000 or 4000 depending on how large the families are. The other thing as well is that it depends on when they get here. You can have your 500 all accredited, and from our end they are ready to go, they have to wind up their lives in their home countries, so it is a time lag.

But we are working with the federal government to try and make sure we can expand our numbers. The new Immigration Act has made some changes too, so that will make it potentially easier for people to come into Canada. So we are looking to expand our numbers.

Mrs. Dacquay: The optimum 500 through the Provincial Nominee Program last year, I understand that was the number allowable. How many actually immigrated to Winnipeg, how many families under the Provincial Nominee Program?

* (15:30)

Ms. Barrett: In the year 2000, under the Provincial Nominee Program, there were 1088 people who actually landed. There were 313 principal applicants and 775 dependants nominated.

Let us just do the year end. I have a first quarter, but just for simplicity. We actually approved last year 515 principal applicants. Some of that would have been left over from the year before, 351 spouses and 790 dependant children, for a total of 1656 people nominated.

Left over, if you will, from last year is still not quite 600 people. If everyone who had been nominated last year had come last year, there would have been 1656 people. There actually was just a little over 1000. We have approved, in the first quarter of this year, preliminarily, 113 principal applicants and spouses, totalling 303 more people, depending on how quickly they can get over and everything.

Mrs. Dacquay: Then, with the 500 cap, and given the time frame, are you allowed to have an overlap, like a carryover from previous years?

Ms. Barrett: I do not know if it is an actual paper certificate, but it is called a certificate. So there are 500 certificates for 2000. We actually approved 515, so the other 15 would have been certificates that were left over from '99. I anticipate that before the end of 2001 our number of certificates will be increased, so that we can move more people through.

Mrs. Dacquay: Can the minister indicate which occupations primarily those provincial nominees are from?

Ms. Barrett: The top 10, the minister's top 10, and I will go from the top to the bottom: welders, registered nurses, computer programmers, machinists, accountants, machine tool operators, bookkeepers, heavy-duty equipment mechanics, farmers and farm managers, and computer systems analysts, and that is for a total of 147. These are principal applicants. Spouses may have jobs as well. These are 147, and there was a total of 166 other principal nominees who had other occupations that did not quite fit.

Mrs. Dacquay: Is there still not a need for seamstresses and tailors for the garment manufacturing industry?

Ms. Barrett: The problem is mobility, basically. There was a project in 1996 where we brought 160 sewing machine operators over. Within six months, 75 percent of them had left the industry. So we could do nothing but sewing machine operators yearly and fill our entire quota probably of provincial nominees. That is not how the program was designed. I do not think the federal government would see that either.

What the federal government is doing now is having a program with temporary workers. They bring temporary workers over and they are obligated to work for that employer for a year or two or three or whatever the arrangement is. What we would like to do then at the end of that period of time—we are starting to talk with the federal government about that, because by the time they have stayed there for one or two or three years they have got roots here, they have got connections here—we would like to talk to them about at the end of that being able to give them some avenue where they could stay either

through the Provincial Nominee Program or another venue.

* (15:40)

It is just that the turnover is so high with the sewing machine operators. I do not know, there is a lot of things we can do to try and ameliorate that, local training, perhaps, et cetera, but that is the history of that. I do not believe there is a provincial nominee program or anything in any other province that is different than ours in that regard.

Mrs. Dacquay: I have a question. I sort of want the minister's views. I recognize that the funding is not from her department. I guess my first question is: Is she aware of the difficulties that the Immigrant Women's Association of Manitoba is experiencing currently?

Ms. Barrett: Yes, I am. Actually some of the funding for the Immigrant Women's Association is from the Department of Labour and Immigration. Most of it comes from Family Services and Housing, but it is part of my department as well.

Mrs. Dacquay: I was led to believe there was an amount of funding from Culture, but was that when Culture and Immigration were a combined department?

Ms. Barrett: Yes.

Mrs. Dacquay: What amount of money, then, is allocated from Immigration?

Ms. Barrett: Yes, it is \$129,000; \$74,300 from settlement; and \$54,700 from the Adult Language Training Branch.

Mrs. Dacquay: Is any portion of that funding allocated for operating, or is it exclusively for programming?

Ms. Barrett: I will read what the funding went for. Perhaps that will be the answer. Funding from the settlement portion, now this is from last year, and this year, the funding, the numbers have not changed, the amount has not changed. It went towards the salary of a full-time executive director, which was a short-lived executive

director situation; a .2 outreach co-ordinator; a swimming program for youth; social activities; and educational seminars. The ALT, Adult Language Training Branch money went towards a community-based language training for women which was held off-site.

Mrs. Dacquay: Then I am just a little confused, because I did attend their annual meeting. The minister indicated that a portion of the funding from the Department of Immigration was for the swimming program. I was led to believe that evening by the membership that that program had been cancelled for this calendar year.

Ms. Barrett: No, that is not accurate. Basically what is happening is that the programs are all going to be kept. Some of them are not going to be kept under the auspices of IWAM. They will be going elsewhere, but there are no program cancellations, there are no program cuts. The money that comes from Family Services and Housing, and Labour and Immigration is going to remain the same. Union contracts will be honoured.

Mrs. Dacquay: Is the funding then still available for the executive director, because I understand that was something new last year that was implemented to assist them with the organization of their association and programming?

Ms. Barrett: Yes, we are going to discuss with the board of IWAM the possibility of hiring an outside consultant to assist the board in determining what their focus for the future might be. We have spoken with them in a preliminary fashion about doing research and advocacy, but that funding would be available on a short-term basis to assist them in that regard.

Mrs. Dacquay: Given the minister's comments, I assume then that she has met with members of the board to help them address their problems. Has she met with the new five-member committee that was struck to review their operation in its entirety?

Ms. Barrett: My understanding is that committee was just established very recently. I believe Minister Sale, the Minister of Family Services and Housing, and I did receive a letter

requesting a meeting, but to my knowledge one has not been set up yet.

Mrs. Dacquay: I am prepared to pass the appropriate lines under the Immigration and move now to Multiculturalism.

The Acting Chairperson (Mr. Struthers): 11.3. Immigration and Multiculturalism (a) Immigration (1) Salaries and Employee Benefits \$2,098,200—pass; (2) Other Expenditures \$785,200—pass; (3) Financial Assistance and Grants \$5,760,300—pass.

11.3 (b) Multiculturalism (1) Salaries and Employee Benefits \$141,700. Shall the item pass?

Mrs. Dacquay: Year over year, again, under Salaries and Employee Benefits, can the minister please provide me with the breakdown, how many full-time equivalent and how many positions, who are in those positions and their salaries, please?

Ms. Barrett: There is one staff increase, so the Multiculturalism component will have three staff instead of two. The salaries and benefits package total, I do not have it broken down into salaries and benefits, but the total salaries and benefits will be an additional \$34,800.

Mrs. Dacquay: Is that under the Administrative Support or the Professional/Technical, because it shows here two FTEs, two full-time equivalents?

Ms. Barrett: The additional person will be in the Professional/Technical category.

Mrs. Dacquay: I assume the year-over-year increase, the amounts of increase is due to their positions. Is that correct?

Ms. Barrett: The increase is due to the GSI and then the additional staff.

Mrs. Dacquay: I want to ask the minister now some questions on—is it called MEAAC? Is that the correct pronunciation? The information I have received, Mr. Chair, indicates that MEAAC will be comprised of a board of 21 members, 16 by the ethnocultural organizations selected and 5 appointed by the Manitoba Government.

Are the appointments finalized by the Manitoba Government? If so, can the minister please give me the names of the five individuals?

* (15:50)

Ms. Barrett: No, we are nowhere near that point. We have sent out to about 300 organizations a package asking them for nominations for the community groups, the 16 community representatives. The deadline is soon. It is June 1.

Then, what we will do is take those nominations, make sure the nomination form is filled out completely, and send a package back to all of those organizations, saying here is the X number of nominations. I do not have any idea how many nominations we will get. We will send that package back and say to the organizations select 16, vote for 16. They have a couple of months to do that. I think it is September 1 or September 30 they have to have them back. Some community organizations do not meet monthly and over the summer, so we want to give them time to look at the nominations and vote on their 16.

Then we are going to ask the Civil Service Commissioner to tally those votes when they come back, as an independent person. That is going to take a while to tally those votes. The top 16 people, as selected by those 300-plus organizations, or as many of them as choose to vote, will be the community representatives.

I think that is finished by mid-October. At that time, then, the government will take a look at who the 16 are and use those 5 government appointments to "fill in the gaps," because no one knows who is going to be elected until it is all over. You could have a preponderance of people from Winnipeg and not enough geographical representation. You could have a preponderance from some communities and not enough overall representation. You could have some skills reflected and not other skills. So that is what we are going to use. So our selection of those five will be late in the fall after the rest of this process has been undertaken.

Mrs. Dacquay: I am going to defer in a moment to my colleague. He has questions on this topic. Is the one staff that was identified under Professional/Technical the program officer for this group?

Ms. Barrett: Yes, but the person will not just be doing work with MEAAC but will be doing other anti-racism and multicultural kinds of activities as well. It is a small division, as you can tell. So job descriptions are flexible.

Mrs. Dacquay: I recognize that the intent of the MEAAC is to provide advice and advocacy. Who then is going to assume the responsibility for the granting for the various multicultural organizations?

Ms. Barrett: At this point now, the granting will be undertaken, as it was this last year, by the Multiculturalism Secretariat, the staffing in this area. When we had the public meetings, and we had three public meetings as a preliminary to the establishment of MEAAC, there was division within the communities as to whether the granting should be done, as it is now, by government or if it should be part of this more autonomous organization or if a third funding component should be set up. So rather than make a change in the process now, we decided to have MEAAC take a look at it once they get up and running and see what the situation is.

We have just \$107,000 in cash actually to give out to organizations. Actually I found that the response from the organizations that have applied and have gotten grants this year has been very positive, because the person who is working with those organizations has done an excellent job in talking with groups and saying what specifically do you want this for and helping them to put forward a good proposal. It has been a very good process. I have gotten nothing but positive comments from organizations on it.

Mrs. Dacquay: Sorry, I just shocked my colleague by telling him that we are shutting down at five. I think he needs to regain the questioning and move back to Labour. I am going to take advantage of having the floor and ask just quickly two more questions. I would have preferred more time, but that is quite all right. Next year I will go first, right?

Are the members of MEAAC paid an honourarium?

Ms. Barrett: At this point, we envisage only support potentially for transportation, et cetera, and providing meeting space. So it will be a voluntary position.

Mrs. Dacquay: Back to the actual appropriations here, under Other Expenditures, can the minister please tell me what that \$1,000 for transportation is?

Ms. Barrett: Yes, that is intended to cover mileage for MEAAC people, et cetera.

Mrs. Dacquay: Under Other Operating, I notice there is an increase year over year of \$4,000. Could the minister please identify what is included under Other Operating, and more specifically what the \$4,000 increase is?

* (16:00)

Ms. Barrett: It is an assumption that, because of the creation of MEAAC, there will be additional support required, so we put in a figure there, but I could not specifically define what it is. Next year, we will have a better understanding, but we did want to recognize that 21 people are going to have a cost factor, even if you are only paying them car stuff.

Mrs. Dacquay: I am prepared to, I think, pass the multicultural section.

The Acting Chairperson (Mr. Struthers): 11.3. Immigration and Multiculturalism (b) Multiculturalism (1) Salaries and Employee Benefits \$141,700—pass; (2) Other Expenditures \$40,500—pass; (3) Grants \$107,500—pass.

Resolution 11.3.: RESOLVED that there be granted to Her Majesty a sum not exceeding \$8,933,400 for Labour and Immigration, Immigration and Multiculturalism, for fiscal year ending the 31st day of March, 2002.

Resolution agreed to.

As previously agreed, we are going back to Item 2.(m) Office of the Fire Commissioner.

Ms. Barrett: I neglected to introduce the Assistant Deputy Minister for Immigration and Multiculturalism, Gerry Clement, who was here before, so I will take that opportunity now, and then I would like to introduce Fire Commissioner Doug Popowich.

The Acting Chairperson (Mr. Struthers): I want to thank the honourable minister for that.

Mr. Ron Schuler (Springfield): Seeing that we lose an hour, I will make my questions very brief. We had discussed last year about the tank farm and I just wanted to know where the department was on it. One of the questions I did want to ask was the minister stated last year that the minister thought that the city was also prepared to enter into a fee-for-service arrangement with East St. Paul.

Can the minister tell this committee, through you, Mr. Acting Chairman, where we are in regard to the tank farm issue? We did spend a considerable amount of time on it. Have arrangements been made, and the like? If she could just bring this committee up to date on that issue.

Ms. Barrett: Yes, there has been no official agreement signed, but Winnipeg has stated that they are prepared to assist in any way, should any of these communities be threatened.

Mr. Schuler: Last year we discussed about the kind of materials that were stored on-site. At that time I do not believe that the Fire Commissioner's office was actually keeping track of it. I believe I mentioned to this committee, in particular to the minister, I felt that was something they should be doing. One of the questions was is there toxic waste stored on site? There did not seem to be a lot of information in regard to that. There was a list that was handed out that was fairly old. If I am not mistaken, it was three or four years old if not older. Could the minister tell this committee is there now an up-to-date list of what is stored on site, and is there any toxic waste stored?

Ms. Barrett: The municipalities or corporations are not required to report hazardous materials to the Office of the Fire Commissioner. They are however required to report that to the

Department of Conservation, and those Estimates actually will be up fairly shortly in this very Chamber. Either I can try and get that information or if the member would like to wait and ask the Conservation Minister (Mr. Lathlin) that question, either way is fine.

Mr. Chairperson in the Chair

Mr. Schuler: We will take the opportunity to ask that particular question of the Minister of Conservation. I will take notice of that.

The minister also made a statement, again I just want to confirm what she has just said. The minister said previously: The City would come in and work out the arrangements later. Through you, Mr. Chairman, I do not know if the minister is aware that most of the foam creating equipment has been mothballed or gotten rid of and the tank farm would actually need an industrial foam truck of 3500 gallons a minute with a pump of 500 000. I will try that again.

They need an industrial foam truck that has a pump that can pump 3500 gallons a minute and they are looking at about a 500 000-gallon foam truck tank, so basically that they can produce 500 000 gallons worth of foam. Those involved felt that was the kind of equipment that they would need on-site. Currently the fire department of East St. Paul has minor foam creating capability and my understanding is that goes for the city of Winnipeg as well. They really do not have a lot of foam creating capability.

Is there going to be any way that this need will be addressed? I know we spoke about the Winnipeg Airport, or the Winnipeg Airports Authority and, again, the feeling was felt that at any given time how many of those kinds of trucks would the Winnipeg Airports Authority have. And if there are multiples, how many would be made available, because I know the minister had indicated last year that they might be—and when you think about a truck that can pump 3.5 thousand gallons a minute from a 500 000 gallon foam tank, that is substantial equipment. The feeling was that was the kind of equipment they would need out there.

Ms. Barrett: Should a disaster occur, as is the situation with any other, the Office of the Fire

Commissioner would help co-ordinate the response. You could use, I suppose, one truck of 350 000 gallons or whatever the member said, or you could have 10 trucks each at 35 000 gallons. It is the capability, the total capacity, whether it is out of one truck or ten trucks that would be looked at, and the Office of the Fire Commissioner would do that in conjunction with Conservation, as they do with other disasters.

Mr. Schuler: Last year the minister indicated that they were looking at developing some kind of a plan, they being, of course, the Fire Commissioner's office. I was wondering if they have had the opportunity to sit down with the Esso tank farm and with the volunteer police department and have they developed some kind of a plan, have they come up with some kind of a plan in the year that has since gone by.

* (16:10)

Ms. Barrett: Talks have not taken place with the Esso tank farm. Normally that is as a request of an organization to meet with the Fire Commissioner's office. If they wish to, certainly that could happen. What is being put into place is a provincial mutual aid system that would address these issues there and elsewhere in the province. So, if the specifics, if the tank farm or the municipalities wish to contact the Office of the Fire Commissioner to talk about the specifics, their office is more than willing to respond to that kind of a request.

Mr. Schuler: Whose responsibility is it to inspect these types of facilities?

Ms. Barrett: The original licensing is done through the Department of Conservation, but once that original licensing is done, there is no official requirement for updating or monitoring other than their internal safety issues.

Mr. Schuler: My next question to the minister would be through you, Mr. Chairman. There is also a rail line that goes through the tank farm servicing the tank farm, GER short line. Chances are this does not fall under the minister's department but again this is an issue relating to the Office of the Fire Commissioner. Has there been an inspection of the short line? How often is it inspected? Are there speed restrictions, and

under whose responsibility would that fall? Again, because you are transporting quite a bit of liquid and you are transporting it past residential area, who is responsible?

Ms. Barrett: Well, it is not the Office of the Fire Commissioner. Not sure but it might be logical to assume that highways and Transportation would have something to do with inspections of the lines.

Mr. Schuler: I just want to bring to the committee's attention that the last information I got—and this would not be the most current; this would be not quite a year old—was that 120 tankers daily drive into the tank farm and distribute whatever it is they are carrying, whether it is airline fuel or regular fuel and distribute it not just within the city of Winnipeg, though I understand that is predominately where they are delivering to, but they also deliver to the United States. Last year I believe there were three or four accidents on our highways and some of them fairly severe. So it is quite a sizeable tank farm. It is an anomaly. There is not another one like it, certainly not one without fire protection. I believe there is one in St. Boniface, but they have their own foam manufacturing equipment on site.

I have looked through the statements, and I would like to go through those and move on, but is there a possibility that an outside consultant could be brought in to study the protection of the tank farm to give an analysis of are there capabilities there? Are the capabilities strong enough? Is there a problem and such? Is there a possibility that such a study could be done?

Ms. Barrett: There is a hazmat division within the Office of the Fire Commissioner, but I think I would recommend before that that a dialogue take place between the Office of the Fire Commissioner, the Esso tank farm people and the municipality to see exactly what the situation is before deciding what further steps to take.

Mr. Schuler: I would like to move on to the financial statements, and I do have some questions. I always have my last year's comparing my this year's. In last year's, again,

we seem to have under revenues last year we would have had 2000, 2001, 2002, 2003 and then of course this year we have 2001 and so forth. Why is it that these financial statements seem to always project for four years? Why is that, unlike other financial statements which usually have last year's Estimates, which are usually revised, and this year's Estimates? Is there a reason why we do four years in a row?

Ms. Barrett: Unlike the rest of the department this is a special operating agency and so those requirements are being met through this format.

Mr. Schuler: This is not personal to anybody but looking at the comparison of last year's numbers to this year's numbers the numbers are so off. Maybe it is me, but something dramatically must have changed in the last year.

If you look at page 63 of the Supplementary Information for Legislative Review I am absolutely surprised at the kinds of deficits we are running as compared to what was projected to in the year 2000-2001. Is there a different way in the way we are doing our accounting? Is there a reason why last year we were projecting substantial surpluses? For March 31, 2001, there was a surplus of \$276,216, and this year, March 31, 2001, we are looking at a deficit of \$791,173 because if you go from a positive all the way that far into negative you have cost almost a million dollars. Why such a substantial change in the numbers?

Ms. Barrett: In a nutshell, this last year we did more, had more additional positions and services, and the revenue stream was not sufficient to cover those additional services.

Mr. Schuler: I guess then my question would be your revenue stream was not necessarily that much down, and the beauty about a projection is that you know sort of within what means you have to live. Your revenue might have been off, by the looks of things, maybe \$100,000, not even. So, again, to the minister, it does not look like the revenue was drastically off. That is probably not even a sizeable percentage. I do not even know if you would get a fraction out of it, yet your expenditures seem to have absolutely spiralled.

I would ask the minister, for instance, it seems to be in wages the estimate was \$2,822,698, and that jumped up to \$3,186,787. Why such a substantial jump in wages for the Fire Commissioner's office? What is it that the Fire Commissioner's office is doing? What are they doing differently?

* (16:20)

Ms. Barrett: Again, briefly, the contract with MGEU was signed last year, and the assumptions that framed the figures that you were looking at last year were not borne out in reality. The Office of the Fire Commissioner had, in addition to the general salary increase, an overall 14% increase that was negotiated for their staff and a 60% increase in the standby elements.

There were some additional people who were hired in things like search and rescue and the Fire College in Brandon to enable us to provide even more service to hire and train and prepare more firefighters.

Mr. Schuler: One of the areas which I note in the Budget of last year we had \$141,000 for mutual aid, and that jumped up to \$205,000. That is a fairly substantial increase. Are we planning on doing something differently?

Ms. Barrett: This is the mutual aid training that takes place with the mutual aid districts in the province and an anticipated increase in requests from municipalities and mutual aid districts for hazmat training, in particular.

Mr. Schuler: Again, my question then has to be: The losses for 2001 are going to be \$791,000 and change; for 2002, 430; 2003, 492. Who makes up those losses?

Ms. Barrett: We will be looking at our revenue stream very carefully in the next while to see how we can best deal with that. There is also a \$4-million fire prevention fund that has the potential to be drawn on for some of this, but we also do not want to go into that fund. We want to go into it as little as possible. So we will be looking at our service provision and our revenue stream.

Mr. Schuler: To the minister, there are certain areas, if the minister would look at the revenue stream on page 62. There are some assumptions for 2002, for instance, Tuition and Contract Revenue goes from shy of \$800,000 to \$1.2 million. That is very optimistic, I would comment. Even Permits and Plan Review goes from \$995,000 to almost \$1.3 million. The rest of the revenue stream seems to take a fairly reasonable increase. I would suggest through you, Mr. Chairman, to the minister, are those levels that the department feels are reasonable, or will we see the next year's books coming out with not a \$430,000 deficit but again an \$800,000 to \$900,000 deficit if these are not achieved? I guess my caution would be that those are very substantial to go from \$766,000 to \$1.2 million in one year. To drive that kind of revenue, you almost have to have a money tree out back to come up with that kind of increase.

Ms. Barrett: On the Permits and Plan Review, the expansion is based on the number of permits and building plans that are anticipated. It is based on the fact that the economy is growing, so the number of building and permits plan reviews will be there as well.

On the Tuition and Contract Revenue, this is the addition, and this connects to the extension in the increased expenditure on staffing. Part of that is that we are anticipating putting a second course in at the fire college. It is not anticipating. It has started today. This will definitely be a pretty solid figure. We could probably do even more. The call for our services in the fire college, which is an internationally renowned institution, we could add probably a third course if we had the space to do so because we are so well acknowledged and recognized throughout Canada and the United States as well.

Mr. Schuler: I would like to caution the department, if I may. If one looks at the book of 2000-2001, under Permits and Plan Review, for 2000, '01, '02, '03, it is \$1,106,000. Then we get the Estimates for 2001-2002, under March 31, 2001, and under Permits and Plan Reviews, that has been downgraded from \$1.1 million down to \$995,000. So for this year, we have downgraded it from what we have thought the income would be last year, yet we are going ahead and suggesting that somehow we are going to see the

economy grow stronger, not based on this year but based on other years, to go to almost \$1.3 million.

Again, my concern would be that we will probably not see a \$430,000 deficit and maybe not even 791, but greater than that. If there is a \$4 million fund, it does not take very long if you are eating away at it at \$800,000 a year. It does not take long. I would suggest that the numbers, there is a problem here.

I think there is a lot of optimism that the numbers do not really share, through you, Mr. Chairman, to the minister, because you have already downgraded some of your income this year and based on that you are indicating you are going to do even better next year. That is quite a leap. That was the question.

* (16:30)

There were a lot of questions that I could still ask. What I might do is take the minister's advice and take some of them in to the Minister of Finance, some of the revised and that kind of thing, and certainly I will do that.

I think at this time, we are ready to—

An Honourable Member: Move on? Move back?

Mr. Chairperson: Could I have your attention? Line 2.(m) Office of the Fire Commissioner is a special operating agency. As you will note, there is no dollar amount. I will therefore read this line into the record as having completed consideration by the committee.

2. Labour Programs (e) Manitoba Labour Board (1) Salaries and Employee Benefits \$950,500.

Mr. Schuler: I do have a few questions on the Manitoba Labour Board. We certainly had an opportunity to understand the department a little bit better last year with the great debates we had here at the people's building. My question to the minister is: Are there any plans to increase the amount of full-time employees?

Ms. Barrett: We do have reflected in here a full-time vice-chair position that went from two

part-time to a full-time, so that is reflected. There are no other staffing requirements reflected at this point. I just want to caution the member that these are estimates. We are always open to changes depending on workload.

Mr. Schuler: Should I have further questions, what I will then do is put them in writing and send them to the minister directly.

Ms. Barrett: Mr. Chair, before he leaves, I would like to just introduce the chair of the Manitoba Labour Board, John Korpesho.

Mr. Chairperson: 11.2. Labour Programs (e) Manitoba Labour Board (1) Salaries and Employee Benefits \$950,500—pass; (2) Other Expenditures \$282,300—pass.

2. (f) Workplace Safety and Health (1) Salaries and Employee Benefits \$3,494,200.

Mr. Schuler: Clearly the Estimates show that there are going to be some additional employees working in this department. Could the minister take the opportunity to explain what it is that she was looking at?

Ms. Barrett: I would like to introduce Mr. Garry Hildebrand, who is the acting executive director of the Workplace Safety and Health Division.

Two health and safety officers, two ergonomists, a legal liaison with the Justice Department, and a safety engineer, these positions will provide for increased field activities and improved technical and admin support.

Mr. Schuler: Can the minister explain why the Workers Compensation Board no longer funds ergonomists through the Occupational Safety and Health Engineering Unit?

Ms. Barrett: At one point those positions were funded through grants, but they are now part of the core funding.

Mr. Schuler: Can the minister confirm that the Advisory Council on Workplace Safety and Health is considering legislation and regulation regarding ergonomics?

Ms. Barrett: Yes, on the Advisory Council's work plan is a discussion of ergonomic regulation.

Mr. Schuler: Does the minister's department have any regulations or guidelines regarding EMF and power lines and workers?

Ms. Barrett: No.

Mr. Schuler: Does the department consider power lines and EMF to be an occupational hazard?

Ms. Barrett: The power lines would be considered hazardous, as any other tall, free-standing structure would be considered hazardous if you are climbing on them or working on them, the threat of falling being the threat, but not in the way that I think the member is referring.

Mr. Schuler: Does the Department of Labour monitor the scientific literature regarding the health risks associated with EMF and power lines?

Ms. Barrett: We do not have a running record of it. I believe that others, such as Dr. Margaret Fast, have monitored and commented extensively on this situation.

Mr. Schuler: Does the minister have any plans on asking her department to examine the occupational risks associated with EMF and power lines?

Ms. Barrett: Not at this time, no.

Mr. Schuler: Can the minister confirm that the Advisory Council on Workplace Safety and Health has been consulted on the soon to be introduced Workplace Safety and Health legislation?

Ms. Barrett: No, the minister cannot confirm that because that is not on the Advisory Council's work plan. I do not know what soon to be announced Workplace Safety and Health legislation the member is referring to.

Mr. Schuler: Does the advisory council provide advice on staffing and personnel requirements?

Ms. Barrett: No.

Mr. Schuler: Can the minister confirm that she is considering amending section 56 of The Workplace Safety and Health Act dealing with the extension of liability to directors or corporations?

Ms. Barrett: There are no plans at this time to deal with the Workplace Safety and Health legislation in a legislative format, as I believe I responded earlier. We are however reviewing, as I have said before, all of the legislation that is in the department as part of our obligation.

* (16:40)

Mr. Schuler: I do have other questions. As time seems to be running a little quickly, I can also put those into a letter to the minister, so I am ready to pass that.

Mr. Chairperson: 11.2.(f) Workplace Safety and Health (1) Salaries and Employee Benefits \$3,494,200—pass; (2) Other Expenditures \$992,200—pass.

2.(g) Occupational Health (1) Salaries and Employee Benefits \$241,900.

Mr. Schuler: Is the minister planning any additional staffing for this particular subsection of her department?

Ms. Barrett: No.

Mr. Chairperson: 2. Labour Programs (g) Occupational Health (1) Salaries and Employee Benefits \$241,900—pass; (2) Other Expenditures \$39,800—pass.

2.(h) Mines Inspection (1) Salaries and Employee Benefits \$614,300.

Mr. Schuler: A question of the minister again here: Are there plans for any other additional staffing members for this particular department?

Ms. Barrett: No.

Mr. Schuler: Again, any further questions that I might have I will just direct them to the minister in writing.

Mr. Chairperson: 2. Labour Programs (h) Mines Inspection (1) Salaries and Employee Benefits \$614,300—pass; (2) Other Expenditures \$223,000—pass.

2.(j) Employment Standards (1) Salaries and Employee Benefits \$1,994,300.

Mr. Schuler: The standard question: Are there any plans for further staff increases for this department in the coming year?

Ms. Barrett: Before I answer the question, I would like to introduce Dave Dyson, who is the executive director of the Employment Standards Branch.

Mr. Schuler: Any further questions that I might have in regard to this area I will either do it in writing or I will ask the minister in concurrence.

Mr. Chairperson: 2. Labour Programs (j) Employment Standards (1) Salaries and Employee Benefits \$1,994,300—pass; (2) Other Expenditures \$635,000—pass.

2.(k) Worker Advisor Office (1) Salaries and Employee Benefits \$616,400.

Mr. Schuler: I have a question I am sure the minister will have great difficulty answering. Is she planning on any increased staff in this particular section of her department?

Ms. Barrett: No.

Mr. Schuler: I almost had the minister there. Again, if I do have any further questions I will do that in writing or I will do it during concurrence.

Mr. Chairperson: 2. Labour Programs (k) Worker Advisor Office (1) Salaries and Employee Benefits \$616,400—pass; (2) Other Expenditures \$166,000—pass.

Resolution 11.2: RESOLVED that there be granted to Her Majesty a sum not exceeding \$14,764,100 for Labour and Immigration, Labour Programs, for the fiscal year ending the 31st day of March, 2002.

Resolution agreed to.

Resolution 11.4.: RESOLVED that there be granted to Her Majesty a sum not exceeding \$407,800 for Labour and Immigration, Amortization of Capital Assets, for the fiscal year ending the 31st day of March, 2002.

Resolution agreed to.

Mr. Chairperson: We have come to the conclusion here, the consideration of the Minister's Salary. The last item to be considered for the Estimates for the Department of Labour and Immigration is item 1.(a) Minister's Salary \$28,100. At this point we request that the minister's staff leave the table for the consideration of this item.

Item 11.1. Executive (a) Minister's Salary \$28,100.

Mr. Schuler: I will probably regret these words in the years to come, but I think the kind of effort and the heat the minister had to take last year, I think the minister truly did deserve her pay for last year. If there was a minister that deserved it, it was the Minister of Labour. Certainly, we did not agree on the issues, and we probably will continue to not agree on the issues, but certainly this is one individual, one minister through you, Mr. Chairman, who has definitely earned her wages, and I think it should pass.

Mr. Chairperson: 11.1.(a) Minister's Salary \$28,100—pass.

Resolution 11.1.: RESOLVED that there be granted to Her Majesty a sum not exceeding \$629,100 for Labour and Immigration, Executive, for the fiscal year ending the March 31, 2002.

Resolution agreed to.

Mr. Chairperson: This concludes the end of the Estimates for Labour and Immigration. Next on our list is Conservation. What is the will of the committee?

Ms. Barrett: I would suggest that due to the hour that we begin the next Estimates at the next sitting of the Legislature.

Mr. Chairperson: Is that agreed? [*Agreed*] Committee rise.

FINANCE

Madam Chairperson (Bonnie Korzeniowski): 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 Finance. Consideration of these Estimates left off on page 83 of the Estimates book, Resolution 7.2.(c) Money Management and Banking. The floor is now open to questions.

Hon. Greg Selinger (Minister of Finance): I would like to just table some information that the member asked for at the last meeting. I have here some of the staffing changes that have occurred, three copies, and some of the information provided to the former Finance critic last year just to make sure your records are up to speed. Thank you.

Mr. John Loewen (Fort Whyte): I thank the minister for this information. Just to note, we did have an opportunity over the weekend to go through the reconciliation sheet that the minister and the department provided last year in terms of the outstanding issues. We did not find anything that we had in our outstanding file that was not on that sheet. We will, I guess, look as we go through this information just to make sure that we have the answers to all the outstanding issues.

I am not sure if everything was provided last year, if all the answers to the questions that were posed as outstanding last year have been completed or not. Maybe I would ask the minister if there are some specific ones where answers have not been included in the package I have just received, if he could identify them?

Mr. Selinger: Our members, my staff inform me that they provided you all the stuff they have.

Mr. Loewen: Good. I thank the minister and his staff for that. I think I just have a few more questions on 7.2.(c) then in a couple of areas, I guess in particular the cost for the renewal of the contract with the Royal Bank of Canada, which my notes indicate is up 35 percent. I understand that there was, without a tender, an extension of that contract with the Royal Bank. I just want to

confirm my understanding that there is no set time frame to that extension, that it is all on a 30-day cancellation?

Mr. Selinger: Yes. My understanding is that the contract is renewed on a month-by-month basis and either party can terminate with 30 days notice.

Mr. Loewen: Are there any plans underway to put that contract out for tender in the immediate future, or is the minister just anticipating that the contract will continue indefinitely?

Mr. Selinger: My officials inform me they think the arrangement that they have at the moment is the one that works best for the Government, in that they do have contracts with all of the major banks for specific types of services. None of them showed any particular enthusiasm on going through an RFP process. It is the view of my officials that the real economies and efficiencies will be gained in the future as we move to a more electronic Web-based format, and they want to keep their options open to adopt those new technologies on a timely basis, rather than being locked into something that might extend three or four or five years and in fact slow down the transformation process to more efficient technological adaptations that the department may wish to adopt.

Mr. Loewen: Thank you. I will maybe come back to that before we finalize this section, but I did have a couple of more questions, one more in specific on Builder Bonds. I just wonder if the minister could advise me of the rates that have been pegged on this year's building bonds, a floating rate as well as the three- and five-year rates and, as well, if we could have a comparison to what those rates were last year?

Mr. Selinger: Those rates have not been set yet. We set them on a sort of real-time basis, just before we go to the market, and we take a look at the most up-to-date trends at the time the rates are set. As you know, there is a very narrow window there through which we sell these bonds, and we do not want to be either behind or ahead of the curve. So there is a meeting just before we go to market where our partners from the private sector and our officials get together, we sit around a table and we take a look at the

trends and make a judgment call about what the appropriate rate should be.

I should say, in general, this year's rate is expected to be quite a bit less than last year's rate, just because of market conditions at the moment around interest rates, even though my Treasury guy says that even there he wants remain, he wants to keep his options open, given trends, but at the moment the trend in interest rates is down.

Mr. Loewen: Can the minister identify approximately when the department is planning to proceed with the issuance?

Mr. Selinger: The sales period is planned for May 22 to June 5.

Mr. Loewen: Does that correspond pretty similarly to previous practice in terms of those dates and the length of time?

Mr. Selinger: Yes.

* (15:10)

Mr. Loewen: Under the Expected Results section on page 40, right at the bottom of the page, one expected result is that the Treasury, the Money Management and Banking area, will continue to partner with specific project areas of government as they become involved in electronic commerce.

Could the minister comment a little more specifically on what types of projects are being looked at now, worked on now or being anticipated in the near future?

Mr. Selinger: Our Money Management and Banking officials are working with the Personal Property Registry lien registration, which I believe came on-line in January '99. They are also working with the Companies Office on business name registration, the Land Titles Office, business inspections, as well as with Taxation, and they are looking at how they can consolidate taxation functions.

We are looking at a common business identifier and a Web-based taxation system. We are just on the verge of getting into transforming

the taxation system here. So they would be working with all of those systems, as well as Training and Continuing Education, Integrated Case Management, which would bring together functions, Child and Family Services, Community Living, Employment and Income Assistance, Training and Continuing Education. So those are some of the partners that they are looking at as we go through the process of building an e-government capacity.

Mr. Loewen: I had intended to focus in a little bit on the changes in the taxation system under one of the other sections. So maybe if we can come back to that at that particular time under Taxation.

With regard to the Personal Property Registry, is that in place or anticipated to be in place shortly?

Mr. Selinger: The Person Property Registry was initiated last January but it is not yet completed. My director of Money Management and Banking indicates to me that they are not yet at the point of doing financial transactions over the Net, but that is the objective.

Mr. Loewen: Maybe I will just get some clarification on the minister's final statement that it is the intent of this project to do financial transactions over the Web. Is that accurate?

Mr. Selinger: My officials understand that that Personal Property Registry, which is under another ministry, Consumer and Corporate Affairs, is planning to go to electronic filing and retrieval of information including financial transactions. Our people come in at that stage so that they are ready to look at the money transactions to ensure the proper safeguards are in place, so they are not directly in touch with the front end of it.

Mr. Loewen: Thanks to the minister for clarifying that. Is there a completion date for that project?

Mr. Selinger: I would suggest, actually, that we come back to that question when we get to the technology section because those officials who are running that are not here right now. We are sort of treading water here on the specifics

because the Money-Banking people are not in charge of it. So we can come back to that.

Mr. Loewen: Can I ask the minister to give me the specific section, just so we can make a note of that on my notes?

Mr. Selinger: When we get to the section that would be on page 86 in the main Estimates, 7.8 in the main Estimates on page 86, Office of Information Technology. We could have our officials from there, and, hopefully, they will give you some better time lines.

Mr. Loewen: A question on the same issue, it is not really to do with technology or timing, but last year the Government introduced some legislation to the House whereby they were going to be able to have better control over landlords who were avoiding carrying out repair orders.

Part of the description in that legislation was that they would be able to follow the register, so that they could not just flip properties to avoid having to perform those. Will this provide some assistance to the Department of Intergovernmental Affairs in terms of tracking I guess what has been recognized as an abuse of the system?

Mr. Selinger: Generally my people are not familiar with how that new piece of legislation will be administered, but I think that would actually properly be addressed to that minister during her Estimates.

Mr. Loewen: Okay, I am prepared to pass these Estimates with the understanding that we will come back and talk about the registry and talk about other Web-based transactions in areas where we have the OIT people there.

Madam Chairperson: Item 7.2.(c) Money Management and Banking (1) Salaries and Employee Benefits \$443,600—pass; (2) Other Expenditures \$83,900—pass.

Item 7.2.(d) Treasury Services (1) Salaries and Employee Benefits.

Mr. Loewen: Just in regard to the Canada Pension Plan debentures, can the minister tell us

how much is outstanding with regard to the Canada Pension Plan and what the interest rate is?

Mr. Selinger: I am just going to give the member for Fort Whyte a heads-up. If he would want to ask any questions about debt, this might be a place to do it because the officials are here who manage that, while we get this information for you, sort of part and parcel of that discussion.

On the Canada Pension Plan, payable in Canadian dollars, there were about \$1.394 billion, \$1.395 billion to be paid out, and the interest rates vary from 8.21 to 17.51 percent, depending on the issue.

Mr. Loewen: Is there any significant difference between these amounts and the amounts on record at the same time last year?

Mr. Selinger: The only difference would be is that it would be lower by the amount it matured during the last year. The best guesstimate that we have is that it be in the order of about \$100 million, but we will check the specifics for you.

Mr. Loewen: I may not be able to get through all the questions on the debt today, and I think maybe the minister could just reiterate for me. I know we talked a bit about it the other day, the activity that has taken place with regard to, I guess, repatriating the debt. I am sorry; I just forgot the statistics where we were at.

* (15:20)

Mr. Selinger: Yes. When we came into office, we had about 19 percent denominated in American dollars for the most part, and we wanted to reduce that into single digits fairly quickly. We got down to about 13, 13.5 percent by about June of last year and carried on trying to look for opportunities to reduce it and swap it back in the fall. As you know, the dollar started to weaken dramatically, and that created some problems for us on the year-end, but the trend has generally been, under the previous and our Government, to move it down. We are projecting getting to 9 percent by 2002. We are at about 13 percent for 2001, and that moved it. It was 22 percent in 1999. Just for historical information, in 1995, it was at 33 percent, so we are moving

in the right direction on this. As opportunities come available, we will continue to do it, where we can get good deals on swapbacks or when the debt matures, and we can then move into new denominations and then move it back into Canadian dollars and stabilize it.

Mr. Loewen: With regard to debt repayment, the medium-term outlook in the Budget anticipates that the repayment for debt will be \$96 million, both the debt repayment and the payment into the pension plan debt. I believe previously there was a schedule drawn up, over the long term, for the debt repayment. I believe at the time it was based strictly on debt not involving the pension plan. Can the minister table a copy of that schedule with me and perhaps give me some indication of where the numbers were scheduled to go?

Mr. Selinger: We did a projection of the debt without dealing with the pension liability and the debt's future scenarios with the pension liability. We provided that last spring, and we would be happy to provide it again.

Mr. Loewen: Could the minister tell us how much debt repayment was scheduled on the original schedule for the year 2001-2002?

Mr. Selinger: It is the same amount. The difference is now we are allocating a portion of it, \$21 million, to the pension liability. Under the original legislation of the previous government it was just to pay down the general purpose debt, and they were letting the pension liability grow without any measures to reduce it. Now we are focussing that \$96 million on addressing both of those liabilities simultaneously with a mix that we think we will get an overall better result.

Mr. Loewen: So the previous schedule was for \$96 million, still remains at \$96 million in the medium-term forecast in the Budget for debt repayment. Does any of that total differ from the original repayment schedule?

Mr. Selinger: No, it does not.

Mr. Loewen: Just on that then, could the minister give a little more detailed explanation as to what advantage there is to pay \$21 million toward the pension liability, leaving \$75 million

towards debt versus paying \$96 million towards the debt payment?

Mr. Selinger: There are a couple of advantages. First of all, we were under pressure from credit rating agencies to bring the pension liability into view and to have a plan to address it. That was a general point that they were making to us. Secondly, we believe that addressing the pension liability will stop the growth of that liability and allow it to move towards a fully funded situation, roughly by the year 2035. Whereas if we would have left it untouched it was going to grow to over \$8.5 billion by the year 2028 and would have been an enormous challenge. So by moving prudently on both fronts, we start bringing down both amounts.

The legislation is structured to allow a 75-21 initial payment, but under the chair of the Deputy Minister of Finance and a committee that he will put together, they can consider, depending on market conditions and returns on investments, how to split that money up to get the best mileage out of it. So if markets are strong, equity markets are strong and pension investments will generate better returns, they could consider moving more than \$21 million in that direction, or if they think that they will get more mileage out of general purpose debt repayment versus payments into the pension fund, they can focus more there.

So there is a little bit of flexibility that has been introduced that allows our officials to, on an annual basis, review where the money will get the best mileage for the Government of Manitoba and the beneficiaries, the citizens and employees.

Mr. Loewen: I thank the minister for that. Hopefully, his staff, when they are doing that analysis, will have a maybe better understanding of where the market is going to go in the following year than might have been predicted a year ago. I guess the danger would be that staff might anticipate that there would be an upturn in the market and invest more heavily on the pension side only to find out that in fact there came a downturn in the market. So there is also substantial risk, I guess, in terms of paying down both the general purpose debt and the pension repayment debt.

Is it the intention to continue basically along maybe a little more conservative approach and keep the ratios as they are today, or is it going to be wide-open on a year-to-year basis to the department Treasury Services staff to determine how that \$96 million will be carved up?

Mr. Selinger: I think the intention of the officials is to always act prudently and cautiously, and not to time the market or try to even pretend to time the market from inside Treasury. That would be foolishness, but if they see certain trends unfolding and they think that those trends will work to the advantage of Manitobans they will have the option of looking at that. Now, ultimately, they have to make a recommendation and it has to be a recommendation that will pass the test of muster with the minister, but that was becoming an issue of having a total plan to deal with our liabilities that included the pension liability. If the pension liability was going to continue to grow without any investments from the employers in it, there was essentially probably a medium-term risk of confidence in the sustainability of the pension plan which would have huge ramifications across the civil service and the teaching profession. So this more flexible use of the money in a prudent fashion we think satisfies the credit rating agencies and will increase confidence in the pension funds that we are responsible for while continuing to have an aggressive approach to paying down the general purpose debt.

* (15:30)

Mr. Loewen: In effect, what is happening then is that the general purpose debt repayment has been—the timing for that has been lengthened out due to the fact that there has been a lowering of the contribution, and hopefully given that judicious investments of the \$21 million are made, that there will also be a reduction in the pension liability. That is the goal?

Mr. Selinger: I think it is important to clarify that our Treasury officials will not actually be investing the money into the pension plans. They will make a contribution to the pension plans, the teachers' TRAF retirement fund, and the Civil Service Superannuation Fund who have their own officials who actually make their

investment choices, but they will decide what amount of the \$96 million could be allocated there.

The original plan was to see the general purpose debt paid down by the year 2028 but the growth in the pension liability to exceed or to be in the order of \$8.4 billion. Under the new plan's long-term projections, the general purpose debt would be paid down by 2040 and the pension plans would be fully funded by the year 2035, which is an overall better result than 2028 and \$8.4 billion. We now get them both addressed between the years 2035 and 2040, and that is on the assumptions that were made at the time. If those assumptions change and we see some dramatic changes on either side of that equation, the flexibility is available to address that in a prudent way.

Mr. Loewen: I appreciate that. The assumption would also have to be made that the individual pension entities would invest whatever amount they are given wisely. If for some reason they misstepped, then we could end up in a situation where we have extended the general purpose debt and not really put that much of a dent into the pension plan.

Mr. Selinger: Yes, that would be the assumption. I think it is important to note that the Civil Service Superannuation Fund has performed in the top 25 percent of all funds consistently, that they have an excellent staff, that they have an excellent reputation, and they do actuarial evaluations of their portfolio every three years to see whether the liability has grown or reduced in terms of the returns. So we can have a good degree of confidence in the abilities of those folks.

Similarly with the teachers' retirement fund there is also a strong track record there of their investments as well.

Mr. Loewen: With regard to the TRAF last year, I believe based on the performance of the fund there was a decision taken not to adjust the cost of living or put a cost-of-living adjustment in the payout. Then I understand there was a decision, I am not sure if it was by Treasury Board or just where it came from, to include a

cost of living. Could the minister maybe give me an explanation of that?

Mr. Selinger: Actually, the TRAF fund is under the jurisdiction of the Minister of Education, but just for the purposes of information there was a separate account for the cost-of-living adjustment in the TRAF legislation. That account was insufficient to pay out a full COLA last year, but there was money available in other parts of the TRAF fund that could be moved over to address that, and the minister is bringing legislation forward to allow that to happen this session. So there was a short-term solution to allow teachers to get a COLA and then a legislative solution that will be brought forward by the Minister of Education to address that issue structurally.

Mr. Loewen: So presumably then the decision to allow a COLA would have had the effect of increasing the liability more than if the COLA had not been granted?

Mr. Selinger: Well, in a sense you could say that, but there has never been a time when the COLA adjustment has not been made by that fund—and once again I am not speaking for that fund—and it would have had pretty serious repercussions if that payment had not been made.

There was a judgment that the entire fund was able to sustain that COLA payment, but there were some walls built up between the COLA portion and the general portion and with the legislative amendments that would allow the money to be applied to the COLA in the short term.

Mr. Loewen: I appreciate the fact that it would have been breaking with a long-standing tradition to not increase the COLA, and certainly I have personally heard from retired teachers who were concerned about that, but again I guess these types of decisions have ramifications. In a period of time where people with RRSPs who were drawing those funds might have also not had an increase in their pension as a result of a decline in the market, I ask the minister if he could give me a dollar figure on how much that decision to include a COLA

payment to the teachers, how much did that cost the pension fund?

Mr. Selinger: Once again I have to reiterate, I am not the minister responsible for this. We are going a little far afield here with me providing information, but my comptroller informs me that when they do an actuarial evaluation of the pension funds they include the obligations towards COLA adjustments in those evaluations and then render a judgment about the soundness of the fund overall including the COLA obligation. The actuarial evaluation has been done on the TRAF fund, and the technical barrier needed to be overcome to allow it to go forward. Then the fund will make adjustments to ensure long-term sustainability in consultation with teachers and the employers, including the Government of Manitoba. So the legislative amendments will be brought forward, but there was no risk that the fund was put under to make the COLA payment last summer. There was an obligation to do it, and the due diligence had to be done on whether the fund could sustain that payment and it was felt that it could be reasonably managed within the resources that they had. But once again, I think you have to put that to the Minister of Education (Mr. Caldwell) who is responsible for that fund.

Mr. Loewen: Well, I appreciate the minister's answer. The Department of Education I guess is responsible for that fund, but certainly I think the minister would have to agree that the Treasury Department also bears some responsibility. Just again, for clarification, the debt in the pension fund today is—could you give me the number for that?

Mr. Selinger: The total accumulated debt for the teachers and the civil service pension fund, I believe when we looked at it last year it was in the order of \$2.9 billion. Do we have a number for this year? It has gone up somewhat, right. We will pull a number for you. We are showing it on page B 20 in the Budget tables; this is in the Budget papers. We show the net pension liability for 2000, 2001 and 2002, \$3.017 billion. That is in the first line.

Mr. Loewen: I know these numbers are rather dry. A fairly substantial increase over the actual number at the end of 2000, and appreciating the

fact that maybe the number is not available right now, would the minister be willing to get back to me with the cost to the net pension liability of proceeding with the decision to increase the retired teachers' pension by a cost-of-living amount?

Mr. Selinger: My comptroller informs me that as of March 31, 2001, the present value of the increased liability is \$15 million for funding the COLA.

* (15:40)

Mr. Loewen: So I will take the minister's answer that the cost of including that COLA adjustment to the pension plan for one year is \$15 million. I hope I understand that right. I guess I have maybe asked this, but does that include future cost-of-living amounts on the cost of living?

Mr. Selinger: What that means is that the adjustment that was made last summer, as it carries on into the future and discounted back through a present value calculation to March 31, 2001, is equivalent to \$15 million in present-day dollars, but it is an ongoing obligation to continue to fund that. It is not just what it cost to do it for one year; it is what it cost to do it into the future expected life of that benefit for the members till death.

Mr. Loewen: That would be a compounded number into the future?

Mr. Selinger: Yes, it is what they expect the cost of it to be for the life of the members who are participating in the plan, and then it is brought back through a present-value calculation to a number that can be put on the books March 31, 2001.

Mr. Loewen: So I understand that this would have been a request that came from TRAF through the Department of Education to the Treasury Board for approval, or is there some other process? I guess what I am trying to find out is who made the decision, when it was made and what the process is.

Mr. Selinger: It is a decision that is recommended by the Minister of Education and

his officials to government essentially and ultimately approved by Cabinet.

The specifics, as I understand it, was that the request came from teachers. It was negotiated with teachers and TRAF and with the Government through labour relations, and then once they came to a position where they could all live with it, it was recommended to government by the Minister of Education.

Mr. Loewen: I will come back to that in a minute, but is the minister saying that this was negotiated as part of a contract negotiation, or was this simply a separate request that came from—and I assume when he says teachers, he is talking about retired teachers as opposed to working teachers who would not be affected by this. Is it coming from retired teachers through the Department of Education through TRAF to Cabinet?

Mr. Selinger: Just before we go any further on this, I must reiterate we are way into the responsibilities of another minister. So the information I am giving I would have to qualify as being information from Finance, but the final verification of this information should be made by the Minister of Education (Mr. Caldwell). As I understand it, the retired teachers were represented by the Manitoba Teachers' Society who still act on their behalf in their request to address this problem in the short term.

It was put to the Government for discussion and negotiation on how the problem could be resolved. It was not collective bargaining or anything. It was simply to ensure that teachers could get a COLA adjustment, and it required a due diligence look at the sustainability of that within the fund and an actuarial evaluation of what it would cost, and a solution was arrived at through that discussion and negotiation process that was then recommended to Government.

Mr. Loewen: I appreciate that portions of this fall within another department, and we will be asking that department when they get into their Estimates' discussion as well. Ultimately, I guess, Government made a decision to spend \$15 million more than they were legally bound to, as I understand. I am just trying to determine what process was undertaken, given that \$15

million was not included in the Budget that was presented to the people of Manitoba a year ago. Could the minister describe the process that resulted in an extra unbudgeted expense of \$15 million? I assume it had to come through Treasury Board through the Treasury Services department in some shape or form to Cabinet.

Mr. Selinger: I would have to correct the member. This was not an unbudgeted-for expenditure that was added into the Budget after they were approved. The amount to cover off this cost was provided for within the Budget.

The impediment to addressing it was the barrier between the COLA account and the general purpose account of the Teachers' Retirement Fund, and that required a legislative amendment to address that. It was money that was set aside to address this as COLA monies have been provided for every year through real time payments that we make on the pension liability.

We make a contribution to the pension liability every year to cover the real costs for pensioners that are retired on a cash basis, on an annual basis. What the long-term debt retirement plan now does is it starts funding the liability ahead of when it is actually drawn on a \$21 million a year basis. We look toward a long-term funding of that rather than growth in real time costs on an annual basis.

So the money was provided for, and the other impediments are going to be addressed through legislative amendments this spring. I would not want the member to think that this was something that was added onto the back of the Budget outside of the regular budgeting and Estimates process. That money was an estimate of the cost of the pension liability for the employer, for the civil service pension fund and the teachers' pension fund, the employer being the Government of Manitoba was provided for in last year's Budget for that year's cost.

Mr. Tom Nevakshonoff, Acting Chairperson, in the Chair

Mr. Loewen: Is the minister saying that there was a provision in last year's Budget of roughly \$15 million for a cost-of-living increase for TRAF?

Mr. Selinger: I think we are getting confused here about the \$15 million. The actual amount that was required for last year was in the order of \$850,000. The \$15 million is the cost projected to the end of the pension fund's life for the members' participating of that COLA adjustment, then factored back through our present value calculation to be put on the books as the long-term liability. The actual cost in any year was \$850,000, and that was budgeted for. In order to assess the total debt liability of the Government of Manitoba they do actuarial evaluations and then they do what that means in present value dollars for those future obligations, and that is what we show on that table that I indicated to you, I believe, on page B 20.

Mr. Loewen: I thank the minister for clarifying that. What I understood him to say was that there is \$850,000 of extra expenditure last year with regard to the expenditure for a cost-of-living increase and a cost over time for this of \$15 million. So, just to clarify, the minister is saying that the \$850,000 was budgeted for and the \$15 million was not included in the net pension liability forecast?

Mr. Selinger: The \$850,000 was budgeted for to address the real COLA adjustment required for the actual teachers that are retired in the year of the Budget. The \$15 million is shown on page B20 as part of the future pension liability that would be incurred as that COLA is carried forward under actuarially assumptions of the life span of the members of the retirement fund.

* (15:50)

Mr. Loewen: I do not have the number handy. Could the minister give me, provide me with the net pension liability as was stated in last year's budget?

Mr. Selinger: We will pull that up for you if, presumably, somebody has it. The question is: What was the pension liability for the year 2001 and '02 as projected in last year's budget?

Mr. Loewen: In the 2000-2001 budget, I am asking what was the net pension liability for 2000-2001.

Mr. Selinger: It was \$2.907 billion, and our third quarter forecast for that year is \$2.885 billion. So the actual, it looks like it is coming, it

is not finalized yet, but it looks like it is slightly less than what the projected was last year.

Mr. Loewen: I thank the minister for that. I may come back to that on more questions at a later point. With regard to the legislation that the minister indicated was forthcoming, is he saying that legislation will include a mandatory cost-of-living adjustment every year for members involved in the pension?

Mr. Selinger: Once again, this is not my legislation, so I am really going out on a limb here. I believe the legislation simply addressed the technical amendments allowed to flow money to the COLA account. I have not actually seen the final draft of the legislation, but that is my understanding of the purpose of it. I would encourage the member to pursue that with the Minister of Education (Mr. Caldwell) during his Estimates.

Mr. Loewen: Does the Minister have any idea when that legislation will be presented in Cabinet?

Mr. Selinger: Actually, once again, I would have to refer to that minister for the timing of that.

Mr. Loewen: I am prepared to pass 7.2.(d).

The Acting Chairperson (Mr. Nevakshonoff): Item 7.2. Treasury (d) Treasury Services (1) Salaries and Employee Benefits \$510,000—pass; (2) Other Expenditures \$48,300—pass.

Resolution 7.2.: RESOLVED that there be granted to Her Majesty a sum not exceeding \$1,682,500 for Finance, Treasury, for the fiscal year ending the 31st day of March, 2002.

Resolution agreed to.

7.3. Comptroller (a) Comptroller's Office (1) Salaries and Employee Benefits \$135,400.

Mr. Loewen: With regard to the Comptroller's Office, I think we talked last year about one of the goals was to speed up the report and particularly the gathering of financial information. Could the minister give us an update on that?

Mr. Selinger: The major initiative that was undertaken last year was to install the next version of the SAP system and get T4 slips out on time this year. That was accomplished, to the great relief of everybody. You would understand that, having delivered many payroll slips in your time, on time. It was a major initiative, and SAP's systems have a notorious record of not being delivered on time, so we were quite proud of being able to deliver that upgrade in a timely fashion.

That provides the basis this year for increasing and improving the quality of financial information. So that was the foundation that was laid last year through that upgrade, and then we are working this year to start extracting from that system and more timely information on the financial health of the various departments and the government entity in total.

Mr. Loewen: I appreciate the pressure put on the system when we are talking about releasing T4s, having lived the experience for 25 years. Everybody wants it early. Everybody is expecting a refund, and everybody is phoning every day to see when that date will be. I guess my only comment would be, given that the decision was to utilize a payroll system that was basically untried, untested and, for the most part, not in use in Canada, I am sure the government department went to some very great lengths to make sure it worked. There are some that might argue that there might have been better options out there in terms of some well-known Canadian providers of this type of service. In any event, they worked it out.

I guess what is driving the question, in my experience, the third quarter statements were published later than I anticipated and certainly, I would think, somewhat later than the minister would have liked to have seen them. I am not sure where the holdup was. I believe they were released the last week in March. Maybe the minister could give us an update in terms of how that fit in with previous years' releases and what the expectations are in the future.

Mr. Selinger: I am looking down the road to my Treasury Board officials. I believe the third quarter last year was roughly the same time frame, if I am not incorrect. They are going to

check the facts for us, but it was roughly the same time. What I can say is one of the uncertainties that does cause some delay is getting our information from Ottawa and what realistically is going to happen there, and usually Ottawa does not provide transfer payment information until after they do a budget.

As we know, there was no spring-winter budget this year, so there was a bit of uncertainty there that needed to be verified. I do not know if they are any closer to knowing what it was last year. Yes, I think they are going to check it and get back to me. I see a phone slipping out of a pocket there. As I recall, last year it was roughly the same time frame.

* (16:00)

Mr. Loewen: Maybe before the phone slips too far, I would not mind going back two or three years, realizing that last year was the first year of a new government and it might be an exception.

Mr. Selinger: We will see what we can do on times when Third Quarter Reports were released.

Mr. Loewen: Is there an estimate on when the final statement will be issued?

Mr. Selinger: It is usually in the summertime. Last year, we did it towards the end of July, as I understand. I remember being in a car in front of Eaton's on a hot summer day when it came out. I think that was towards the end of July. Is that right? Was it early August, end of July? Is that the projection for this year? *[interjection]* Roughly, that might be the time frame for this year. Do you have anything to add to that. *[interjection]* Okay.

Mr. Loewen: Mr. Chair, with regard to the third quarter statements, when would they have been presented to the minister?

Mr. Selinger: I get them just before they are ready for release.

Mr. Loewen: Are we talking days, hours, weeks?

Mr. Selinger: Usually a few days before they are finally released.

Mr. Loewen: Would that have coincided with the time when they would have been made aware that spending projections were \$250 million over the original budget projection?

Mr. Selinger: My Treasury Board official informs me that there was some indication in the Second Quarter Report that there were some spending pressures, but obviously the Third Quarter Report gets a clearer fix on that. With, for example, issues like the deterioration in the Canadian dollar and what that impact is on the debt, that is a fairly fluid target that is moving around daily, in effect, and so there is a lot of fluidity there that has to be pinned down before you can actually put a best estimate on that. The markets were particularly volatile in that respect this year.

I would ask on a regular basis how the dollar is doing and what the impact is, and they would say, well, this week it is okay and tomorrow it is not so okay. It was like a daily yo-yo that way. There are a lot of things that remain fluid all the way through the process.

Mr. Loewen: Well, given that there certainly is fluidity in the dollar and the department has indicated that that would cost an additional \$44.5 million for the year, with regard to the other \$200 million in terms of increased expenditure, would that come as a surprise to the minister? Was he aware that there would be that magnitude of spending increase?

Mr. Selinger: It came as a disappointment with respect to the dollar. I was hoping that the dollar would strengthen as the year went along. We were tracking it regularly. We knew there were pressures in health care for sure. Of course, you hope those things will improve as the year goes along. In some cases, they did, and in some cases, they did not.

Of course, the other thing that occurred was the last minute overture from the federal government to provide an additional payment to farmers this year, which they wanted us to cost share 40 percent, and a judgment call had to be made by the Government whether they would participate in that payment. That was fairly late in the season, as well, when that occurred.

Mr. Loewen: I appreciate those two amounts would have come up later. I guess what I am

attempting to discover here is what process the minister and the department went through when they found out that they would be faced with—even with the exception of those two amounts—a very, very significant overexpenditure of the Budget that they had tabled less than eight months earlier. Is there a more detailed explanation?

Mr. Selinger: Well, Treasury Board officials work with the information they get from the Department of Health on an ongoing basis to track expenditure issues, and the accuracy of that information sometimes takes quite awhile to verify. In discussions with the Health Department and the health authorities, there are several layers there that have to get up to speed.

The emergency expenditures, all the numbers do not finalize on that until fairly late in the season. Last year, we had some overland flooding that was a cause of some additional pressure, but also costs for abatement of fires in the North. All of those costs are not finalized until late in the year, especially for the use of equipment and the sharing of the costs of that equipment between departments. So there is quite a bit of work that has to be done to verify those numbers and solidify what the quantum of those numbers are and the magnitude that it will have on the Budget. Treasury Board works on trying to verify and nail down that information on an ongoing basis as the year goes along.

Madam Chairperson in the Chair

Mr. Loewen: Given the rather large overexpenditure, I am wondering if the minister or his Cabinet had any thought of bringing in an outside consulting or auditing firm to determine what had gone wrong.

Mr. Selinger: We worked with the Department of Health on their issues, and the Treasury people were probably the best source of information on debt issues. The agricultural issue was driven by federal desire to put some money into the agricultural sector in partnership with the provinces late in the year as they move towards their year end. The expenditures on emergency expenditures for flooding and fire were measures that were expenses that were unavoidable, given the conditions that we

experienced in Manitoba. So those things were being managed within the government system and dealt with in that respect.

Mr. Loewen: In terms of overexpenditures, we will just go on a couple of more questions here and then come back to this I guess at a later point, but, for example, the Department of Education and Training and Youth is forecasting that—no, I am sorry, I will come back to that. We can cover that in a different area.

One of the functions of the Comptroller's area is to provide policy advice to Treasury Board regarding government departments concerning financial and management systems. I am wondering how the department views the, I guess, inability of the Government to be able to track until such a late date some of these very large overexpenditures which can occur late in the year and obviously have a pretty significant effect on whether or not balanced budget legislation is going to be adhered to.

* (16:10)

Mr. Selinger: The department's job is to provide timely information at the highest level of detail required to make prudent judgments, and that is why they upgraded the SAP system, and that is why they are working on being able to extract information from that system in a more timely fashion.

These technological innovations with the use of the SAP system are ones that we inherited from the previous government. It is a very expensive system. Madam Chair, it is a difficult system to implement and put on the ground successfully as has been experienced in many other jurisdictions. I think Manitoba has been, maybe, more successful in implementing that system than many, many other governments and private corporations across the country. So it is not their job to comment on overexpenditure. It is their job to give us accurate and timely information so that senior policy officials both at the civil service level and at the political level can then make prudent responses.

Mr. Loewen: At this point I am prepared to pass 7.3.(a).

Madam Chairperson: The item is 7.3.(a) Comptroller's Office (1) Salaries and Employee

Benefits \$135,400—pass; (2) Other Expenditures \$17,900—pass.

7.3.(b) Information Technology Services (1) Salaries and Employee Benefits.

Mr. Loewen: I notice in this section, in the Expected Results, one of the issues is the provision of support for the applications that are on mainframe, mid-range and microcomputer platforms. Are there projects under way to move some of these applications from mainframe onto microcomputer solutions? Is the Government moving in that direction?

Mr. Selinger: Within the Comptroller's area, they use a central or a main printer but most of their applications are running off desktops at the moment.

Mr. Loewen: I guess I am trying to get a bit of a feel for where ISM fits in the picture, if they still do. Is there, I guess, a role in terms of the data processing and Information Technology Services of the Government being decreased or eliminated?

Mr. Selinger: With respect to the Comptroller's division, their only relationship for services with ISM is for payroll and T4 slips, and that has been stable. There have been no changes either one way or the other.

Mr. Loewen: With regard to the implementation of new technology, one of the Expected Results is participation in the next phases of the Better Systems Initiative. Could the minister give us a little more information on what is planned there?

Mr. Selinger: At the moment, there are four staff from the Comptroller's division who have been seconded over to the BSI, or the Better Systems Initiative, to work on the implementation of a new taxation system that will be Web-based and allow for more efficient interaction between clients and the Government for taxation purposes.

Mr. Loewen: I was just wondering if the minister would like to go into detail on that new taxation system at this point or touch that later.

Mr. Selinger: Let us do that later under Taxation.

Mr. Loewen: The secondment of that four staff then would explain the decrease in the Estimates of Expenditure in this department?

Mr. Selinger: Yes, it would explain that.

Mr. Loewen: Anything else of significance in that reduction of expenditure?

Mr. Selinger: That would be the main explanation.

Mr. Loewen: I am prepared to pass 7.3.(b).

Madam Chairperson: Item 7.3.(b) Information Technology Services (1) Salaries and Employee Benefits \$374,000—pass; (2) Other Expenditures \$77,100—pass.

Item 7.3.(c) Disbursements and Accounting
(1) Salaries and Employee Benefits.

Mr. Loewen: Just again, I would ask the minister if he can give us some idea of what might be expected from the department in the future in terms of the financial statement reporting. Is he anticipating that there will be a shorter period between the time the financial statements are closed off based on the calendar date and when those statements will be ready for release?

Mr. Selinger: Once the management reporting is in place, the system will allow for more timely information, but it might not be the determining factor on when it is released. There are other sources of information that have to be gathered as well, but it will help the overall process.

At this time, I have some information about quarterly report release dates that I could report to the member, if he wishes, for the last four years. This year, it was March 23; the year 2000, it was March 22; the year '99, it was March 9; and the year '98, it was February 27, just to give you the range of times there.

Mr. Loewen: Well, maybe just to go back to that point then, given, as I stated earlier, it was the transition year last year to a new government, I can certainly understand why it would take a little longer, particularly given the involvement of Deloitte and Touche, to publish

the Third Quarter. Is there a particular explanation why or any particular reason why, as opposed to getting the Third Quarter Report in February, it took until March 23 to release it this year?

Mr. Selinger: I do not think there is any particular explanation, but I should remind the member there were several things under negotiation during the first quarter of the new year, including agricultural issues with the federal government. Those topics were a focus of what was going to happen. The federal government was wanting to invest some money in agriculture in their last quarter of their year, and they were looking for a match from us. We were trying to find out whether it was feasible and desirable to do that. Those questions were occupying us before we issued a Third Quarter Report, so we could account for any of those kinds of expenditures.

Mr. Loewen: That is fine. I would have thought though that those amounts obviously could have been added as a notation to the statements, and there is certainly lots of room for that in the notes that accompany the Third Quarter Report. Is the minister saying that basically the numbers were available, the financial statements basically were available and that they simply held back on publishing those amounts until they negotiated a little more with the federal government on agriculture?

Mr. Selinger: No, I am not saying that. I am saying that was one contributing factor, but there were other moving parts as well. I indicated another one with respect to the value of the Canadian dollar and what the impact would be on the year-end debt obligation. That was a moving target too. All the forecasters, including the Conference Board of Canada and the six major banks, had projected a much healthier dollar by the year-end. Even Treasury Board officials were living in hope that things would improve before we published the Third Quarter Report. Unfortunately, they did not and do not.

Mr. Loewen: Well, I will not ask what the Treasury Board officials are living on today, because obviously hope did not sustain them.

An Honourable Member: My deputy informs me the dollar is a little stronger today.

* (16:20)

Mr. Loewen: Well, we are glad to hear that the dollar is stronger. I am sure there is a wide variety of views on where it could go and should go, given the economic situation of the day. What is really concerning me is that I sat through this process for the first time last year, and I believe \$8.5 million was the budgeted expenditure on I guess Better Systems. The explanation at the time was that one of the reasons for that significant investment was to upgrade the SAP system so we would be able to have a more timely and certainly an accurate reporting of the financial situation of the Province.

So I guess I am trying to get clear in my mind why, after that type of investment and certainly looking at the investment this year, we are sliding backward as opposed to going forward. I guess, to be perfectly frank, what I am trying to determine is whether this is an issue that the department needs to work on, or whether these numbers, given that there were some very large overexpenditures to Budget, were simply held back, to me what conveniently seems to be during the schools mid-term break when a lot of people were away so they would not get noticed.

Mr. Selinger: There were a number of factors that were being considered. The SAP system investment really was just brought on-line in time to get the T4 slips out this year, but it was not sufficiently, by this spring, ready to deliver on more timely third quarter results in terms of departmental spending, and it is still not there yet. We still have work to do to bring it up to speed to get the full value out of that system. I can assure the member that I have been pressing my officials to get more timely departmental information out of this new system. They tell me that we are going to get there. The sooner we get there, the better. It was not available in the last quarter of the first year in a way that would have been helpful to the Third Quarter Report, even though they did a pretty terrific job of bringing that upgrade in on time, which was a major upgrade.

We can debate whether it was a good idea to get into SAP. That was a decision made under the former government. Our job is then to try to

stabilize that and make it fully operational and get the maximum value out of it. There are way too many sunk costs to abandon that, even though I had overtures from other software providers to dump this thing and to go into other systems. The judgement was that, when you have got that many sunk costs, you have to go through to the end to make it provide its full value.

As to the attribution of motivation for the timing of the release, I now have information here of the release of Third Quarter reports since 1997 and '98, and they range from February 29 to March 22 to March 23. There is quite a wide variation here. I will provide this report to the member. I do not know that there is anything untoward in the release of the report this year. I do not believe there is. I think it was when we could get the best information together to provide.

Mr. Loewen: I appreciate that. I think, though, it is disappointing that after a further investment of \$8.5 million—and I hope we did not invest \$8.5 million simply to get the T4 slips out at the end of February. While I appreciate that the decision to go with SAP was made by the previous government, and, having not been there, I am not privy to all the reasons that that was undertaken, I do think that once again, when we go back to '97, '98 and look at the fact that at those points we were able to get third quarter financial statements out in February, we are now to the point, after considerable more investment, where we are looking at a 90-day delay between the time the quarter ends and the time financial statements end. I appreciate the fact that the operation of a government is an extremely large and complex organization. There are certainly private sector employers that are large that could get their financial results out within 30 days.

I would be asking the minister where we are going from here. Are we anticipating that, within a year, within two years, within three years, the Province will get to the point where it can release financial information in a significantly more timely way. I think that, in these days of rapid change, it is going to be crucial for the government of the day, regardless of what stripe that government is, to have a clear understanding of where their expenditures are going, where

their possible exposure is with regard to currency shifts, certainly on a more timely schedule than close to 90 days after the end of a quarter.

Mr. Selinger: Obviously there is a trade-off between timeliness and accuracy. In the last two years, we have seen some significant shifts in reality for the provincial government, with respect to federal intentions in their last quarter. We have seen some significant shifts in the value of the dollar this year. It is not unprecedented. I just note for the member that in '93-94 the former government brought out their reports March 23. So there are extenuating circumstances or circumstances that cause information to be compiled and released that vary from year to year. Of course, we will try to bring them out in a timely fashion, but we also want them to be accurate. We want them to include all the matters under consideration that impact on the report.

Mr. Loewen: We will probably talk a little bit more about this during our discussion on the Enterprise System Management. Based on that, I am prepared to pass 7.3.(c) at this point.

Madam Chairperson: 7.3.(c) Disbursements and Accounting (1) Salaries and Employee Benefits \$2,010,600—pass; (2) Other Expenditures \$813,000—pass; (3) Less: Recoverable from other appropriations (\$325,900)—pass.

7.3.(d) Legislative Building Information Systems (1) Salaries and Employee Benefits.

Mr. Loewen: Again, in the Expected Results, there is a comment on the "Design and implement Audio/Video applications for streaming sound from committee rooms to the building Intranet and archiving audio/video clips from committee rooms and Question Period for on-demand access." Could the minister describe this in a little more detail? What is driving this, what the anticipated benefit is and to who? Is there a dollar cost associated with this project?

* (16:30)

Mr. Selinger: I will ask for the head of that operation, Madam Fridell, to come forward and give a little explanation of that to me.

I am informed that this initiative was undertaken on request from the caucuses to have access to this information. The cost is minimal because most of the software was in place to do it, and it has in fact been implemented.

Mr. Loewen: Was there a budget associated with it?

Mr. Selinger: I am informed that they absorbed the cost within their budget in that it was minimal as licences had already been acquired.

Mr. Loewen: With regard to the next item, I would ask the minister to explain in a little more detail the Expected Results from the development of the Web-based application for the Premier's staff. What all is incorporated in that project?

Mr. Selinger: I am informed that it is a minimal infrastructure cost that will allow up to 18 staff to access speech material in the Premier's Office. So it is a way of providing shared access to the Premier's speechwriter and information back and forth between various people who contribute to that process. Once again, it is a minimal cost item that just improves the quality of information to the Executive Council.

Mr. Loewen: I am sorry. Is the minister saying that there will be 18 staff who will have access to this application, 18 specified staff, or is he saying 18 staff at a time, or is it any 18 of the legislation users?

Mr. Selinger: I am informed it will be up to 18 authorized staff who will have access to the Premier's speeches.

Mr. Loewen: Is this authorization to the Premier's speeches or authorization to other material to prepare the Premier's speeches? I am not quite clear.

Mr. Selinger: It is primarily intended to provide staff with access to the speeches historically made and put on the public record by the Premier.

Mr. Loewen: So the only thing that will be accessed from this application are previous speeches by the Premier. Is that previous

speeches by any Premier or previous speeches by the Premier of the day?

Mr. Selinger: It is intended to provide access to speeches made by the current Premier.

Mr. Loewen: Just for final clarification, I just want to make sure that I have this right, the only information that will be accessed will be speeches written by or for the Premier, and there will be 18 staff designated within the Premier's staff or somewhere in the Legislative Building that have access to the Premier's speeches.

Mr. Selinger: Correct, that is an accurate summary of what is happening here.

Mr. Loewen: I appreciate the explanation of those two issues. With regard to the provision of information technology services, can the minister indicate on how many occasions during the last year the Legislative Building users have been impacted by viruses?

Mr. Selinger: The major virus that came into our LBIS system last year was the love bug virus. It did get into my office, but it was controlled and not allowed to spread. It was caught at a very early stage. There were a few other viruses that did attempt to break in, but they were caught at the early stages.

Mr. Loewen: Have there been any situations where unauthorized hackers have got into the system?

Mr. Selinger: No unauthorized hackers have broken into the system, including from any member of any caucus.

Mr. Loewen: Maybe the minister wants to clarify by saying that he is aware of.

Mr. Selinger: None got through. If the member knows of anything we do not know, we would be happy to receive the information.

Mr. Loewen: We may come back to that at a different point.

Mr. Selinger: Just a further point of information just for the member. We do have the Information Protection Centre, which is a fairly innovative

operation in Manitoba that protects the larger common entity. When it comes to the Legislature, all the protection and screening of viruses is handled by LBIS separately from the Information Protection Centre because of the sensitive nature of information flowing between members of caucus and elected officials. It is kind of like this building has kind of got a moat around it in terms of information through the electronic portals, and it is controlled by the LBIS shop separate and independent from the Information Protection Centre. That was a bit of a point of debate at one time about who should be in charge of that in the last year, and we decided that it should rest within the control of the organization managing everything within the four walls of this building.

* (16:40)

Mr. Loewen: I just had a constituent call me, and we dealt with a particular issue with the Department of Justice where, unfortunately, someone in the department had accessed some rather senseless jokes and sent them to the entire department based on the e-mail system. Is there any protection or monitoring of that type of activity within the building?

Mr. Selinger: As I understand it, if that was with respect to civil servants in the Department of Justice it would have been outside of this system here. This system here is for our benefit, the elected folks, and it would have probably come under the Office of Information Technology or the Information Protection Centre. It would not constitute a virus. It would constitute an inappropriate use of the Internet for other than public purposes, and there is a code of conduct that members are supposed to follow. If that code has been breached, we can bring that to the attention of the minister and he will act accordingly.

Mr. Loewen: What I am looking for is if there are systems built in to—I mean, unfortunately, this type of inappropriate use of these types of systems does arise from time to time. What I am looking for is, is there a method of—I know in this particular case I received the e-mail and did not really want to receive the e-mail, because it was pretty crude. Is there a way of tracking those

types of breaches to determine, in fact, where they originated from?

Mr. Selinger: Well, the LBIS and the wider government entity have similar security policies. I would have to check whether it could pick up somebody broadcasting other than government material through the Internet to other officials, because it might not actually be a breach of security. It might be an inappropriate use of that medium for information that would not be properly transmitted. There is a code of conduct to do that, but I do not believe all those messages are screened before they are allowed to be released into the system. Otherwise, it would get really big-brotherish, you know, all the information flying around. Where information that is inappropriately sent that is not relevant and pertinent to the functions those civil servants are playing is identified, then we can after the fact deal with it.

It is fairly rare. We have had very few complaints with respect to this. I am glad you have drawn my attention to this one, and if you wish me to follow up with it with respect to that minister I would work with you or do it myself, whatever you wish. We could nail it down, and I think there is a way of tracing where the stuff comes from, I think the IPC centre. I know in the past there was somebody that had some illegal hacking software on a system that they were able to identify and locate and take out of the system. So there are ways of tracing this through the Information Protection Centre if there is a specific thing we should follow up on here.

Mr. Loewen: Just to clarify, the Minister of Justice (Mr. Mackintosh) and his department did follow up and the issue was resolved. The individual was found and reprimanded, according to the information I have. So I just wanted to make sure that, within the Legislative Building system, we had the same capacity to track that, and I understand that we do. So I appreciate that. Based on that, I am prepared to pass 7.3. (d).

Mr. Selinger: We will take all this back to our respective caucuses so they are not releasing inappropriate e-mails, because we can catch them.

Madam Chairperson: Are we ready to pass this item? 7.3. (d) Legislative Building Information

Systems (1) Salaries and Employee Benefits \$788,500—pass; (2) Other Expenditures \$319,400—pass.

7.3.(e) Internal Audit and Consulting Services (1) Salaries and Employee Benefits.

Mr. Loewen: I would ask the minister if he could perhaps either verbally, or provide me with a list of the value for money audits that have been undertaken this year.

Mr. Selinger: I am going to rag the puck for a couple of minutes while my officials give me an actual quantitative number by breaking down where the internal audit hours by service type were allocated, if the member is interested in that.

For example, 50.8 percent were done on financial and management practices; 18 percent of audit hours were used for value for the money audits; advisory consultation functions took up 13.1 percent of their time; attest audits took up 9.5 percent of their time; investigations took up 2.6 percent of their audit hours; and other types of activities were used for 6 percent of their internal audit hours. We are still searching for a number. Do you have any other questions you want to ask?

Mr. Loewen: Could you compare that to previous years?

Mr. Selinger: I would be happy to do that. The financial and management practices audits went up 15 percent over the previous year. We may be here quite a while. She does not have those numbers, so we will have to get them for you. I will take the question as notice. Value for the money audits reduced by about 50 percent—they went from 42 to 18; advisory and consultation doubled from 6.1 to 13.1; attest was roughly the same; investigations were up slightly from 2 to 2.6; others were in the same ballpark, 5.4 to 6 percent. So, the major shifts were in the first two, financial and management practices and value for the money.

Mr. Loewen: I am not so sure about process here, Madame Chairperson. I am just wondering if given that we are going to be waiting for the information, if we could pass over this area and

come back to it when that information is available.

Just for clarification, and I note the minister indicated to staff that we are just interested in the total number of audits. I would also be interested in discussing what value for money audits were undertaken during the year, the particular description of them. That is sort of the discussion I hope to enter into during this area, but if we can do that at a later date or come back to it I am satisfied with that.

Madam Chairperson: Is it the will of the committee to skip this line and return to it at a later date? *[Agreed]*

Mr. Selinger: There is one item. Last year this was raised as well. Last year we indicated that we do not release the description of the specific value for the money audits because of the confidentiality under which clients are assured they will function when the audits are undertaken. So we are happy to give quantities, we are happy to break down the audit hours by the types of activity, but we are extremely reluctant to specify which types of specific audits were done, for purposes of confidentiality.

Part of that is to encourage people to take advantage of that service, to address issues without feeling that it is going to wind up whamming them in the Legislature or at committee level. We want them to take advantage of the service to address issues. That was the rationale we gave last year to the previous Finance critic who also did this type of work.

* (16:50)

Mr. Loewen: I guess maybe just so I understand process a little bit better here, I appreciate that the minister would want not to impair the willingness of various departments to impact, I guess I would ask in this situation the audit would presumably go back to the department that asked for it. Where else does it get filed?

Mr. Selinger: It just goes back to the department. Of course our people know about it, but the audit only goes back to the client for their edification and action as required.

If I might clarify further, the internal audit function is an interesting function because there is still, if you want to go the public route, the more visible route, there is the Provincial Auditor, where he has to report everything he does to the Legislature, but this provides an opportunity for departments and departmental leaders, including politicians, to take a proactive look at something without having to sort of get into the public debate that sometimes occurs around these things, which sometimes is or is not that constructive. So internal audits give departments and their programs a chance to move in on something, to proactively have it looked at, get advice on how they can correct it in a way that improves service and allows them to maybe sustain public scrutiny in a way that would show satisfactory outcomes.

It is an interesting function to have an internal audit and a Provincial Auditor. I know ministers have availed themselves of that to solve problems without trying to put people in a public spotlight but to improve service and the way services are delivered.

Mr. Loewen: I thank the minister for that clarification, and I certainly appreciate it. I am just trying to sort through and, I guess, understand where and if there would be a policy that would lead in certain situations to bringing any of the results of these audits forward, given that on occasion it could be information that needs to be in the public realm. Is there a process? Is it done through FOIs, or is it a policy in place? Maybe the minister could elaborate.

Mr. Selinger: Generally, an internal audit, whether or not it goes public or what further action is taken in the public domain is up to the deputy minister in consultation with their minister. I know, for example, I can think of one experience where a minister approached me on how she could address an issue. It had significant personnel overtones to it. I suggested that minister take advantage of the internal audit versus the external to not put somebody under the glare of a public spotlight until we knew if there was a real issue there. The audit subsequently did not find anything egregious there, and the matter was able to be addressed without that person's reputation as a professional being tarnished or put under a cloud. It also allowed that department to improve its activities in that

area and the way that they were handled. I think it worked out quite satisfactorily without undue stress. Well, there is a lot of stress when you have an internal audit. It can still be quite stressful to individuals, as well, in spite of the charm of the people that do the audits. Anytime an auditor comes into your operation, there is some trepidation that is involved.

I remember offering that advice, not because it would have reflected on the new government, it would have reflected on the old. It could have been perceived as a way of going after some people, and I thought that was an inappropriate way to proceed. It worked out reasonably well, from what I understand, in the case that I am thinking of. All the concerns were addressed on the part of the minister. Issues were put to rest, and nobody was hung out to dry publicly. Where there is a case, say, of an illegal activity, I think, almost automatically it would go public through recommendation to the minister, but, short of that, I think there is a discretionary element involved in what the appropriate route to take is.

Mr. Loewen: So would it be safe to say that the policy would be, where an illegal activity is found, that information be made public as a matter of course, or is that something that comes through the audit department?

Mr. Selinger: If there is an illegal activity where charges are proceeded with, it automatically goes public. My officials inform me that there are no incidents that they can recall where illegal activity was strongly indicated where it did not proceed to charges. There are some incidents where the evidence is unclear and things are a little gray, and they are dealt with in an appropriate fashion to correct the problem or to correct the lack of controls.

My director of Internal Audit informs me that it is highly infrequent. She can only think of one incident where there was a gray area in her six years of service to the Government. So it is a fairly infrequent case, but, once again, these are judgement calls that are entered into by the deputy and the minister with respect to that specific department on the appropriate manner to handle that. The most important thing that we do with Internal Audit is that its function is to ensure quality public service is efficiently

delivered, and that is what they do in terms of working with other departments.

Mr. Loewen: Just in terms of process, and, again, I am sure the minister and his staff recognize that, in some cases, management disagrees with the auditor's findings, in some cases, quite rightly. Management has a different explanation as we see even in the external auditor's report, and I am just wondering if there is any process in place to provide for an independent view as to whether the auditor's recommendations are followed or not followed, or is that totally at the discretion of the deputy minister and the minister who is responsible for that department?

Mr. Selinger: I think, if a deputy or their minister ignored completely or ignored in a way that was cavalier the recommendations by an internal audit, we always have the option of going to an external audit, and that kind of hangs there. I think, in the vast majority of cases, there is a willingness to co-operate because of the way the audit is done. There is a kind of a dialogue and a negotiation that go on, and there is some resolution that is brought that works to the satisfaction of all parties. My director informs me that, in most cases, they are there at the request of senior management and, therefore, senior management has a commitment to follow up on the recommendations that are made, and to try and act on those.

Madam Chairperson: As was agreed in the House previously, the hour being 5 p.m., committee rise.

JUSTICE

Mr. Chairperson (Conrad Santos): Will the Committee of Supply come to order, please. This section of the Committee of Supply has been dealing with the Estimates of the Department of Justice. We are on page 114 of the Estimates Book, Estimates 4.1. Administration and Finance (b) Executive Support (1) Salaries and Employee Benefits \$521,500, and the committee has agreed as having a general global discussion. Will the staff please enter the Chamber.

Mr. Darren Praznik (Lac du Bonnet): Mr. Chair, I would ask the minister if he could just confirm that in his staff today are the people

responsible for the Courts and Prosecutions branch, because it is an area that I would like to pursue if they are here. The operations of the Courts and the Prosecutions branch, Crown attorneys, et cetera, my questions will be dealing with the number of cases, dealing with the way that they are processed through our justice system. I will wait for my first question until the appropriate staff arrive.

Mr. Chairperson: Does the minister confirm the request?

Hon. Gord Mackintosh (Minister of Justice and Attorney General): We can provide some follow-up answers to questions that were posed at the last sitting. I just want to add, first of all, in the Aboriginal Justice Implementation Commission there is also an area of study and recommendation with regard to Aboriginal employment in the justice system.

Second of all, with regard to the issue raised by the Leader of the Opposition in Question Period on Thursday, we had confirmed that the guardian of the complainant, of the victim had contacted my constituency office. That is where the contact was. After speaking with the individual on Thursday, as I recall, late in the day on Thursday, she advised that the reception by my constituency assistant was very warm and very pleasant and indeed relates that the constituency assistant advised that there was nothing that she herself could do but that is the way it is. So it appears that the remarks, I think, may have been taken out of context by the Leader of the Opposition. I have discussed this personally, and the department is working with that individual and the victim to ensure that they have all appropriate supports and other concerns are being addressed.

* (15:10)

In particular, it is important to note for the record that the advice that I have—and this is from Ken Cameron, the individual we spoke about at the last sitting, from the issue of moving toward the Victims' Bill of Rights regime. He advises that the complainant through Victim Services on March 29 contacted Mr. Cameron about the sentence as she wanted to know if there was anything she could do to get her uncle

put in jail. Due to the conversation, Mr. Cameron requested a meeting with the Crown attorney, who was willing certainly to meet with the victim. The Crown attorney advised Mr. Cameron that the aunt had been advised of the sentence, and we spoke about that at the last sitting, and that she had indicated satisfaction with the sentence, although it appears now I can tell that there is some dispute on the nature of the conversations.

The Crown attorney stated that he had not spoken to the youth due to her age; however he would meet with her to explain the sentence and answer any questions that they would have. I am advised that Mr. Cameron contacted the victim, and arrangements were made to meet at their convenience. However, the victim and the aunt did not attend the meeting. They were contacted again, and the victim indicated that she felt it was not necessary to attend the meeting. The charges and sentences were explained to her and she appeared to understand them, according to Mr. Cameron, so the conversation appeared very normal with no outbursts or indication that she was overly irate with regard to the sentence agreed on. So that was further background there.

The third issue was with regard to Jack McLaughlin and the conversations, the nature of consultation around the plea, which was the critical part of the question asked by the critic. I am advised from the Crown attorney in question, Mr. Tessler, that when the issue of the offer of a plea to manslaughter—and I am not going to get into anything other than the procedures and the meetings, of course—that when the issue of manslaughter was discussed with the family, their initial reaction was opposition to the proposal, but it is the Crown attorney's view that as the evidence, the law and the Crown's position were detailed, all members of the family were receptive and appeared to support this approach. I am advised that the main topic after was sentencing and the possible length of sentence and parole eligibility.

The Crown goes on to say that when the meeting was ended, the individuals attended court together at which time the matter was remanded to March 27. After the undertaking to enter the plea of guilty to manslaughter was given in court, the family and in particular Mr.

McLaughlin began to express upset at the decision. Their main concern centred on why the matter was to be dealt with in Queen's Bench, as opposed to before Judge Howell, the preliminary hearing judge. The Crown assured them that the sentencing judge would receive a detailed submission as to all the necessary elements of the offence and the background of the offender.

If there are any further questions, I would be pleased to either answer them now, if I have the answers, or I can get back to the member opposite.

Mr. Praznik: Mr. Chair, I want to spend some time this afternoon on this issue of the way in which victims are handled and the way in which this minister or his Crown attorneys and our court system works under this minister.

Last week in this Legislature, we raised the very important issue of the victims' rights bill. Almost a year ago the Minister of Justice brought before this Legislature that piece of legislation. We have discussed that at some length. In doing so, he said to Manitobans that the role of victims in our court system had to be improved, that we had to take into account the feelings of victims and their families in dealing with crime. He talked a great deal about that need and how important it was to him that happen.

This Legislature passed the victims' rights legislation unanimously. Every member of this House voted for it. We believed the minister, given his press announcements at the time, which included some \$90,000 for staff years to put people in place to start dealing with victims, and we have discussed that at great length, but we see nothing happen.

Mr. Chair, we learned just a week or two ago that the victims' rights bill was (a) still not proclaimed, and; (b) that the minister was not prepared to table a plan or a schedule with dates for implementation of that bill until the end of this summer. The minister then said as his reason for not being able to move speedily—not even speedily, at a regular pace—for implementing this very important piece of legislation was that he had to change a culture in his department.

Mr. Chair, we are going to talk a little bit about that, because the minister does not need the victims' rights bill to be proclaimed to be making those changes on a day to day basis in his own department now. The bill provides the right for people to expect to be treated properly and be informed of their rights and to be involved with the Crown attorneys in various stages of a prosecution. It gives citizens the right to demand and expect that, but the minister and his department can always provide that as a matter of course.

Now the minister, who has produced hundreds of press releases about things he is going to do or wants to do, we are really saying that the delivery, he has been very slow in delivering what he has promised.

We raised the case last week of Mr. McLaughlin. We talked about that particular case where a young boy was kicked to death, that there was a plea bargain, and that plea bargain resulted in a lesser sentence than the McLaughlin family, or a lesser charge being plead guilty to than the McLaughlin family would want. They obviously are not happy with the role. I appreciate whole-heartedly that not always, based on evidence and other facts, can you find agreement. I understand that. But process becomes very important and understanding and being able to have that interaction becomes very important.

We learned last week from another case. This young girl, because she was 17 and so-called "underage," old enough to drive a car, but yet not old enough for this Attorney General's staff to be consulted on the sentencing of an abuser who sexually abused her. So we are starting to see this pattern refined a little bit more, that this Attorney General talks tough, going to deliver, and at the end of the day delivers very little.

I want to today raise another case with the Attorney General. I think this is one that brings to light a lot of the problems and issues that we now see in his department. Not that they necessarily were not there before, but this Attorney General has taken upon himself that he is going to fix these things. He got the unanimous approval of this Legislature last year

to do it with the victims' rights bill which is still not proclaimed.

Well, I want to talk today about a particular case that the minister should be somewhat familiar with, because the father of the victim has written to him. Mr. Chair, I raise this because this gentleman came to see me on Friday. This gentleman has been watching the proceedings. In fact, I give the Attorney General fair warning. The gentleman is in the gallery today. The gentleman is Mr. Terry Jasper. It was his son who some time ago died in a brutal car crash in the Zora Road [*phonetic*] area in the R.M. of Springfield.

The circumstances of this case are not the typical ones you see around young people involved with death. This was not a case of a young person who was out drinking and driving. This was a case of a young person who went to a friend's house for a party, and the father of the friend wanted to drive a sports car. The keys, I think with great regret the young lad left his keys, regularly left them in the car as the father explained to me.

This young lad gets to the party, I think from the autopsy report had consumed a mouthful or two of beer, and his friend's father says: I am going to take your car for a spin. He gets in the car, and the young man has to jump in after him, and this accused, this Mr. Higgins, speeds out of the yard and within a short distance, heavily under the influence of alcohol, crashes the vehicle and kills its young, very innocent owner. Now, these facts are well established, widely reported.

Now, why I raise this case that was brought to me is because I think it underlines a lot of these issues and difficulties, as this young man represents the worst of the victim of drunk drivers, the worst.

* (15:20)

This minister has announced recently again that he wants to get tough on drunk drivers. He has taken what was the toughest drunk driving laws in North America and he made them tougher and he wants to do it again. So people who just listen to that say, boy, this Attorney

General is tough. He is delivering. But to the Jasper family, as was explained to me in my constituency office last Friday, those words ring very hollow, and the reason is because the accused was sentenced by Judge Schwartz to 18 months of a sentence to be served in the community, house arrest, 18 months. This is tough? I mean, this is what we expect? You know, I find it just so very disturbing.

Then what I see coming out of this, as was explained to me, widely reported in the media, it is a matter of the public record. It turns out that despite this Attorney General saying, you know, we want our Crown attorneys to be assigned to a case, three Crown attorneys in here, three. The last Crown attorney, in the sentencing, asked for two years less a day or two years plus a day, whatever it was, and never opened his mouth after that, while the defence put in their case, did all of those things, and the result is a conditional sentence.

Now, I want to ask the Minister of Justice: Is the way that the Jasper family was treated in how this case was handled in the sentencing where there was no strong evidence put forward to support a strong sentence, where there was no challenging of the defence, is this typical of the tough talk that this Minister of Justice takes on dealing with drunk driving and involving victims?

Mr. Mackintosh: It is very important that when there is to be a strong message about impaired driving, that the message be delivered at all stages of the justice system and that all of those who take part in the dealings with these tragedies respect that the public policy of the Province is one of working toward meaningful sentences, one of deterrence and denunciation, and, at the same time, we are involved, of course, at the front in the prevention efforts.

Indeed, in the coming weeks, very short weeks, we will be making announcements about moving ahead and building on the regime that has been in place in Manitoba. In fact, coming into office within just a few months, we started to change by way of policy and then by legislation how we deal with impaired driving in Manitoba. It has been my view that while Manitoba was certainly one of arguably the

toughest jurisdictions in Canada in the early 1990s, we had fallen behind over the last number of years and we have got some catching up to do.

Now, as the member knows full well, what the Province can do is limited in two ways. First of all, the Criminal Code is federal, and these prosecutions, of course, proceed under the Criminal Code. That is the regime in which the prosecution proceeds. As well, what individual judges order is, as well, within the ambit of the judiciary and not the Province itself.

Having said that, I believe that the Province can do a lot and it can do more. So, therefore, when we came into office, we changed the look-back period from just two years to five years in terms of determining whether one is a repeater. We brought in legislation, which I understand is very unique and indeed is tough, and that is legislation to provide for tiered sanctions under The Highway Traffic Act, so that if one is a repeater or if one blows 0.16 or over, there is a more significant sanction in terms of impoundment and licence suspension.

But that is on top of the Criminal Code consequences, as well as any consequences with regard to the AFM, with regard to the MPI insurance, merits and any fees that are due for licences and impoundment.

In fact, I think it is very important that we get a message out about what actually does happen when someone is driving impaired, so that it is clearly demonstrated that there are multiple sanctions. I can tell the member opposite that we will be moving ahead with some significant enhancements of what those consequences are by the introduction of new legislation into this House this session.

Now, having said that, I want the member to know that with regard to this particular matter, the appeal period is running now. There is a 30-day appeal period. I am advised by the Assistant Deputy Minister responsible for Prosecutions that the decision of Mr. Justice Schwartz is before the Appeals Committee within the department for the review of the decision and whether there is a basis in the law, on the evidence, to proceed to appeal because—and the

member alluded to this—the outcome was not what the department had sought at sentencing.

I am advised that there were three Crowns on the case. Our early indication was that there were certainly two. One was seconded to another area, but a senior Crown had taken this matter forward to the hearing. I am advised that it was a challenging prosecution in terms of the legal issues that were raised but that incarceration had been requested of the judge two years less a day. I am also advised that Mr. Ken Cameron had some contacts, two or three, with the family, and I will be receiving a more detailed note on the background of this one.

As well, I think it is important that when there are concerns from victims it is very important that they be listened to, because that is how we proceed; indeed, that is how we were able to develop the Victims' Bill of Rights, which was based on the experience of victims in Manitoba and the need to change the ways that they were being dealt with. So, as well, I certainly am eager and willing to recognize that lessons always have to be learned.

Now moving to this policy area, developing policy area of victims' rights in Manitoba, I first want to remind the member opposite that there was even legislation affecting the safety of Manitobans where delays were certainly beyond the time that it has taken to put in place the regime to back up the Victims' Bill of Rights and ensure that it is going to proceed in a sure-footed way.

* (15:30)

I think, for example, The Domestic Violence Prevention and Stalking Act, it passed this Legislature, again unanimously in June. I do not think we saw a proclamation until the following year, in September or so, a period of what—14 or 15 months. I can think of other legislation, I think it took about three-and-a-half years for the former government to bring in its prostitution legislation after promising it in the election campaign and running, in no small way, on the seizure of vehicles of johns.

I can go into legislation in other areas, Mr. Chair, but what is important here though is the

bill that was passed by this House and the need to ensure that when we bring this bill in, which is owed to victims, that it be accompanied by an administrative scheme that is going to work for victims because they are owed that. When the critic says, well, he has seen nothing happen, at the last sitting just on Thursday, we went through a description of the work that is being undertaken, not just in terms of developing the information technology, which is really quite extraordinary in its need to engage individuals and as well the resourcing of that one and the planning of that one to ensure that it is going to provide the effective notification system, but indeed the individuals who have been brought in to work towards this new regime.

What I made very clear to the member opposite is that in the areas where there has been a death or a murder or sexual assaults or extreme violence that we have begun at an administrative level, aside from the Victims' Bill of Rights, to move, to shift the culture of the department to deal with those cases. That is why, for example, when we hear the name Ken Cameron raised, he has been working with survivors, some very difficult tragedies, in order to ensure that there is information and an understanding of the process and that there is information back and forth.

Of course, as the member knows and certainly acknowledged at the last sitting, the discussions at plea are with a view to ensuring a voice but not a veto, that the prosecutorial discretion and decisions based on the law and evidence must be maintained. That is well known and certainly accepted by all those victims who played a part in the development of the Victims' Bill of Rights and how it should unfold. As the member knows, in the next four months or so we will be moving ahead with a new era of respect for victims of crime in Manitoba, recognizing that we have already begun that movement and begun to make that shift of culture that is required in order to ensure that victims are given their rightful place in the justice system.

I understand that the senior officials in the department are also planning on meeting with the Jasper family, and again it is very important that there be a sharing of information and experiences of different perceptions of the

justice system. Given that the matter is before the courts, I am reluctant myself to meet right now but I am more than willing, in fact, I would eagerly invite a meeting with the Jasper family and myself. But again, until the proceedings are completed, I have to be careful, but I would certainly welcome that advice and I say a sharing of those perceptions and concerns from the family. I think we can build on them. I think that as well could help deal with challenges that face the justice system and have faced the justice system for far too long without the appropriate kind of response.

Mr. Praznik: Mr. Chair, why I raise this case again is because it deals with so many of the administrative issues that are within the control of the Minister of Justice, that demonstrates that he says one thing and the reality is another. That is why I raise this.

You know, he referenced Ken Cameron, the victims' rights and complaints officer in his department. Well, Mr. Cameron was contacted, as he has indicated, with the Jasper family. And from what the Jasper family tells me, Mr. Cameron believed that they had a very good basis for a complaint with the way the Department of Justice handled the file.

I would like to just raise a few of the points that were raised with me to give the Attorney General a flavour for what the victims, that a year ago he was so solidly for, what they are still going through today with what appears to be very little reprieve.

Mr. Chair, the Jasper family has written to the Attorney General. I received a copy of a letter that he had received from Mr. Jasper and it talks, for example, about the number of Crown attorneys assigned on the case. We have discussed that a little bit, about three Crown attorneys, until finally there was one who was taking it to trial.

Well, Mr. Jasper informs me, and I think it is important the Attorney General appreciate where the Jasper family is coming from. First of all, the sentencing hearing was scheduled for 10 a.m. Now, when they all arrived for the sentencing hearing, it had to be delayed because the files were missing. That is No. 1. The files were

not there within the court system. So it did not start until 10:45, so obviously that happens but you know it was a concern to this family.

The Crown attorney who is handling it, and I am not going to share his name, the Minister of Justice is aware of the name, and there may be information he wants to put on it so I do not think it is fair to that individual. So, if it is fine with the Attorney General, we will just refer to the Crown attorney assigned to that case. He came forward and he made a very brief presentation that basically said that they were requesting two years less a day. He did not say anything after that. There was no response in the presentation put forward by the convicted party.

Now a piece that really concerned me when it was brought to my attention had to do with the victim impact statement. Now that is a very important tool that is new to our court, somewhat new to our courts and one that I fully support as a Justice critic, but it was interesting hearing Mr. Jasper's observation to me about how that worked. I took some notes when he was speaking. He said they tell you what you can and cannot say, and only talk about how the accident has affected you, and I can appreciate that, but he said you know he got the impression that if you do not like what they say, the minister's staff will want a rewrite, which is a bit concerning.

So the Minister of Justice (Mr. Mackintosh) is going to have to ask: Is this a common practice that these statements are rewritten by the staff if they are not presented in a forum? Many of the victims of this province are not necessarily people who are well versed in the law. They are just honest, hardworking people who have been aggrieved, have been a victim of crime, and they want to express how they feel. His impression is it would be rewritten.

In their particular case, Mr. Jasper prepared a victim impact statement; his wife and daughter prepared one jointly, if my notes are correct. Both of those victim statements were submitted by the Attorney General's prosecutor, but they were never referred to according to Mr. Jasper, who was there. So they were just presented to the judge, they were never referred to. They were never pertinent parts, were drawn by way

of argument. The defence used letters from the accused's family, from the community and other information that they put forward, none of which was ever particularly challenged.

So here is Mr. Jasper, who had already lost a son to cancer, loses a second son in a most tragic way, and hears about drunk driving being such a terrible crime. This individual is convicted of an offence under the Criminal Code. The Crown attorney asks for two years less a day, and that is it. No argument. No reference to the victim impact statements. While the defence, as is their right, puts forward their case, virtually unanswered by this minister's Crown attorney.

I would like to ask the Attorney General: Is this the normal practice in the courtrooms in the Prosecutions, for which he is responsible, that victims' families sit there and watch the Crown attorneys who are supposed to be the one ensuring that their points of view are put forward, at least in the victim impact statement, et cetera, say nothing other than a request and leave the defence unchallenged? Is this the normal practice under this Minister of Justice?

* (15:40)

Mr. Mackintosh: First, I think it is important to recognize that what we are embarking on is a very significant change in the system. This is not like turning on a light switch. We have to change approaches, change protocol, change policies as to what has been happening over the last number of years. By the way, years in which the Opposition refused to go beyond mere statements of vague policy about having respect for victims of crime, but never put in place any of the changes that are required to actually make sure that victims became part of the justice system. I think that is unfortunate.

Now they are in opposition, and they are saying well, do not do what we do. So I think that it is rather interesting to see the change of heart now, which is very, of course, convenient, but when they had 12 years to make the changes that are required for victims, after questioning and questioning and the introduction of legislation from the Opposition, they continued to say no, we will not change the way the justice system is structured and the fundamental way

that it must be changed in order to deal in a compassionate and fair way with the rights of victims.

Now, in terms of Prosecutions, as well, when we came into office, of course, we started to work on this difficult challenge of ensuring that prosecutors had the supports that they need to do the job that they want to do. An independent review, these are not words of mine, but the words of Ernst & Young, was that our Prosecutions branch; and I am summarizing what the findings of the report in total were, did not have the supports that it needed, did not have the organization in place in terms of its protocols and the way that it should be conducting its ordinary business because after all the prosecutors are on the front lines of safety after the police and must be given the tools to do the job that Manitobans expect.

As a result of that independent review, we have now embarked and we are in the process of putting in place a very significant change to the Prosecutions branch which looks at things about the information that is available on the file and when it is on the file recognizing that there were serious shortcomings identified about what information goes onto the file at an early stage. There were serious questions about why prosecutors were doing so much photocopying and why there was no person who was responsible for the support staff in that office. There were also questions about the level of staffing in that office, not so much on the prosecutor's side but on the support side. So there are systemic changes that are unfolding now in Prosecutions.

So when you have serious systemic changes taking place in both the victims' side and the Prosecutions side, we have now underway in this province for the first time, perhaps for the first time since there was a provincial justice system, a real movement and not just the identification of but the dealing that is required to make sure that we change the way we do business. Is it as quickly done as we would like? Well, I suspect not, but that is because it is important that those that are in the system, in Prosecutions, for example, are part of the change. It is important that there be the correct resourcing of the change. It is important that we do it, we do the

change and this is with regard to The Victims' Bill of Rights, in a comprehensive way and that we not bring in legislation and proclaim it when there is not the groundwork done to make sure it is done in the way it should be.

I also remind the member that under both the current victims' rights Act that the former government brought in and the Victims' Bill of Rights there is a complaint process. The reason for that is because we recognize that the justice system is a very human endeavour. If there is a breakdown in the justice system, you can bet it is not because of mechanical failure. It is because of shortcomings and our organizational abilities and individual judgments, for example, and those things can happen. There must be then the redress available for someone who wants to complain. So there is a complaint system in place today.

There is a more independent system that will be in place involving the crime victim investigator and the Ombudsman under the bill of rights. The member knows that there is a complaint process in place because no one can anticipate that the system will be perfect but it must have nonetheless that avenue for complainants to pursue.

I understood that the Assistant Deputy Minister of Courts and the Assistant Deputy Minister responsible for Prosecutions, Ms. Hamilton and Mr. Finlayson will be arranging a meeting with the Jasper family to go over their concerns and their insights. I certainly am also prepared to review how this matter was handled from my office, because as I say, when victims come forward, particularly these are very difficult circumstances for survivors of this kind of tragedy, but when they come forward and they have insights it is important that it be listened to because that is the only way we can improve the system. This is a wonderful time to have those insights offered because it is a time of transition and a time of serious, serious change.

I also am eager to review the transcript of the proceedings at the sentencing hearing, and we can look to see how the case was put in and if there are ways that could be improved, and look to determine whether there are any other changes that can ensure that there is a strong

message delivered at least to the hearing officer or the judge, or in this case a justice of Queen's Bench. In terms of the victim impact statements, there is a policy directive in Prosecutions as to how they should be put together and presented. Part of the review that I would be interested in engaging in will be a consideration as to how the victim impact statement here was dealt with and whether that was in accordance with policy and the spirit of the policy as well.

Certainly the policy requires Crown attorneys to provide the statement to the court on sentencing. I know as well that we have been very interested in ensuring that victims be able to orally present victim impact statements to the court should they so choose. Many do not but that should be an option available. The use of victim impact statements in Manitoba is relatively recent.

I certainly support a strong and effective use of victim impact statements because I think that not only is that important for victims but I think it is also important that there be a strong message to offenders that they have irreparably hurt, harmed, deeply affected individuals and perhaps even a generation of a family and more. I can say that I know of the impact that death can have in a family for many, many years and how it can change the course of a family history, but I think it is also very important that there be a full expression and that the reality of a crime and a wrongdoing is brought to the court and it not be the sterile environment where the real pain and hurt from a crime is left out.

Mr. Praznik: The minister made reference in his policy to victims being offered the opportunity to make an oral impact statement, and I look to Mr. Jasper. That is a question we will be asking him, and I may come back to it as to whether or not in this minister's process he was even asked. So we are going to check with him and find out, and I will be putting that question.

But I want to ask the minister again on the specifics: Is it the usual case in charges such as this where, as part of the punishment, the revocation of the driver's privileges takes place? Is that a usual request as part of the sentence on the part of the Crown for the driving privileges to be suspended for a period of time?

* (15:50)

Mr. Mackintosh: I read with interest one of the media reports on this particular aspect, and it raised the question in my mind as well. We will review what the process is, but it was my understanding that the revocation of a driver's licence is done at the administrative level, that it is done automatically on a conviction. But we will look into the role of a Crown attorney or the court vis-à-vis the licence suspension because what is important is that in each and every case where a public policy requires that there is a revocation, that it proceed.

Mr. Praznik: Mr. Chair, my colleague from Portage la Prairie has been working with me on this. Mr. Jasper has confirmed to us that at least in their understanding of things they were never asked if they could make an oral presentation to the judge. So, if that is part of the process again that the minister is talking about, that is something I would also ask him to investigate, whether or not there was a failure to give Mr. Jasper and his family the opportunity to orally present to the judge their victim impact statement. Again, put it in the context of the fact that they prepared written statements, that they were not really comfortable with the way that all happened, but the Crown attorney, in presenting them, in submitting them—he did not really even present them, he submitted them to the court—according to Mr. Jasper, from his recollections, never referenced them in any meaningful way if at all in order to ensure that they were in the mind of the judge at the time of the sentencing hearing.

It sounds like Mr. Cameron, when he investigated this matter, and his comments to the Jasper family that they had certainly a valid basis for complaint against the Crown prosecutor's office for the way this was handled, certainly it gives credence.

With respect to the issue, I am glad the Attorney General, in reading the news reports, caught the same issue. He referenced administrative penalties. My recollection—I have been out of practice for some time—is that those administrative penalties apply for a brief period. I think it is an automatic, is it a three-month or five-month extension—he, of course, would

know—upon conviction. I am not sure if it applies on conviction of this particular offence. I am asking him, surely, was it not within the realm of the Crown to have raised that issue with the judge to ensure, if it was within the judge's power in sentencing, there was a revocation of this individual's driving privileges for a significant period, because today, from what we understand, other than the administrative penalties, which may now have lapsed in terms of time, this individual, who is serving 18 months in the community, may today have the right to drive, which stands in absolute contrast to the great statements that this Minister of Justice has made time and time again about getting tough on drunk drivers.

So I would ask the minister again if he will at least undertake to investigate with his Crown attorneys whether or not that was available to the judge as part of sentencing, and did the Crown attorney request for that, and, if not, why not? Will he undertake to do that, Mr. Chair?

Mr. Mackintosh: Well, absolutely. Of course the law in this regard has not changed over the last number of years, several years. I certainly will be looking at that and ensure that the consequences flow and determine whether indeed the particular offence is one for which there is the suspension.

I might also add on the issue of victim impact statements being provided orally, it is a developing practice in Manitoba courts that that is a possibility, certainly. What is important then is that victims know that they have that right. That is why one of the first proclamations, or one of the first implementation stages under the Victims' Bill of Rights, will be the dissemination of those very basic rights to victims of crime about how the system works and how a victim impact statement is available, how that is presented. What that says is that it is important, it is critical that for victims to exercise their rights they have to know what they are. So that is what is coming into force.

By the member's questions, first of all, these are serious issues that I think can be very helpful in terms of ensuring that we have a system that is going to be working for victims. At the same time, we must recognize that we are moving to a

system where these rights, which have been neglected for far too long, are going to be recognized. That is the period that we are in now. For the member to get up and say this should not have happened, that should not have happened, that is the kind of system that government oversaw. What we are saying is it is time to change that and move on.

I might also add that when he says nothing has happened since the bill of rights was passed in this assembly, in the next breath he talks about Mr. Ken Cameron's involvement. Working with victims' families, and with this particular family, and offering advice and concerns about the justice system and how it should be improved and what questions should be rightly asked, and what critiques there should be.

Mr. Praznik: The minister says it is helpful. Yes, it is. These debates, and discussions, and exchanges are always very helpful to flushing out the issues. Let us not forget that a year ago this Attorney General rose in this House and introduced the victims' rights bill to deal with exactly the kind of issues that the Jaspers have brought to my attention in rearranging today.

At no time in presenting that bill to the House did this Minister of Justice get up and say I am going to need a year, two years, three years, four years, to implement it. He got up, and he said, we are ready to go. In fact, his press conference—his press release—said I have got \$90,000 in my Budget today, and part of the job for those two staff years will be to advise victims of their rights. Granted, some of it was to help set those processes up. But there was \$90,000 in last year's Budget; \$90,000 for two staff positions last year to be advising people like the Jaspers about their rights; to be ensuring that those were looked after. The Attorney General set the standard when he brought in the bill. He did not say he needed a year. He did not say he needed two or three or four. He said, give me this legislation now. I have even got money in my Budget to start the process. He has failed. He has failed, not by the standard of former attorney generals or former governments; he has failed by the standard that he himself has set for himself.

An Honourable Member: The whole government does that.

Mr. Praznik: The Member for Lakeside (Mr. Enns) is right. We are going to solve health care in six months. We are going to solve problems in education in six months. All car theft will be solved. And the truth is, it does not happen. So now every time the minister makes a pronouncement, a press release, the public should greet it sceptically, that it will result in nothing. Because the truth of the matter is, that is the reputation that this Attorney General is building for himself. No one else is doing it. If he had come to this House last year on the victims' rights bill and told us that it would take two years to implement, we might have criticized him for being too slow, but he would have been honest with the people.

What do we have to do today? What does a Mr. Jasper have to count on today? But, some time in the future, oh, Mr. Jasper can look forward to, in August, getting a schedule of when this bill will be enacted. That is not by the standards of other attorney generals, it is by the standard that this Attorney General set for himself and that we will judge him by. He set it and he is not meeting it.

The Attorney General—just to put this in perspective of why this is so important—time and time again since being appointed that position, came out strongly against drunk drivers. Boy, we are going to have the toughest, we are going to make it tougher, and every time he needs another political statement—he needs another press release—he gets out and he says we are going to get tougher on drunk drivers. We have all heard it. Here is a case where a drunk driver slaughtered a young man in the prime of his life, who was not out drinking, who did nothing more than make the mistake of leaving the keys in his car at his friend's home—try to get into the car to find out what was happening when his friend's father took the car, intoxicated. He has paid the price. He is the victim that this Minister of Justice always wants to defend.

In the court system that this Minister of Justice runs today, a Crown attorney, in sentencing, asks for two years less a day, and says nothing else. We do not have the driver's licence taken away.

* (16:00)

An Honourable Member: Not even a driver's licence taken away!

Mr. Praznik: No. No. Maybe administratively, but not part of the sentence. I just want to read into the record, Mr. Chair, what this convicted individual got. I have the conditional sentence order from Judge Schwartz, and what did he get? And I quote, before Judge Schwartz on the above-mentioned date of the order: The court orders that you, the offender, be sentenced to a term of imprisonment, not in there, the court is satisfied—18-month conditional—that the serving of the sentence in the community will not endanger the safety of the community, and orders the offender to serve the sentence within the community subject to the following conditions:

These are the conditions. By the way, conditions that, to Mr. Jasper who sat in the courtroom, no Crown attorney argued about or asked for, but these are the conditions. He keep the peace and be of good order. He appear before the court when required to do so by the court. He report to the supervisor on or before within seven working days. After you report the first time, you must continue to report when and how you were told by your supervisor. Very onerous in Mr. Mackintosh's Manitoba. Stay in the province of Manitoba unless written permission is obtained from your supervisor or the court to go outside the province. So if you want to go to Ontario fishing, or you want to go to Grand Forks, you have to go get permission. A very onerous condition for this individual. I say this so facetiously, Mr. Chair, and he must notify his supervisor or the court before he changes his name or address, and he must promptly tell his supervisor or the court if he has changed his job or occupation.

These are the stiff conditions of the 18-month sentence for killing a young man in our province. Now, I would feel better about the attorney general and his staff in asking this, if a rigorous argument had been put forward by the Crown attorneys in that court, that Mr. Jasper, when he came to my office, would have said: You know that Crown attorney, he fought hard for a sentence but it was the judge. But you know the first thing that he said to me, Mr. Jasper, and I made in my notes. It was all about the Crown attorney. Passive. Said one thing, two years less a day, and nothing else. Did not anticipate conditional sentence. Mr. Jasper tells

me that throughout the proceedings, from the comments of the bench, he thought a conditional sentence was likely to be imposed if the Crown attorney did not make a strong argument against it, or really any argument, and did not argue the conditions.

So, when we have an Attorney General saying we need to protect the rights of victims, and we have a perfect example of why we need that legislation, we have this total failure. This is what happened in our Manitoba today to an individual who, through driving while impaired, by being under the influence, took a vehicle and killed this young man in the prime of his life. This is what is wrong. So we would expect that the Minister of Justice is going to pursue an investigation within his department, and I would ask him today if he is prepared, not only just to meet with Mr. Jasper, and he has referenced about his people meeting with Mr. Jasper. That is news, I think, Mr. Jasper welcomes, that he would have staff meet with him to discuss this, but I would like to ask him if he is prepared to make his report public to this Legislature upon the completion of his investigation so we can all understand how the courts work in Manitoba today, and maybe we will have a little bit better appreciation of this culture that the minister keeps referring to.

If I may for a moment, there are some issues that the minister is aware of with respect to this. It was just pointed out to me as an appendix that there is a ban on consuming alcohol, performing some community service, and there is some curfew posed on the individual. Again, it makes the point that, for killing an individual, it is, indeed, a very minor sentence.

Mr. Mackintosh: With regard to the particular question that the member finished on, I certainly will provide the information that we determine from our review to the individuals involved, including the member opposite. I think that kind of accountability is very important.

The member is right in that reviewing the role of prosecutions is very important in how matters are presented to the court, how courts are educated and so on. I am certainly aware of many circumstances. We can go through a 12-year-old babysitter case. We can go through all kinds of cases over the last number of years that

help to drive me for wanting this Government to move with a different way of dealing with both prosecutions and victims. As well, I recognize that there is a lot that can be done by way of prosecution policy by directives, and indeed just last week we gave one on graffiti to Prosecutions. As long as I do not get involved in particular individual cases, prosecution policy can be useful.

We will review what took place here, as I said earlier, review the transcript and determine what improvements can be made so that we can build on the experiences, sometimes difficult as they may be.

With regard to the broader issues raised in the preamble by the member opposite, I know he was talking about how individuals might get up and say that problems are solved within six months or so. What was very important to me, and seeing how the Victims' Bill of Rights came into force, was that there was not a premature implementation without the change that is needed. I think the member raises questions about the justice system and how it operates and can see that there are a lot of improvements that are necessary. There is no doubt about it, and there is a lot of work ahead.

Having said that, he knows full well that we have, for a number of years, looked to computer and computerized our information technology system to back up the Victims' Bill of Rights. He knows full well, when he left office, that was not in place to any extent that it was capable of delivering on the bill of rights. I know the member has been somewhat careful, but at no time was there any promise that this would all be put in place within six months, because we recognize that there were serious information technology challenges that had to be dealt with, and resourcing issues. Nonetheless, we moved by indicating a commitment to Manitobans of a development of the system.

At the press conference, we noted that the system would begin developing, and, as well, we started moving towards the Victims' Bill of Rights regime by bringing in staffing resources, including Mr. Cameron, among others. So we started the people part, and that is developing as we speak.

This is a change, and for the member now to say, well, you know, you are not moving fast enough, it is really ironic because they had lots of time. Manitobans gave them about 12 years in office, and all I had from the former Attorney General were answers that they were not going to move towards the kind of comprehensive and enforceable system that we are ushering in. So we will proceed. We will do it right.

* (16:10)

Mr. Gregory Dewar, Acting Chairperson, in the Chair

On the issue of impaired driving, aside from the changes that we will be introducing this session, yesterday it was announced that there would be zero BAC as an integral part of the graduated driver's licensing system. The former government did not get a good grade by MADD, and we are hidebound and determined to get a good grade. We want to make sure that for what the Province can do recognizing that, as I say, there is a federal jurisdiction that is very significant with the Criminal Code and recognizing the independence of the judiciary, we want to do what the Province can do and provide leadership in this country. As part of that, I certainly look forward to learning from this experience, as difficult as it may have been, and I do not want to prejudge but I do want to see a review conducted of this one so that the Jasper family knows that we do care about what occurred here and we want to hear them. We want to learn from their perceptions and their experience.

I just wanted to add that in terms of any comments from the judiciary, there is of course a complaint mechanism in place to deal with that if individuals want to pursue that.

Mr. Praznik: Well, I am glad the minister raised that about the complaint process through the judiciary because that is what I would like to talk about a little bit now. There is another component to this case that is most troubling and to the Jasper family, and I think if it bears out to be the case, as I suspect it may, it should be troubling to the Minister of Justice as well.

First of all, in the letter that Mr. Jasper sent to the Minister of Justice, and I have a copy of that letter, he references a number of things that

took place in the court process, and he has elaborated on those to me and I want to raise them with the Attorney General today. I appreciate that he may not be in a position to respond, but I think it is important he hear this and I think it important he undertake to look into it.

Before I do that, I just want to flag a problem. It is not of his making and I do not blame him for it, but it is an area he should have a look at. Mr. Jasper would love to file a complaint but he needs a copy of the transcript. To get the transcript, if I am reading my notes, he has to pay for it. Well, Mr. Jasper is not a man of great means. He is like most Manitobans. It is a fair chunk of change that would be very expensive for him to afford, and so it really prohibits him financially from going out and getting the transcript to launch the complaint.

I would like today on behalf of Mr. Jasper to raise these issues in this Legislature, and I am raising them not as a specific individual but generally because I think the Attorney General should undertake to investigate this and not rely on Mr. Jasper's financial means to see it initiated.

Now, I am just going through my notes. Mr. Acting Chair, this has been quoted in the newspaper. It is a bit of a matter of the public record; it has been recounted in the newspaper. What concerns Mr. Jasper is here he is on the day of the sentencing or when the sentencing takes place. He is in the courtroom and according to him, which I think if the Attorney General endeavours to get the court record, the transcript, he will find this there, is that he asked the accused if he had anything to say, and the long and the short of it was in a very short sentence the accused said that he is sorry it happened, very little else.

Mr. Chairperson in the Chair

According to Mr. Jasper, the judge then asked him: Is there anything else you would like to say? The response from the accused was something to the effect of I am not a person of many words. The judge then turned to Mr. Jasper who was in court and said basically, according to Mr. Jasper: I am going to tell you how the accused feels. Then he went on at some

length to explain how he believed the accused felt, how sorry he felt, et cetera—it was not the accused saying it to Mr. Jasper; this was the judge—and then after sort of said is that not how you feel, to the accused, who kind of nodded yes.

Well, just put yourself in the place of the Jasper family, who has lost a child, lost this young lad in a tragic way to a drunk driver who was not even able to express a feeling of remorse for himself, and the judge having to explain that. So that is the first big concern.

The second that was raised, and it is a big concern to the Jasper family, they felt it was totally inappropriate. Oh, the other part to this, Mr. Chair, when I go through my notes, is that the judge made some comment, given the sentencing took place after Easter, that in the spirit of Easter, Mr. Jasper should have to extend a Christian hand or something to that effect to Mr. Higgins and forgive him.

Well, Mr. Jasper tells me he is not a man of the Christian faith. He is not a man for whom that is a part of his life, and he felt quite put upon, quite frankly, that this happened in court. Now, we are talking about the importance of victims having some sense of closure. It may well be that this judge was extremely well intended, so I do not want to be critical of the intention, but to the Jasper family this seemed absolutely outrageous, because to extend the forgiving hand would require the victim to ask for the forgiveness, not through an intermediary, but directly. So, although intentions may be good to the Jasper family, this was adding more insult to the injury of a conditional sentence. So we ask that that be reviewed as well.

The third part, which may be somewhat more difficult, but I would certainly ask the Attorney General to undertake this investigation of the manner in which this was conducted, was that Mr. Jasper tells me that either on the last day of the trial or the day the conviction was entered, and he was not too clear as to the date, but he said at one point the judge told the court clerk to turn off the recorder and said something to the effect that both sets of counsel had done a good job in arguing their case, and they put up a good fight, and he would like to take them out for dinner.

Now, this is what Mr. Jasper said to me. Mr. Jasper cannot afford to get a transcript and file a complaint. This may be a very innocent act on the part of the judge in a legal community and province that is very small. The judge may have felt that these were two counsel he had known for years and in the spirit of advancing the legal community he was going to entertain them in some way or visit with old colleagues. There may have been no ill intention on his part at all, but I will tell you, as I am sure the Attorney General will appreciate, as Mr. Jasper heard this transpiring it reinforced to him, the victim, the father of the boy who had lost his life in such a tragic way, it seemed highly inappropriate, and it looked like some cozy old boys' club that got together to dispense justice. The two lawyers put in their case, and the judge said: Turn off the recorder. Guys, you know, you did a good job. You fought it out. Let us go have some supper.

There is Mr. Jasper. There is his family in the courtroom. Well, I know this Attorney General reasonably well. We have both been in this House a long time. I would find it hard to believe that this Attorney General would countenance that kind of action.

Now I am not here today with the transcript because I do not have the resources to print one either, but Mr. Jasper came to me, as Justice critic. He lives close to my constituency. We are neighbours. He brought this to my attention on Friday. He said: Please help. There is no justice in Manitoba when these things go on.

I do not blame the Attorney General for judges or their actions. That would be, I think, wrong for me to do that, but he is the Attorney General and I think this is worthy of some investigation.

* (16:20)

In addition to checking out these three particular concerns—one about no comments from the accused; the second, the references to Easter, I mean those, again, I can see the intent of what the judge may have been trying to do was to bring some closure to the families with forgiveness, and I can understand that, but this last comment, even, again, I do not think designed for any corrupt purpose, certainly probably a friendly gesture to two members of

the bar, all reinforce for the victim here, the victim's family, particularly in light of such a mild sentence, particularly having the view that the Crown attorney was so passive—that is not my word; that is the word that Mr. Jasper used in my office last Friday—so passive in prosecuting this case, in prosecuting the sentencing, that the real crime here is that the victim comes away from the system feeling like it is an old boys' club that sort of took up the case, turned it out, spat out a resolution, and they are all going off for dinner.

An Honourable Member: It is the culture.

Mr. Praznik: It is the culture. Perhaps now we are starting to get a better sense of the culture that the minister talks about. I am not going to blame this minister, nor am I going to blame previous attorneys general for where we are in our Justice system today. It happens; it has developed, but the Minister of Justice came in to change it. He brought in a victims' rights bill to change it. Every member of this Assembly who has heard cases like this would concur with him, Conservative, New Democrat and Liberal, would concur with him that these type of things are not appropriate. The minister brought in that bill and we all stood in this House to vote with him, this bill, and it has been now a year.

An Honourable Member: Well, I had misgivings.

Mr. Praznik: Well, the Member for Lakeside (Mr. Enns) perhaps mentions misgivings. Perhaps they were misgivings because he understood the administrative limitations of the Minister of Justice and government departments, but that is the issue.

I ask him today, because Mr. Jasper cannot afford to get a transcript, and he has sort of had enough with the legal system to trust it to do the investigation. He has asked, as is his right, to ask me to raise this with the Minister of Justice to be investigated, because I fully appreciate there are two sides to the coin and there may be other things that Mr. Jasper did not appreciate. There may be things that offer reasonable expectation. I would say this today: I do not believe that any of the things that were reported to me about the conduct of the judge in this case are ill-intended

or corrupt in any way or meant to do anything other than probably be nice to people and bring some closure to them, but from the eyes of the Jaspers, from the eyes of the victim, these acts seem callous, cold, and reinforce a belief that there is no justice in the province of Manitoba.

So I ask the Minister of Justice: Will he undertake to do that kind of report and to provide it to this Legislature or to me, as Justice critic of the Opposition?

Mr. Mackintosh: With regard to the issue regarding the judge in question, the department has requested, or is obtaining, or perhaps has now obtained, the transcript because of the considerations that are ongoing with regard to the availability of an appeal. So we can undertake to provide a copy of the sentencing hearing transcript to the family at no charge because it has been ordered or obtained by the department.

When the senior staff, the assistant deputy ministers meet, there can be some information sharing with the family on the way that complaints about judges can be dealt with, but I think we have to recognize that the family, I know, must feel a lot of pressures, and they have a lot of concerns, so at that meeting there can be an exploration as to how the department can assist in dealing with that issue, if there should be a complaint about judicial conduct. There may be a role that the department can take in assisting the family in that regard.

Mr. Praznik: I want to ask the Attorney General, did I hear him correctly in that he will have access to this transcript, and if he reads this transcript and he views—actually, let us be more specific. The accusation made by Mr. Jasper with respect to the going out for dinner, I do not know if the minister views that as appropriate, if there is a protocol on that, if there is a view whether that is appropriate or not, but obviously it is of concern to victims as they watch it happen. As Mr. Jasper said, the instruction of the judge was to turn off the recorder, it was said. So I would take it that providing him simply with the transcript is not going to answer that question. I am asking the Attorney General; that is something we would ask him to investigate.

Again, I think Judge Schwartz, knowing Judge Schwartz, was trying to be probably friendly with these attorneys. I understand he is a part-time judge, a retired judge who comes back. He may enjoy the camaraderie of the bench. I am not trying to in any way take him off as being an injudicious judge. But I will say this, from a victim's point of view, that action reinforces the old boys' view of the legal system. I would think that the Attorney General would want to have that determined, whether it is factual or not, because he is getting one bit of evidence. I would be the first to say he needs to investigate and find out if it was true. Is that something that perhaps Mr. Jasper misunderstood or not in a larger context? Mr. Jasper would like to know if it is true, if there was something he missed. If it is, what is appropriate? Is it appropriate for judges to be asking the two sets of opposing counsel out for a meal, in the courtroom?

I am putting these to him because he is responsible for the administration of justice. To the public, to the victim in court, to the parties in court, I would think they would view that as somewhat inappropriate. Is anyone saying it is corrupt or wrong? No, but again we have to—

An Honourable Member: It strengthens the old boys' network.

Mr. Praznik: Well exactly, as the Member for Lakeside (Mr. Enns) points out, it strengthens the publicly held view that there is an old boys' network here. That is what is wrong about it. It is not that any of the parties were ill intended. I would think the Attorney General would ask his Crown attorney, who was there, if that in fact was the case. The Crown attorney might have felt it was inappropriate and never went out, but at least he would confirm whether the offer was made.

We are not asking for the heavy hand of justice to come down on the players, but if this is a course and the Minister of Justice would agree that it does not do anything for the reputation of the operation of our courts, that he would have a discussion with the Chief Justice about ensuring that judges are going to be more sensitive to victims in court when these things are happening. But to come back today and just sort of say, well, we will give him a copy of the transcript,

says to me the minister is sloughing this off, and it is a very important issue. I do not think this Attorney General, who prides himself on being an activist, would want me to accuse him of sloughing this off.

* (16:30)

The transcript will not answer the question for Mr. Jasper. The only people who can do it were those who were present in the courtroom. If the tape recorder was turned off, as Mr. Jasper seems to recall the judge requested, then the Attorney General has to inquire about it. We are not asking for some big inquiry. We are just asking: Is it the case? It may be simply a matter of reminding, through the Chief Justice, some of our judges, how that looks to Crown attorneys; or how it looks, I should say, to the people in the court, to victims, to their families, when they see that happening.

So, I would ask him again, if he would undertake to have this latter accusation, which I think is the more serious. Again, you know, in listening to Mr. Jasper, he was quite offended by the way Judge Schwartz conducted asking him, and then the accused, and then telling him what the accused said. But I think it may not have been good for Mr. Jasper; but I do not think the judge intended to do any wrong. But in this other case, I think it is a little more serious, because the recorder was asked to go off and it does set a very bad image. So I want to ask the Attorney General if he will undertake to review these accusations, particularly this third one, and if he believes that this is not appropriate conduct, will he undertake, and not appropriate for any reason, I think, other than, Mr. Chair, that it sends the wrong signal to victims about relationships in the justice system, you know.

I just share with the minister, I remember one time in Beausejour, we had moved the Department of Labour offices there, and we had the Fire Commissioner's office, and we had the Fire Commissioner who, every day, would park his truck right in front of the town hall where our offices were and he would go in to work. The only problem for him was that the next door to the town hall was the famous Gateway Restaurant, which is the great coffee spot of Beausejour, and I was getting complaints as minister

about: Gee, your staff are always in having coffee at the Gateway. Well, my staff was never in having coffee at the Gateway. They were working, but the vehicle was parked there. So it was a perception thing. We solved it. He parked in the back. But I am saying the same thing is a little more serious here. People are going to courts expecting justice, and they see this: I am going to take you guys out for dinner. Turn off the recorder, I am going to tell you this.

So I am asking the Attorney General, only he can investigate this. Only he has the authority to speak to his Crown attorney, to speak to the court staff to determine if that in fact happened. So if he does not undertake to do it he is saying to Mr. Jasper, it is not important. So I want to ask him again, will he undertake to do this investigation, and, will he undertake to report back by way of letter to me as critic, or report back to this committee at some stage, with an answer?

Mr. Mackintosh: Yes, we, first of all, with regard to that particular allegation, the member is right that clearly if the microphones were not turned on, there will not be something on the transcript of that, so therefore we will be inquiring of both the Crown attorney and the court clerk and any other staff that may have been present, as to their recollection of events, and Ms. Hamilton will review that particular allegation with that information. In terms of the review, it will address all of the issues that have been raised here this afternoon, investigate and report to me, and I will pass that on, both to the member and it would be my intention to as well share that with the family, who are most affected by this issue, and by the investigation and the report.

Mr. Praznik: I thank the minister, and I gather the report will be, even if it is by way of a letter to me, that I will have some feedback and the minister—I interpret his comment to include that. I also want to ask him by way of his own policy if accusations about the conduct of the court system or the judiciary come forward again the problem for someone like Mr. Jasper is that he is not a gentleman versed in the law. Certainly after this experience he feels even a greater discomfort with it. But if the Attorney General, in the course of his investigation of this matter,

learns something that is more serious than just an administrative matter, Mr. Jasper would expect, as the public would, that the Attorney General then would take the appropriate steps in filing the complaint.

So I do not know if this will ever get to that point from what I understand, but I am asking the Attorney General: Where it is brought to his intention, and after his investigation, does he believe something more significant has happened? I am not just talking about this case. It may be any other in the province. Will he undertake to forward a complaint to the appropriate judicial review council as opposed to just say it is up to the individual to go and do it?

I would remind him, and I may be inaccurate in my information, but I seem to recall in the '90s when the former Member for Brandon West, Mr. McCrae, was Attorney General, there were comments made in certain courtrooms regarding a particular issue that was felt to be inappropriate. If I am not mistaken, I may be, but if my memory serves me correctly, the Attorney General then did initiate the complaint that led to appropriate action being taken.

So I am asking the Attorney General today: If this or any other investigation brings to light something that should go to the judicial review committee or council as a matter of policy, would he undertake that as opposed to require a citizen to initiate it if he had clear evidence of something that required that process?

Mr. Mackintosh: Well, I certainly will undertake to do all that I can do if remedies are required and there are changes in policies or directions or anything. In terms of any complaint about judicial conduct, it is my understanding that over the last several years a practice in the policy has been arrived at whereby individual members of the department can make a complaint either at the provincial level or to the judicial council, or, second of all, on behalf of the department as a corporation entity, if you will, the Deputy Attorney General is the one who files the complaint as a matter of course. As the member knows, Attorneys General come and go, but the department as a whole is represented through the Deputy Attorney General. So that is

an option that may be available in the circumstances, and I certainly report fully as well on that aspect of it.

Mr. Praznik: I appreciate the minister's answer. Just to confirm again that he will, if something comes to light, requiring it that he would undertake, if I read him correctly, to launch that, or did I miss the point?

Mr. Chairperson: Is the member asking a hypothetical question?

Mr. Praznik: No. No. Just policy.

Mr. Mackintosh: No. The member may have missed it, but what has occurred over the last several years, I have been advised and this was in the context of another matter involving a member of the bench, it was determined that the way to proceed with complaints is either an individual member of the department could lodge a complaint or on behalf of the department as a corporate entity or on behalf of the Justice Department. The Deputy Attorney General is the one who is charged with that responsibility, and indeed I think over the last number years there have been several complaints that have been filed. That is done by the Deputy Attorney General as the spokesperson or as the chief executive officer of the Justice Department.

Mr. Praznik: So I gather that should something come to light then the appropriate person within the department under that policy would be prepared to launch that as opposed to relying on Mr. Jasper. That is the comfort level that I am looking for. I do not expect the Attorney General to do it all on his own.

Mr. Chair, I very much appreciate the Attorney General's time in raising this matter. It is a very, very important one. I think we have canvassed all the issues that Mr. Jasper had raised with me. I would just like to say to Mr. Jasper and his family that on behalf, I think, of all of us that what his family has gone through is a tragedy and that we would never want to see or wish on anyone the great pain that his family must have felt at the loss of their son and the circumstances. Our thoughts are certainly with them. We hope that, although their son cannot be brought back, at least their refusal to accept what

they view as bad service within the justice system, their refusal to accept that and their desire to raise their issues is out of a sense of ensuring that justice is, in fact, done and that others will not be put through the same issue.

* (16:40)

Before we close this matter, I do want to ask the Attorney General, given his staff have to make a decision on whether or not they would appeal—I know there are a host of factors involved, including the evidence and other things that are there—but I would ask him, generally, as a matter of policy within his department, would the provision of an 18-month conditional sentence, even with some limited curfews and other things on it, be, from a point of view of his policy as Attorney General, an acceptable sentence as a matter of policy for him for this case, or would he, as a matter of policy, be wanting to ensure that such sentences were appealed to receive a higher sentence, if that could be argued on the specific facts of the case?

Mr. Mackintosh: I think it is known to the member opposite and to many Manitobans who have been following the development of conditional sentencing that we have certainly expressed concerns about the application of conditional sentencing in particular cases where, in our view, there should be appropriate denunciation and deterrence. That does have a bearing on this particular matter.

Recognizing that this matter is before the committee that is given the responsibility to determine if the appeal has grounds and fact in law or evidence in law to continue to appeal, I think the position of the department is one that I supported, I can say it now, I supported, recognizing that I of course have no role in particular cases, the prosecution of individual cases or the appeal of individual cases, but I certainly support the position of the department that was advanced at the sentencing hearing that this was an appropriate case for jail.

I, as well as many others, am looking forward to the decision of the department as to whether there are grounds for an appeal, which of course may be separate and apart. Every case has to be assessed individually. What the

evidence or law as it applies to this case may be in terms of whether there are grounds to appeal, I cannot comment on. I know the member would respect that.

Having said that, I think I have answered the member's question very clearly that there are certainly concerns about conditional sentencing and its application in this province and, as well, other provinces in Canada. It is a difficult, new area, and I am just concerned that it is being applied in cases for which it was not intended.

Mr. Praznik: Mr. Chair, just a few issues still around this. I accept the minister's comments on policy. I appreciate that every case does have different nuances in the law. Certainly we would hope that his department, if they choose, as we hope they will, to appeal this case, will certainly pursue the appeal, as Mr. Jasper hopes, with far more gusto and relish than was done at trial. I hope that is conveyed to the appropriate Crown attorneys.

Mr. Jasper has written to the minister a letter, by the way dated the 19th of April, the year 2000. It would have been received relatively recently by the minister's office. I would hope that the minister will be able to respond in writing to Mr. Jasper, but we would ask whether or not it will be part of the decision on whether there is an appeal that Mr. Jasper have a chance to meet with appropriate staff before that decision is made. Will he be explained the course that the Department of Justice is taking on this matter?

Mr. Mackintosh: Mr. Finlayson was planning to meet with Mr. Jasper or other members of the family as soon as that can be set up and presumably in advance of any final decision being made by the department on appeal.

I might just add, too, that I extend to the family my condolences, but, as well, my acknowledgment that in a very difficult time they are taking on issues about a system. For that reason, I think what they are doing is very important. My workings with other victims and survivors and looking for how the justice system can be improved has demonstrated to me that that voice is so critical. If we do not know how our services are being received by those who are

most affected, then we cannot proceed to make the improvements that have to be made.

I regret if there have been shortcomings. At the same time, I recognize that shortcomings have been built into the system for over a hundred years, and it is going to take a lot of work by a lot of people, a lot of stakeholders, to change this system. I am preparing as best we can for the task and that is, in no small way, why we are rolling this change out in the way we are, recognizing that the bill was passed on August 18. Here we are now, at the end of April, and we are seeing some significant movement in what is a very short period of time, given the length of time that this justice system has evolved to the point where we are at today.

So, in conclusion, I commend the family for coming forward, and I look forward to further information on this and, as well, the review by the department.

Mr. Praznik: Mr. Chair, again, I think it is just worth making that point that, when the Attorney General did bring in the victims' rights bill, he had control in what he said to this Assembly. He talked, in glowing terms, about the need for this, and he was right. I would be the first to argue that many of these shortcomings have not just occurred in the last 18 months or year or the last 12 years. Many of them go back over decades.

It was the Minister of Justice who brought in the bill with great enthusiasm and said we will pass this bill, in his press release said I have money to put in some staff, and we are going to do that. He raised the expectations. He raised the expectations of the people like the Jasper's; he raised the expectation of the people like the McLaughlins, that victims now would have some right in this system.

Almost a year later from the introduction of that bill, when we ask, you know, when is it going to be proclaimed, when will it actually come into legal effect that a Mr. Jasper does not have to go to the back door to have his rights looked at, that he can go and say I have a right to be consulted, I have a right to these things? When is that going to happen? Then the Attorney General, his heels dragging across the carpet, he tells us, well, I will have a plan that I

can put to the House in August, a year after he had the approval of this Legislature.

So, you know, the Minister of Justice set up the expectation. The Minister of Justice created it. The Minister of Justice fuelled it, and now the Minister of Justice has to live with the consequences of the expectations that he in fact raised. If it was just him—but we see it in every aspect of this administration. The Premier (Mr. Doer) and the Minister of Health (Mr. Chomiak), when they campaigned in the election, said there will be no patients in our hallways after six months, \$15 million and six months we will have cured hallway medicine. Well, six months, it was not cured. A year, it was not cured. Eighteen months later, it was not cured. Was it \$15 million, \$50 million, \$100 million, \$200 million? It is still not cured.

* (16:50)

We see, Mr. Chair, time and time again ministers of this Government raising the public expectation saying they are going to do something, and then on the ground we see very little, if anything. Just as victims who a year ago were told that their rights would be enshrined in law are today finding that they are still being ignored, still do not have their role, things happening that they are not involved in. Patients are still in beds in our hallways, and what do we hear? We hear it is culture. It is the culture of the department. In health care we are hearing, well, you know, we did not want it to be part of the culture, hallway medicine is not really our culture anymore, we have told them we do not want it to be culture, the hospital, but it is okay if you still keep the patients in the hallways.

Mr. Chair, this is all about honesty. It is all about saying what you mean, meaning what you say and delivering what you promise. This administration, the Minister of Health (Mr. Chomiak), Minister of Justice (Mr. Mackintosh), the Minister of Labour (Ms. Barrett) all promise, do not deliver. The Premier (Mr. Doer) promises but does not deliver. That is what concerns people. People voted for them. They had expectations raised by members of that party and not delivered. In Justice this is probably the most clear example. Victims' rights promised, victims' rights not delivered, and not only not delivered

in law but not delivered in practice which is in the realm of what the Minister of Justice controls.

So, Mr. Chair, this pattern continues to develop, and it is not a good one for Manitobans. We on this side will continue to raise these issues and remind the New Democrats across the way each and every time they promise and do not deliver.

It is interesting, we see this again, the Minister of Health, we saw it with the CAT scans, the CT scanners. I just want to comment on that. We saw it with the CT scanners. The Premier (Mr. Doer) just a few weeks ago out on the hustings: We bought three more CT scanners; we are going to put one in Steinbach; we are going to put one in Selkirk. I think the third one is The Pas. I think it was The Pas. Boy, big press conference. Budget comes out a few weeks later, no operating dollars. Find them from within. What are the regional health authorities having to do? If they want to open their CT scanner, right, they want to open it, what do they have to do? Well, they have got to close something else. The Premier (Mr. Doer) never said that when he announced it. It is the same thing. The Minister of Justice never said when he announced the victims' rights bill—

An Honourable Member: He actually said he had 90,000 bucks' worth.

Mr. Praznik: Oh, that is right. He had \$90,000. But he never said it; he would not have it done. He would not have a schedule ready for another year. Never mind having it done, he would not have a schedule.

An Honourable Member: The schedule costs \$90,000.

Mr. Praznik: The schedule cost \$90,000. That is what it boiled down to. Because the Minister of Justice admitted that these two people who his press release said would be there to advise victims of their rights—

An Honourable Member: That is what the press release said.

Mr. Praznik: As the press release said, they would be there to advise victims like Mr. Jasper

of his rights, to keep them informed of what was happening in their case. He said that in his press release. He said they would also be working on implementation, but he could have just said in his press release those two people were there just to work on implementation. Oh no. He said they were there to advise victims, advise them of what was happening in the case, advise them of their role and their rights, people like the Jaspers. And it did not happen.

And just like the Premier (Mr. Doer), the CT scanners: We are buying you CT scanners. We are buying them with federal money, by the way. We are buying them, but, oops, we are not going to give you the operating dollars.

Well, we are buying you a victims' rights bill, but we are not going to implement it for a long time. It is the same thing, the same pattern. Say what you think people want to hear and do not deliver, the Jasper family, like the McLaughlins, like that young 17-year-old who was old enough to drive a car but not old enough to consult on the sentencing, the plea bargain in the sentencing, on the individual who had sexually abused her for years.

Well, they all are looking for better from us all. The Minister of Justice (Mr. Mackintosh) had huge co-operation from this Legislature to bring in that victims' rights bill, huge co-operation, huge amount of good will. You know, I think if he had come out three months later with his implementation schedule, he had come out September, October and said, you know, it is going to take us 15 months or 18 months to implement this bill, he would have had credibility in what he said today.

But when did he come out? When did he come out to the Mr. Jaspers of this world and the Mr. McLaughlins and that young 17-year-old girl? When did he come out and say it is going to take me longer to implement it? Not when he brought in the bill, not three or four months later when he got into implementation, but only after a battle in the Legislature when it was dragged out of him by our questions in this House.

That is what we now hear: We are gonna—oh, and did we hear August? No, we heard summer. Right. Summer starts in June 21. Oh,

then, he had to admit it was August. And what do I have in August? Not full implementation, I have the schedule. Well, Mr. Jasper is a patient man, the McLaughlins are patient people, but their patience has come to an end.

The Attorney General wants the continued good will of this Assembly on this issue. Well, I think he has to do better than August. I think he has to do better than August, I think, before this House rises this spring. I would think by the end of May this Attorney General should be able to provide to this House an implementation schedule, not August. I think he should be able to provide it much faster.

So, Mr. Chair, there are a lot of issues here, but the biggest one is again the growing trend of the Doer government to promise, raise expectations and not deliver, put out a press release, simple answer, but not deliver.

I should not say that about simple answers. The victims' rights bill is a complex bill. The minister has always said it was, in fairness to him, but at no time did he tell us it would take so long for that bill to come into place to give Mr. Jasper and his family what they expected.

Mr. Chair, I appreciate the time that staff and the Attorney General have spent on this. I am sure Mr. Jasper has. I would make one last suggestion. I know the clock is ticking away. I would suggest that perhaps if Mr. Finlayson is going to meet with him, Mr. Jasper is here today in the gallery. Perhaps they could at least get a time or exchange phone numbers. I do not expect necessarily to meet today, but I think that they should exchange information so that within the next day or two, Mr. Jasper will have the satisfaction of a meeting.

Mr. Chairperson: The time being 5 p.m., the committee rise. Call in the Speaker.

IN SESSION

Mr. Deputy Speaker: As was previously agreed, the House will be rising at 5 p.m. today.

The time being 5 p.m., this House is adjourned and stands adjourned until 1:30 p.m. tomorrow (Tuesday).

LEGISLATIVE ASSEMBLY OF MANITOBA

Monday, April 30, 2001

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