



Third Session - Thirty-Sixth Legislature

of the

**Legislative Assembly of Manitoba**

**DEBATES  
and  
PROCEEDINGS**

**Official Report  
(Hansard)**

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

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

## LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, May 21, 1997

The House met at 1:30 p.m.

### PRAYERS

### ROUTINE PROCEEDINGS

### PRESENTING PETITIONS

#### Mobile Screening Unit for Mammograms

**Ms. Rosann Wowchuk (Swan River):** Madam Speaker, I beg to present the petition of Glenna Miller, Chris Fingas and Nettie Penonzek and others praying that the Legislative Assembly of Manitoba request the Minister of Health (Mr. Praznik) to consider immediately establishing a mobile screening unit for mammograms to help women across the province detect breast cancer at the earliest possible opportunity.

#### Obstetrics Closure—Grace General Hospital

**Ms. MaryAnn Mihychuk (St. James):** Madam Speaker, I beg to present the petition of Kerniel Aasland, N. Seifert and Jeffrey Lowe praying that the Legislative Assembly of Manitoba request the Minister of Health consider stopping the closure of obstetrics programs at the Winnipeg Grace Hospital.

### READING AND RECEIVING PETITIONS

#### Mobile Screening Unit for Mammograms

**Madam Speaker:** I have reviewed the petition of the honourable member for Swan River (Ms. Wowchuk), and it complies with the rules and practices of the House. Is it the will of the House to have the petition read?

**An Honourable Member:** Dispense.

**Madam Speaker:** Dispense

*WHEREAS medical authorities have stated that breast cancer in Manitoba has reached almost epidemic proportions; and*

*WHEREAS yearly mammograms are recommended for women over 50, and perhaps younger if a woman feels she is at risk; and*

*WHEREAS while improved surgical procedures and better post-operative care do improve a woman's chances if she is diagnosed, early detection plays a vital role; and*

*WHEREAS Manitoba currently has only three centres where mammograms can be performed, those being Winnipeg, Brandon and Thompson; and*

*WHEREAS a trip to and from these centres for a mammogram can cost a woman upwards of \$500 which is a prohibitive cost for some women; and*

*WHEREAS a number of other provinces have dealt with this problem by establishing mobile screening units; and*

*WHEREAS the provincial government has promised to take action on this serious issue.*

*WHEREFORE YOUR PETITIONERS HUMBLY PRAY that the Legislative Assembly of Manitoba may be pleased to request the Minister of Health (Mr. Praznik) to consider immediately establishing a mobile screening unit for mammograms to help women across the province detect breast cancer at the earliest possible opportunity.*

\* (1335)

### PRESENTING REPORTS BY STANDING AND SPECIAL COMMITTEES

#### Committee of Supply

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

I move, seconded by the honourable member for La Verendrye (Mr. Sveinson), that the report of the committee be received.

**Motion agreed to.**

### TABLING OF REPORTS

**Hon. Eric Stefanson (Minister of Finance):** Madam Speaker, I am pleased to table the report of the Manitoba Liquor Control Commission for the nine months ended December 31, 1996.

### Introduction of Guests

**Madam Speaker:** Prior to Oral Questions, I would like to draw the attention of all honourable members to the public gallery where we have this afternoon ten Grade 12 students from Maples Collegiate under the direction of Mr. Gordon Boyko. This school is located in the constituency of the honourable member for The Maples (Mr Kowalski).

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

### ORAL QUESTION PERIOD

#### Disaster Assistance Provincial Proposal

**Mr. Gary Doer (Leader of the Opposition):** My question is to the First Minister. Yesterday in this Chamber the Premier indicated and tabled the copy of a specific proposal to the federal government on flood compensation for the province of Manitoba with a proposed figure of some \$270 million.

Today it is quoted by the federal government that they, quote, have not received a proposal from the provincial government, and they have not received specific amounts of money from the provincial government.

I would like to ask the Premier: Did the federal government indeed receive the specific proposal, and why are they saying they did not?

**Hon. Gary Filmon (Premier):** I thank the member opposite for that question, Madam Speaker. Certainly, as one can imagine, the intent that was there when we signed the agreement on the 1st of May, Mr. Axworthy and myself plus other ministers, was that we would immediately have our senior officials continue the negotiation and the fleshing out of all the details in the proposal. I know that there have been numerous people involved. We have paper in our files that has been submitted to us by various senior officials from PFRA, from Western Diversification, including the assistant deputy minister for this region for Western Diversification, and many others on the agriculture side and on the disaster assistance side.

The proposal which I tabled for the House yesterday was sent to the associate secretary of the federal cabinet, the Deputy Clerk of the Privy Council, on the 15th of May—which was Thursday of last week—by fax at his request, and it was a product of discussions that had taken place earlier that day. I assume that was in preparation for the cabinet meeting that took place the following day in Ottawa which I believe was, although I stand to be corrected, attended by Mr. Axworthy. So, quite honestly, I cannot answer why the lead federal minister would have indicated that he had no knowledge of this information.

#### Water Resources Department Staffing

**Mr. Gary Doer (Leader of the Opposition):** Madam Speaker, on May 21 the federal lead minister stated that he would look to the federal government to reinstate the federal government's water survey staff and the forecasting capacity in Manitoba. Larry Whitney has said that the reduction and cutbacks of these staff will be a major concern to Manitobans. Professor Doering has joined Mr. Whitney in stating that the failure to restore Canada's water survey people could have disastrous consequences for Manitoba. When we look at the failure of the gauges and monitoring in Grand Forks, we see the kinds of consequences that could take place.

Has the provincial government received any change in the plans of the federal government on this issue of federal forecasting, and can the Premier advise

Manitobans of the status of that particular concern and issue to all of us in this province?

\* (1340)

**Hon. Gary Filmon (Premier):** I certainly share the concern that the Leader of the Opposition is expressing, and that concern, of course, has been expressed by Mr. Whitney of our Natural Resources department. I can indicate that, as part of the discussion, I believe it was in a document that I saw, under PFRA's letterhead, that they had put in as part of the additional costs that they were proposing to incur for this overall Canada-Manitoba agreement, that restoring some of that water monitoring would be part of the federal costs in the ensuing program. I know that it is certainly under discussion, but I do not know whether or not the federal government has made any final decision on it.

#### **Water Quantity Survey Agreement Funding**

**Mr. Gary Doer (Leader of the Opposition):** Madam Speaker, under the 1975 federal-provincial water quantity survey agreement, there were certain elements and conditions of funding from the provincial government and certain funding requirements from the federal government. In 1994, the provincial government withdrew about 43 percent of funding in the '94 budget. In 1995, the federal government withdrew some 70 percent of the funding that is scheduled to take effect in August of 1997. We have had both experts inside the provincial government and experts outside of the provincial government saying that this could have, potentially, a disastrous impact.

Will the Premier himself be taking a flexible position on our funding cutbacks of 1994 so that we can go back to the table and get the co-operative provincial-federal agreement in place again for the future, as we have in the past, and have flexibility in terms of the provincial cutbacks that the federal government is alleging is leading to their cutbacks, both of which we do not certainly support?

**Hon. Gary Filmon (Premier):** Madam Speaker, as I have indicated in this House and I believe as well the Minister of Natural Resources has, the areas of

reduction on the Manitoba side were in the construction side, the—

**An Honourable Member:** Different question.

**Mr. Filmon:** Okay. Perhaps that is a question then that should better be answered by the Minister of Natural Resources.

**Hon. Glen Cummings (Minister of Natural Resources):** Well, Madam Speaker, the implication of the member's question was that Manitoba somehow added to the issue of adequate monitoring through the management that we have applied within our own department, and what I indicated earlier and what I want to reiterate is that the history of the program is that it was originally largely a federal program that has become increasingly a co-operative agreement signed with the province, and reductions up until recently have been done in a way to make sure that we did not compromise the forecasting ability on surface water quantity.

The proposed next reduction, through letters and communications from myself and from the government, we have indicated that it is simply not an option to have any further reduction in the capability for water quantity monitoring. We have indicated that concern, and we have received preliminary assurances from the federal authorities that they would be reconsidering their reductions.

#### **Multilateral Agreement on Investment Government Support**

**Mr. Tim Sale (Crescentwood):** Madam Speaker, the federal Liberal government is currently promoting the so-called Multilateral Agreement on Investment, whose purpose is to give investors the right to buy, sell, or move businesses or any other assets under any terms and conditions they want, regardless of what the sovereign state might want. Federal officials apparently have briefed nongovernmental organizations on the treaty which was supposed to have been completed this month but has been delayed.

Can the First Minister advise the House whether his government supports the Multilateral Agreement on Investment as currently drafted and whether or not his

officials have prepared a provincial position? If they have, what is that position, Madam Speaker?

**Hon. Gary Filmon (Premier):** Madam Speaker, I will take that question as notice on behalf of the Minister of Industry, Trade and Tourism.

### Status Report

**Mr. Tim Sale (Crescentwood):** Madam Speaker, I am going to table a copy of the draft agreement so that Manitobans can see for themselves what is in this document.

Can the First Minister confirm that the treaty, as currently drafted, would have made it possible for foreign corporations such as AT&T to have purchased 100 percent of Manitoba Telecom Services and that there would have been nothing his government would have been able to do to prevent immediate, complete purchase of that phone company by any foreign multinational that wanted to purchase the shares?

**Hon. Gary Filmon (Premier):** No, Madam Speaker, I cannot confirm that.

**Mr. Sale:** Madam Speaker, the Premier seems quite out of touch with issues that are of great concern, for example, to the western governors of the United States of America, some 30 states of the United States that have great concern about this issue.

Could he confirm that under the current treaty the western governors' concerns about investment for the purpose of creating jobs or maintaining environmental standards would not be able to be met, that the current treaty would not make it possible to set targets of any kind of local procurement, that, for example, the Limestone agreement would not be possible? Can he confirm that the western governors of the United States, at least, have a point?

**Mr. Filmon:** There is no current treaty. I know that the member opposite is speaking in terms of drafts, and as we all know, drafts are often changed substantially before they reach any final conclusion.

\* (1345)

### Health Care System Funding

**Mr. Dave Chomiak (Kildonan):** Madam Speaker, The Pas hospital has been forced to give up evening snacks to its patients because of budget restraints; Holiday Haven had problems, but the minister had no way of getting the information; Seven Oaks, Concordia and Victoria have eliminated their LPNs, but the minister is not responsible; Grace is closing its obstetrics, but the minister is not responsible; clerks at Concordia Hospital are going to be taking on nurses' aides roles, but the minister is not responsible. Yet the government is cutting \$40 million to \$50 million out of the city hospital budgets this year.

When will the minister be forthright with the people of Manitoba and take his responsibilities and admit the fact that most of these changes are as a result of the government cutbacks to the health care sector?

**Hon. Darren Praznik (Minister of Health):** Let us examine the question from the member for Kildonan. One premise on which he makes his statement in this House is if we are in a static system. We are not, Madam Speaker. In fact, if anything, we have seen a shift in services away from institutions into the community. If he looks at the budget of the Ministry of Health over a number of years, he will see that resources in hospitals, yes, have declined, as they have gone up on the home care side, as they have gone up on the community side, because it is very reflective, generally speaking, of a change in how we receive our health care services.

There is no doubt that from time to time our facilities are under pressure financially. Some, yes, due to budget restraints, some due to change as they adapt to changing circumstances in the system, but it is clearly not simply the premise on which he bases his question that is responsible.

**Mr. Chomiak:** Is the minister seriously proposing that a place like Health Sciences Centre, which formerly offered many home care equipment services to individuals to keep them out of the hospital, would start charging and would set up a store in the hospital if they

were not being cut millions and millions of dollars from their budget and are forced to try to reclaim that money on the backs of people who have to attend the hospital? Is the minister seriously saying that is not the case?

**Mr. Praznik:** I believe the member for Kildonan is referring in his question to a story that was in today's Free Press about the Health Sciences Centre leasing space to a particular company that sells various devices. If the member had called over to the Health Sciences Centre and found out what their policies are with respect to equipment, he would have learned that, with respect to crutches, for example, the Health Sciences Centre has always charged a \$20 fee to people for the rental of crutches for the duration of their illness, of which \$5 was refundable. People on social allowance, for example, have that covered under that program, and that continues. But if the member had made the call, he would have found out that information.

**Mr. Chomiak:** Madam Speaker, is the minister today seriously trying to state to the people of Manitoba that the fact that we are charging for home care equipment, the fact that Grace Hospital is closing its obstetrics, the fact that LPNs have been laid off at Concordia, Victoria and Seven Oaks is not a result of government cutbacks? Why is he shirking the responsibility that this government was elected to handle and to deal with the health care of Manitobans?

**Mr. Praznik:** The member for Kildonan raises a number of issues. Let us deal with nursing, for example. There have been hosts of changes in the nursing profession, the qualifications of nurses, the requirement of staffing mixes to get the best use of staff for dollars available. That has gone on our system. It is a very complicated issue. If the member is suggesting that we maintain the status quo at all costs, even if it is not needed, even if it is not the best, that is not acceptable at all.

The member, again, has made reference to changes in facilities, mentioned this particular issue at the Health Sciences Centre. If those facilities are able to find sources of revenue that add to their budget, is there anything particularly wrong with that if it is not part of insured services? In fact, if anything, if you support our current governance structure, those facilities have that ability to do it.

### Education System User Fees

**Ms. MaryAnn Mihychuk (St. James):** Madam Speaker, my question is to the Minister of Education. User fees are being charged more and more in public schools. User fees are in fact being charged to students to just enter a classroom, a classroom in junior high or senior high in many schools and school divisions in Manitoba. As the minister responsible under the education act for the supervision, the control and the direction of all public schools, does the minister believe that students have the fundamental right to attend public school regardless of their family income?

**Hon. Linda McIntosh (Minister of Education and Training):** Absolutely.

\* (1350)

**Ms. Mihychuk:** How can the minister then justify a system, her system, a system this government built that charges students compulsory registration fees to enter classrooms?

**Mrs. McIntosh:** If the member would be good enough in her next question to tell me which classroom a student cannot enter without paying, I will investigate that, Madam Speaker, or if she wishes to give me that now, I can give it in my second answer.

Madam Speaker, this government provides the public school system of Manitoba with \$746 million a year, a \$115-million increase since we took office, a huge increase to public schools. In addition to that, we also have money flowing into the system in additional grants over and above that for medical assistance, et cetera, in the schools. The member is aware of those extra monies going to public schools. Many divisions do have extra enhancements they add to the system that are not covered and never have been by public school funding such as certain kinds of extracurricular programming, et cetera, that have never been funded, and sometimes they will take money from education funding to pay for those. User fees have always been around. I am not aware of students being charged to enter a classroom.

**Ms. Mihychuk:** Madam Speaker, it is clear that the minister is not aware of the extensiveness of user fees. Will she conduct a comprehensive study, a list of the types and amounts of user fees being charged to students in the public education system so that she can become aware of the charges to students in Manitoba schools?

**Mrs. McIntosh:** School divisions have always, throughout time, charged user fees for certain things. As a student many years ago, I, myself, was charged student fees for a number of things, for field trips, for locker fees, for student fees, et cetera. Madam Speaker, school divisions have ample money within their budgets to allow students to come to school without charging them to enter a classroom. Now I could begin my investigation by having her give me some specifics to her allegation that schools are charging students to enter a classroom. If she could back that up with a specific example, I would be pleased to investigate it. So far as I know, I have not heard complaints of that specific nature from the public.

#### **Regional Health Boards Authority**

**Mr. Kevin Lamoureux (Inkster):** My question is for the Minister of Health. This is the government that has decided ultimately to create a new level of bureaucracy known as the regional health authorities. The regional health authorities, if they come up with the recommendation to accept the obstetrics leaving the Grace Hospital, this government is prepared to abide by that particular decision. Madam Speaker, the question to the minister is: Does the ministry, in particular this minister, believe that the government of the day should be deciding what sorts of services ultimately should be provided in our community hospitals, that it should not be the regional boards and the minister hiding behind them?

**Hon. Darren Praznik (Minister of Health):** Madam Speaker, I again find it difficult to understand where the member for Inkster is coming from, because just a few weeks ago in this House he rose here to defend the current governance system, to defend those facilities that have and want to continue to have a governance role, a full governance role in making the decisions with respect to their facility. You cannot have it both

ways. There is a fundamental debate about what role government has. Are we just the funder of health care, or are we the provider of it as well?

Madam Speaker, in the policies that we have taken, we have recognized the role technology has given us to a large degree to be the provider. We are making those decisions to put not bureaucracy in shape, not another level of governance, but the kind of tool, the kind of governance instrument that will be able to give a rational, objective view to delivering services to meet the changing and ongoing changing needs of Winnipeggers and Manitobans.

**Mr. Lamoureux:** Madam Speaker, does the minister see any difference in Alberta where they have a regional board in Edmonton? They are suggesting a private hospital. Does the minister believe that our regional board can make the same sort of suggestion and have private hospitals in the province of Manitoba? What role does the Minister of Health today have with policy with respect to the regional health boards?

**Mr. Praznik:** Madam Speaker, the question of a private hospital in this province has not even been considered by this government because it is not one that fits into our planning. Our job is to make the current system, a public system, function well.

Madam Speaker, if the member for Inkster would do some research and check into the issue, what he would find is that one of the difficulties that they found in Edmonton is when they actually took the advice he offered me some weeks ago in this House and maintained this kind of double complete governance system, that did not allow the benefits of regionalization to take place. So I hope they do not follow his advice. I would not follow his advice.

\* (1355)

#### **Grace Hospital Obstetrical Services**

**Mr. Kevin Lamoureux (Inkster):** Madam Speaker, the minister said that he does not want to follow the plan of private hospitals. The question then is: Does the government want to follow the plan of taking out obstetrics from the Grace Hospital?

**Hon. Darren Praznik (Minister of Health):** Madam Speaker, the question is not a simple one as to whether or not there shall be an obstetrics program at the Grace or not be one. There are lots of factors that fit into that. Obviously, you have to have a group of practitioners who are prepared to practise there, that will have enough babies delivered in that facility to have a well-practiced centre. How you organize that system to even create the opportunity for that to happen is what is critical. That is why we created the Winnipeg Hospital Authority; that is why we are working to put it into place in the manner we are, which the member opposed in this House.

The opportunity for the Grace is not a yea or nay to fund or not fund. It is: Will you have the practitioners; will you have the mothers who want to have their babies there that creates a sufficient unit to be well practiced? That is the real problem, and that is what we are trying to address.

#### **Disaster Assistance Agricultural Losses**

**Ms. Rosann Wowchuk (Swan River):** Madam Speaker, yesterday we heard more information about how flood assistance will be made available for flood victims and municipalities, but we have no definite answer on what will be happening with farm assistance. We hear of possible assistance for farmers who will be unable to seed, but no details are available. Can the Minister of Agriculture indicate how the unseeded acreage payments will be handled? Will it be administered through crop insurance, and if so, what will be the implication on those people who have already purchased unseeded crop insurance—unseeded acreage?

**Hon. Harry Enns (Minister of Agriculture):** Madam Speaker, I want to thank the honourable member for Swan River for the question and indicate to her that it would certainly give me some comfort if I could answer her at this particular time more definitively than I can. There are committees involving the federal and provincial senior bureaucrats working on the compensation package that the Red River Valley farmers will require, but discussions have not been concluded. It is my understanding that the senior federal minister, Minister Lloyd Axworthy, has

indicated that in the next two or three days hopefully these discussions will have come to a conclusion, and we will be able to, with some detail, respond to that kind of a question, not just to the member for Swan River, of course, but to the many farmers who are waiting for that answer.

**Ms. Wowchuk:** Madam Speaker, since Manitoba Crop Insurance is legislatively required to operate as an actuarially sound insurance program, will the minister agree that any ad hoc payments must be handled in a way that will not have a negative impact on Manitoba Crop Insurance?

**Mr. Enns:** Again, Madam Speaker, I thank the honourable member for that question and indicate to her that I do agree with the implications of that question. We do not want to disturb the soundness of the insurance program that is offered by Manitoba Crop Insurance Corporation and, quite frankly, it would not be fair to the other farmers who participate in the program if ad hoc programs were injected to the program by this group of producers and then borne as a whole throughout the province. We have always made it very clear as spokespersons, people, including the First Minister (Mr. Filmon) and people out of his office, when dealing with this matter with the federal authorities indicated that any support of that kind would have to be outside of the crop insurance program.

\* (1400)

#### **ManGlobe Government Discussions**

**Mr. Jim Maloway (Elmwood):** Madam Speaker, my question is to the Deputy Premier. On television on Thursday, May 15, '97, the former dean of management at the University of Manitoba, Bill Mackness, the current PC candidate in Winnipeg South, described the ManGlobe project as follows: It is a classic boondoggle of government spending, and if it were their own money, I would say they should go for it, but unfortunately they insist on using our money.

I would like to ask the Deputy Premier: Will the Deputy Premier be discussing this issue later today with Bill Mackness, Jean Charest and the Premier when they meet for their photo op?

**Hon. James Downey (Minister of Industry, Trade and Tourism):** No, Madam Speaker, we will be talking about how badly the Charest party and the PC Party will trounce the NDP in the upcoming federal election.

### Telecommunication Projects Funding

**Mr. Jim Maloway (Elmwood):** Madam Speaker, yesterday in Estimates, the Deputy Premier confirmed large losses of taxpayers' money in his other pet projects, Iris Systems Inc., which lost \$877,000; TeleSend and Gateway Incorporated, where he lost another \$200,000. How many other failed projects has this minister recommended to Treasury Board?

**Hon. James Downey (Minister of Industry, Trade and Tourism):** Madam Speaker, let me at the outset say that is not what I said in Estimates yesterday. In fact, I indicated that one company was no longer in operation and that was Iris, although the technology and the information, the work that they had done did in fact develop some technology that was marketed. Secondly, the other companies that he is referring to are still operating in the province of Manitoba and hiring people and providing services. So I do not know where he is getting his information from. If he would only read Hansard from yesterday, it might be helpful.

**Mr. Maloway:** Madam Speaker, I would like to ask the Deputy Premier what due diligence was done before he approved these projects, and did he check the credit ratings and backgrounds of any of the principals involved in these projects?

**Mr. Downey:** Madam Speaker, the member has a very short memory. I answered those questions in Estimates yesterday, and he would be well advised to read those answers.

### Provincial Parks Camping Reservations

**Mr. Stan Struthers (Dauphin):** Madam Speaker, today the Minister of Natural Resources finally put out a news release talking about the Destinet deal where the campers in Manitoba will now have to book their camping reservations through an American company.

In the news release the minister talked about a central toll-free information line. Well, that always was the case. He said that campers from outside Manitoba can now map out their visits. They always could. What is different is that it now costs more, the profits go to an American company, and there will be part-time employment instead of full-time people working at our parks.

I want to ask the minister: Will Destinet employ a comparable number of full-time employees to those who have already been laid off from Natural Resources who previously did this work at our campsites?

**Hon. Glen Cummings (Minister of Natural Resources):** Madam Speaker, the member is so unwilling to see that there is an opportunity to having a call centre moved to this province which potentially will create 20 or more jobs, as many as 50 jobs, and they would have an opportunity to take on far more than just campsite registrations. If he wants to close his mind to opportunities like that for the citizens of this province, then we know why he has no vision of the future.

**Mr. Struthers:** This minister should open his mind to full-time employment and quit kicking Manitobans out of work and replacing them with part-timers.

**Madam Speaker:** The honourable member, to pose his question, please.

**Mr. Struthers:** The minister confirmed that the service for campers will suffer because Destinet agents outside of Manitoba are unaware of our parks. For example, one agent had to ask a camper how to spell the word "Manitoba."

**Mr. Cummings:** Madam Speaker, the member for Dauphin refuses to acknowledge that there are going to be 20-plus jobs created in a call centre here in Manitoba. He wants to talk about—

**Some Honourable Members:** Oh, oh.

**Madam Speaker:** Order, please.

**Mr. Cummings:** I guess they are not interested in call centre jobs. That is unfortunate.

Madam Speaker, I do not want to cause embarrassment to the member for Dauphin, but I just handed out a recognition of 18 new Natural Resources officers who have just been sworn in to the Department of Natural Resources. Are those not real jobs?

**Some Honourable Members:** Oh, oh.

**Madam Speaker:** Order, please. The honourable Minister of Natural Resources, to quickly complete his response.

**Mr. Cummings:** To conclude my response, I will have to, for emphasis, repeat that there are going to be call centre jobs—a call centre located here to provide a service far in excess of what we have been able to supply up till now. If the member refuses to acknowledge that, then he had better get with it.

#### **Destinet Contract Tabling Request**

**Madam Speaker:** The honourable member for Dauphin, with a final question.

**Mr. Stan Struthers (Dauphin):** Madam Speaker, if this minister thinks this is such a good deal, why will he not table that contract like I asked him to last week?

**Hon. Glen Cummings (Minister of Natural Resources):** Madam Speaker, I will speak slowly. The contract agrees that a call centre will be established in this province where it will employ Manitobans. They will employ Manitobans. It will create 20 to 50 jobs. The member refuses to acknowledge that those are real jobs, typical of the opposition. The best job creation record in the country and they do not want it.

#### **Point of Order**

**Mr. Steve Ashton (Opposition House Leader):** A point of order, Madam Speaker, and I will state my point of order very slowly.

The question was: Will the minister please table the contract? I would appreciate if you would ask him to either table the contract or not waste the time of the House with his rather long meandering answers that have very little to do with the question. He was asked

to table it, and I would ask you to bring him to order and make sure he does that.

**Madam Speaker:** Order, please. On the point of order raised by the honourable member for Thompson, I would remind the honourable minister that, indeed, his answer should reply to the question asked.

\* (1410)

#### **AIDS Service Organizations Funding**

**Ms. Diane McGifford (Osborne):** Madam Speaker, we were not surprised that the federal Liberals, with a grand flourish, have chosen the federal election to announce a \$200-million over five-year renewed national AIDS strategy. The announcement, of course, does not guarantee that Manitoba AIDS service organizations will be funded; there are still guidelines to meet and hoops to dance through.

I want to ask the Minister of Health today if he has had time to meditate on his own fall 1996 provincial AIDS strategy, and has he given attention to the question of actually funding the strategy. Will he match his federal counterparts and consider funding AIDS service organizations like those that have submitted funding proposals to him, for example, the Village Clinic?

**Hon. Darren Praznik (Minister of Health):** Madam Speaker, I remember before the federal election call, the member for Osborne and I, in this House, in an exchange of questions and answers talking about the withdrawal of federal money, and I think my prediction to her was, with an election coming and the track record of the Liberals to come out at election time with funding commitments, we might see some progress. I am pleased to see that the federal government, during the course of an election, has renewed this funding commitment, because I think it is welcomed by all who work in this area.

With respect to our provincial commitments, we have that strategy in place. There is obviously a fair bit of work to do by myself and others in the department to assess exactly what we are able to provide. I continue to work with that community to do the best that we can,

but I certainly welcome the renewal of the federal money.

**Ms. McGifford:** Maybe a provincial election will ensure funding to the AIDS service organization.

### **AIDS Hospice Government Support**

**Madam Speaker:** The honourable member for Osborne, with a supplementary question.

**Ms. Diane McGifford (Osborne):** Since the minister on both March 6 and April 15 indicated to this House his support for an AIDS hospice, I want to ask him what steps he has taken toward realizing such a facility. Whom has he contacted, what concretely has happened and what support is he offering?

**Hon. Darren Praznik (Minister of Health):** I think the member will find it does not take a provincial general election on this side of the House. This government has been very committed to a host of areas in a very rational and reasoned approach over the years, and we will continue to do that.

Madam Speaker, there are a host of issues here. The member asks me today to make a commitment carte blanche to a number of organizations that have submitted particular funding requests. I would hope that she would expect us to assess the ability of those organizations to deliver services. Some of them that she is aware of have some issues that have to be addressed in terms of their own ability to provide deliverables for dollars that are there.

With respect to a hospice, that is obviously one of the issues that has to be addressed as we move into looking at capital needs and needs assessments within our regional health authorities. I hope that we are going to see some resolution to that through that process.

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

### **ORDERS OF THE DAY**

**Hon. James McCrae (Government House Leader):** Madam Speaker, I move, seconded by the honourable

Minister of Family Services (Mrs. Mitchelson) that Madam Speaker do now leave the Chair and the House resolve itself into a committee to consider of the Supply to be granted to Her Majesty.

**Motion agreed to.**

### **Committee Changes**

**Mr. Gerry McAlpine (Sturgeon Creek):** Madam Speaker, do I have leave to revert to committee changes?

**Madam Speaker:** Does the honourable member for Sturgeon Creek have leave to revert to Committee Changes? [agreed]

**Mr. McAlpine:** Madam Speaker, the composition of the Subcommittee of the Standing Committee on Privileges and Elections be amended as follows: The member for Niakwa (Mr. Reimer) for the member for Gimli (Mr. Helwer) for the May 20, 1997, 7:30 p.m. meeting.

**Madam Speaker:** It has been moved by the honourable member for Sturgeon Creek (Mr. McAlpine), seconded by the honourable member for Pembina (Mr. Dyck), that the composition of the Subcommittee on Privileges and Elections for 7:30, Tuesday, May 20, be amended as follows: The honourable member for Niakwa for the honourable member for Gimli. Agreed?

**An Honourable Member:** That is agreed.

**Madam Speaker:** Agreed and so ordered.

\* (1420)

**Mr. McAlpine:** I move, seconded by the honourable member for Pembina (Mr. Dyck), that the composition of the Subcommittee of the Standing Committee on Privileges and Elections be amended as follows: The honourable member for Gimli (Mr. Helwer) for the honourable member for Niakwa (Mr. Reimer) for May 20, 1997, 3 p.m. meeting.

**Motion agreed to.**

**COMMITTEE OF SUPPLY  
(Concurrent Sections)**

**LABOUR**

**Mr. Chairperson (Ben Sveinson):** Order, please. 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 Department of Labour. When the committee last sat, it had been considering item 2.(k)(2) on page 101 of the Estimates book. Shall the item pass?

**Mr. Daryl Reid (Transcona):** Mr. Chairperson, I wanted to continue with a couple of questions relating to the Worker Advisor Office. The minister mentioned yesterday that he had—there was a seconded person working for his department, a person coming from the Justice department and he mentioned the name. It was Irene Kavanagh. I am still not clear on the purpose of why Ms. Kavanagh would be coming from the Justice department to receive some training within the Worker Advisor Office, and I am wondering if the minister could provide for me some further explanation on that type of secondment.

**Hon. Harold Gilleshammer (Minister of Labour):** Mr. Chairman, and I do not have a lot more information than I put on the record yesterday. My understanding was that we had a vacant staff year, and I believe this individual was looking toward government for some change or new challenge and arrangements were made between my department and the Justice department for this individual to come forward and join the staff in the Worker Advisor Office. I do not think permanent arrangements have been made yet, and, as the individual gains experience, I think we will make a determination, and supervisors will make the determination, whether this develops into a longer-term situation or not.

**Mr. Reid:** I can understand if there was a vacancy and the minister felt that he needed to bring the staff complement up to its regular level, but I did not get that sense from the minister yesterday when he was responding to my question, that this particular individual would be working with the department after the training period had expired and that perhaps the individual may be going back to the Justice department.

I am just trying to get an understanding here. If you are bringing the individual in for some training that would facilitate perhaps a resolution of the matter that I raised with the minister yesterday when matters proceed to the courts, and some people in the Justice department need to have that sensitivity to these cases that would go before the courts, with respect to either Workers Compensation or Workplace Safety and Health issues, then I can understand that. But, if that is not the case, then I would like to have some detail on why that person is there and for what purpose? Are we getting best use of those monies if we are bringing someone in to train who is not going to be utilizing that experience or that particular training? That is why I am asking the minister the question.

**Mr. Gilleshammer:** I think what I hear the member saying is, is this an appropriate way for somebody to gain additional experience if in fact the individual and the departments involved are not prepared to make this a permanent relationship? I think that this is not an unusual occurrence to happen within the civil service, and, maybe, when we get into the discussion of the Estimates of the Civil Service Commission, we can have further discussion of that. There are many times, it is my understanding, within the civil service, that people are looking for new opportunities and new challenges, and efforts are made to try and accommodate these as openings occur.

So I cannot be more definitive than that, because this arrangement was made amongst the two departments involved. What the final outcome and resolution of that will be, I cannot say at this particular time. When staff within the government civil service, and sometimes even with the federal civil service, are looking for new challenges and new appointments, there is an opportunity for departments to co-operate and allow that type of experience to occur.

**Mr. Reid:** Are there other people within the minister's department that have come in from other departments to receive training in other areas within the Department of Labour? Are other people seconded from other departments to come into Labour to train as well?

**Mr. Gilleshammer:** I cannot give you a definite example, but I believe there are. When we have an opportunity to deal with the Civil Service Commission

in a short while, I think that is a valid question to ask. From time to time, as I have indicated, people from one department are seconded to another department, and those arrangements are generally made with the managers within those departments.

I know that, when there are staffing changes that take place from time to time, there are people who are looking for new and different opportunities. All departments of government, from time to time, will look at individuals from other departments, and if there is a position, they can second those people to gain that experience within a new department.

\* (1430)

**Mr. Reid:** Perhaps the minister is right then. If this is more appropriately dealt under the Civil Service Estimates, then we will leave that over to that when the minister may have staff available to him to assist with the reasons why that decision was made. It is my understanding that when you bring staff in, you second staff to come in, it is usually to fill a role or a vacancy where work needs to be done.

Yes, they get training at the same time, but it also provides for some—because there is some requirement within the department. I do not get the sense here, from what the minister's answers have been, that the particular individuals coming in to play a particular role, other than training which, to me, seems to be different than what past practices have shown to be the case. That is why I raise—and perhaps the minister wants to provide some further explanation, if staff can provide him with the answer.

**Mr. Gilleshammer:** I just say again, it is not an uncommon occurrence within the civil service for somebody from one department to gain some experience in another department. I gather from the tone of the member's questions and comments that he is opposed to having people from another department get some experience and be seconded to another department.

I do not think we are breaking new ground here. This is something that has happened over the years and, if

my honourable friend is not aware of that, I would be pleased to get some statistics put together to examine how many secondments occur within a calendar year for him. But we are not pioneering a new idea here. This happens from time to time that people take on a challenge with a new department, and in this case it is not an unusual occurrence.

**Mr. Reid:** All right. We will leave that over to the Civil Service Commission and let some further questioning take place in those Estimates.

Can the minister tell me, were there any individuals seconded out of the Worker Advisor Office over the course of the last year, perhaps to other departments or to other areas of government operations?

**Mr. Gilleshammer:** Yes, there were some other changes. My understanding is there is one individual who is now with the Ombudsman's department and another individual who was in Employment Standards and has moved to the Worker Advisor Office.

**Mr. Reid:** So I take it that these individuals then, are they still with the department? Are they there for training or have they moved back to the departments from which they were seconded, and were there any others that perhaps may have been working more directly with the minister?

**Mr. Gilleshammer:** I am informed that this was a career change made by these individuals.

**Mr. Reid:** Were there any other individuals working in other than branches of the Department of Labour, perhaps more directly with the minister, who may have been seconded from the Worker Advisor Office in the past year?

**Mr. Gilleshammer:** Yes, we had one individual from the Worker Advisor Office who did some work with government, relative to the Workers Compensation Board.

**Mr. Reid:** Can the minister tell me how long those individuals were seconded from their departments, including the one who was seconded to work on cases for the minister? I take it that is what it was for.

**Mr. Gilleshammer:** The individual referenced, who was doing the work on the Workers Compensation Board issues, was for a period of about three months.

**Mr. Reid:** And the other individuals were seconded for how long from their departments, there are two other names you mentioned?

**Mr. Gilleshammer:** Well, the one example I used, and I refer to these as career changes, left the Worker Advisor Office, won a competition and is now with the Ombudsman's office.

**Mr. Reid:** I am sorry. I misunderstood the minister and his earlier explanation.

Can the minister tell me, there was an individual who had some dealings, involvement with the government as a part of the labour group, a Mr. Tesarski. Is Mr. Tesarski working with your department or other government departments that you may be aware of?

**Mr. Gilleshammer:** No.

**Mr. Reid:** So then Mr. Tesarski does not have any current employment status with either your department or the government?

**Mr. Gilleshammer:** The answer is no.

**Mr. Reid:** If there is a competition, would those competitions be dealt with, I guess, under the Civil Service Commission, if Mr. Tesarski was to apply for one of those jobs? It is my understanding that he may be working for the Department of Labour now. The minister has said, no, that is not the case. So are there competitions that are open currently within the Department of Labour for jobs that may be vacant?

**Mr. Gilleshammer:** I am not sure what the question is. You asked if this individual was working for the department, and the answer is no. Then you were asking if he won a competition. Obviously, he has not. This individual, whom I have met on one or two occasions, is not employed by the Department of Labour.

**Mr. Reid:** My question there was just to determine whether or not because the departments, through the

Civil Service Commission, do advertise for job vacancies and that perhaps the individual may have been a successful applicant on one of those advice notices, and perhaps may not be in the employ of the department officially yet, but has been the successful applicant. That is my question here. Has he been the successful applicant for any of the bulletins or the vacancies or other jobs that are available within the department?

**Mr. Gilleshammer:** Again, I repeat, he does not work for the department and, to my knowledge, has not won any competition to work for the department.

**Mr. Chairperson:** Item 11.2. Labour Programs (k) Worker Advisor Office (2) Other Expenditures \$145,000—pass.

11.2.(m) Office of the Fire Commissioner—no funding. Shall the item pass?

**Mr. Reid:** I have a few questions for the Fire Commissioner's office. The minister had advised me earlier that building permit fee increases would be more appropriately addressed or questions asked through the Fire Commissioner's office, so I would like to ask the minister: Has the Fire Commissioner's office increased the building permit fees?

**Mr. Gilleshammer:** I would like to introduce the Fire Commissioner Doug Popowich, who has joined us at the table at this time. The answer to that question is, yes, there has been an increase in fees. I understand that increase was in the area of 50 percent.

**Mr. Reid:** Can the minister tell me, that seems to be an excessive fee hike considering the cost of living is in the range of 1.5 to 2 percent, what is the justification for a 50 percent hike in those fees?

\* (1440)

**Mr. Gilleshammer:** I guess the cost of living is often calculated on a monthly or annual basis. These fees have not been addressed on that basis, and, as a result, from time to time, you have to do comparisons with other provinces. You have to do evaluation of the actual cost. I believe that the last change in these fees was in 1988, so it has been almost 10 years since they

were adjusted. As a result, the 50 percent spans some 10 years in terms of an adjustment of those rates.

**Mr. Reid:** Just doing rough calculations here, that still exceeds the level of the cost of living increases over that 10-year period, 50 percent. No cost of living has gone up 50 percent in this province that I know of, and not even in Canada. So how do you justify, even over that 10-year period, a 50-percent fee increase?

**Mr. Gilleshammer:** Well, again, I think I indicated as part of my first answer that you have to do cost comparisons with other jurisdictions, other provinces. These rates are still less than what it costs to do these inspections and to have these permits in the city of Winnipeg.

**Mr. Reid:** So then I take it that the purpose of the fee increases is to move towards full cost recovery for the work that is being performed.

**Mr. Gilleshammer:** One of the comparisons we do is full cost recovery. We also, as I have indicated, compared the provincial fees, which are rural fees, to the cost in the city of Winnipeg. We have made this adjustment. As I just indicated, the fees are still less than in the city of Winnipeg. So there was a discrepancy between these building permits in rural areas as compared to the city of Winnipeg. This was an attempt to adjust them upward to compare them to other jurisdictions and to look at recovering some of the costs that go into this.

**Mr. Reid:** Does the minister have a comparison chart that he can provide between the building permit fees of the rural areas and of the city of Winnipeg, so we can have some type of comparison between the two?

**Mr. Gilleshammer:** We do not have a chart with us today, but we can provide that comparison for the member.

**Mr. Reid:** Perhaps the minister can send that along with the package of information that he has already committed to prepare and forward to me.

**Mr. Gilleshammer:** We would be happy to do that.

**Mr. Reid:** It is my understanding that the Fire Commissioner's office deals with codes and standards. There was an issue that came to my attention in my own constituency, although I am sure it is not isolated to that community of Transcona, but it was involving dwelling units that have a single door. During the course of the blizzard that we had this spring there were a number of complaints that came to my office from constituents whose homes were blocked. There was only one door permitting the residents of that building to leave or enter the building. Of course, they were attempting to leave the building but were snowed in.

Other buildings that I had noticed in the community after the blizzard, where they had two doors to allow the residents to move freely, gave the residents at least one opportunity to leave the building. My concern here is that in blizzard situations or in cold weather climates like we are living in, where you have heating appliances, furnaces, either natural gas, electric or other, heating the building, should a fire occur within the building and we have a door that is blocked, and it is a single door to that building, I suppose you can smash a window to get out if you have the strength to do that. But, if you have young children that are involved, or perhaps elderly, frail or the disabled, and you only have one door and it is blocked by snow, my understanding is that the current code allows for dwelling units to be constructed with one door.

My question is: Why was the decision made to allow one-door units to be constructed, and is there any consideration being given to alter the code to make sure that there are at least two ways, hoping that one will at least be free and passable in events such as a blizzard or other events that may occur?

**Mr. Gilleshammer:** I am told that having more than one entrance and exit as part of the building code is not required anywhere across the country, not to say that my honourable friend's concern is not a valid one. I think we have made great strides in terms of fire prevention issues and education, use of sprinklers, smoke alarms, a variety of ways to enhance early warning and assist with putting fires out, but across the country there is no jurisdiction that requires more than one exit or entrance. I think if you look at the literature or the advertising, certainly, individuals are encouraged to think about this in their own home, think about how

they would escape if there was a fire, train their family, teach their children, find ways to deal with an issue like that should it arise.

I had the pleasure recently of presenting an award from the Fire Commissioner's office to a teenage girl in western Manitoba who saved herself and four other children from a fire that broke out in an upstairs bedroom. I think the training that families give their children to deal with those emergencies is important, and it is not only children that we need to educate, it is all citizens. I am told that there have not been discussions within the department and with the Fire Commissioner's staff to change the regulations here that are reasonably consistent across the country.

**Mr. Reid:** I do not disagree with the minister. It may be consistent. I have not done the research to either prove or disprove that statement. My concern here is for what is happening within the province of Manitoba and for events that took place within my own community, that I am sure is no different than many other communities in the province. My concern here is for the safety of the very young, the elderly or the disabled that may not be able to implement an evacuation plan in a timely fashion in the event of, perhaps, that a fire should take place within a structure that only has one door.

I know you are not going to make this change, and there would have to be some consideration undertaken by the department and perhaps some consultation take place with various jurisdictions across the country, but we have a climate here in Manitoba that is different than some other jurisdictions in Canada. I do not know that all of the jurisdictions in Canada get the type of blizzard conditions that we have here. Yes, they get some snow, but they do not, from my experience, get the same type of conditions that we have here.

So I am asking here whether or not—and I take it you do some consultation with other jurisdictions across the country, various Fire Commissioners' offices across the country, you can put this on the agenda and have some discussion of this, considering the different climatic conditions that we have within the province of Manitoba and that we are charged with the responsibility of making sure the codes and standards that we have in place are safe for the people that we

represent collectively in the province of Manitoba—to standardize our codes and practices with other jurisdictions, we have a responsibility, safety-wise, to the residents and to the people we represent.

So I am asking the minister, when you go to your staff or the minister attends ministerial meetings or Fire Commissioner meetings with other jurisdictions, internal to your own department, that you have some consideration for looking at the code provisions or the standards that only allow for dwelling units to be constructed with one door.

I will leave that with the minister. I know it will take some more research for the department to look at what would be a best way of ensuring the safety of our communities.

\* (1450)

**Mr. Gilleshammer:** I would say that, in all of the educational material that is put out through the Office of the Fire Commissioner, it urges all individuals, families, to determine what other exits there are from a building in case that horrible eventuality should happen that your home is on fire. So this is part of the education package that is put out by the Fire Commissioner's office and used in various communities with our volunteer fire departments and with the education programs within the school system. But, of course, as I have said before, we will take all of the good suggestions my honourable friend has brought to this committee and have the department look at them.

**Mr. Reid:** I thank the minister for that undertaking. Can the minister tell me: Are there any other fee increases that are planned by the Fire Commissioner's office for this next year?

**Mr. Gilleshammer:** We have not had that discussion within the department or with the Fire Commissioner. As my honourable friend knows, we budget on an annual basis and, of course, it is difficult to say what changes might be recommended for another year. The member is no doubt aware that the Fire Commissioner's office is now a special operating agency, and they have an advisory board and will be looking at all of their activities, but I believe we have announced all of the fee changes that are currently in place.

**Mr. Reid:** Is the minister contemplating any other fee increases in other parts of his department other than the Fire Commissioner's office?

**Mr. Gilleshammer:** Again, the budget has been set for the current year, and it will probably be some months yet before we get into detailed consideration of where we are moving with our budget for next year. I expect the Minister of Finance (Mr. Stefanson) will be bringing down another good budget in the spring of 1998. My honourable friend will have to wait until that happens.

**Mr. Reid:** I understand that there is a budgetary process that is involved here. I am just looking to see whether or not the department has plans in place that will make adjustments to the various fees through the Department of Labour that perhaps may be implemented at a later point. It is my understanding, from other departments for which I have been the critic, fees are not always implemented at the beginning of the budget year, and some of them are held over until July 1 or September 1, as other examples proven to be the case. So that is why I am asking whether or not the department is contemplating implementing other fee changes or increases that may not have already been announced.

**Mr. Gilleshammer:** Mr. Chairman, I believe in earlier discussions, we have made the commitment to give the honourable member detail on some of the revenue, or all of the revenue, items that were brought forward in this budget.

**Mr. Reid:** If the minister would then undertake to give a commitment here that should there be fee increases that are planned by the department as part of this year's budget, that he would give me some notice when he sends the package to me, giving an indication on when they plan to implement those particular changes, should there be any with respect to fee changes or increases in any of the other subdepartments, including, but not limited to, the Fire Commissioner's office.

**Mr. Gilleshammer:** I think we have already made that commitment.

**Mr. Reid:** Could the minister tell me why—because looking under the Repair and Maintenance under the

Fire Commissioner's office, you are assuming that the facility in Thompson will be closed effective April 1 of next year—is it the \$28,000-saving that you are contemplating as the sole reason why you are closing the Fire Commissioner's office? How many staff are employed in that particular facility?

**Mr. Gilleshammer:** There will be no staff impact from that decision. The board made a determination that they would close that particular office, and that will be done.

**Mr. Reid:** Then I take it that office will be closed, as the document indicates, on April 1, '98. What is the workload of that particular office that would dictate that you can afford to close that office, and, I take it, shift your staff elsewhere, because you say the staff complement is going to remain stable.

**Mr. Gilleshammer:** We have two staff in that area, and we will continue with two staff. The facility—and perhaps I misled the member inadvertently—was a classroom used for training.

**Mr. Reid:** So the training function will no longer take place out of that office in Thompson, and those two staff will still work for the Fire Commissioner's office in that community serving the North?

**Mr. Gilleshammer:** Well, that training can take place at any site. We can use existing space. We can rent if we have to. The decision was made to close that particular classroom.

**Mr. Reid:** So your objective then is to retract or withdraw from office space that was used to train and to house these two staff people, and your training function or component will still continue, and those two staff people will remain employed in that activity serving northern Manitoba?

**Mr. Gilleshammer:** That is correct.

**Mr. Reid:** You charge an insurance levy which is not to exceed 2 percent of the value of the premiums or the assessments with respect to property insurance. Can you give me an idea of the size of the pool of money that would be accumulated in a year, and is there an

ongoing pool of funds that stays in place, or is that expended through the course of the year?

**Mr. Gilleshammer:** I believe there is about \$3 million added to that each year.

**Mr. Reid:** Are all of those funds, or nearly all of those funds, expended during the course of the year?

**Mr. Gilleshammer:** The majority of the funds are expended during the year. At the current time, I believe there is somewhat over \$5 million in the fund. Some of it will be used to finance the construction of a new training site in Brandon. I think it is about \$1.5 million that is being used for that.

**Mr. Reid:** You are showing on your balance sheet which I take it to be the projected income statement for years, on page 59 of the supplementary document under the Office of the Fire Commissioner income statement—and it is showing successive years from '97 to the year 2000. I take it that is a projected income statement for those years. You have losses, operating losses, that appear to be fairly constant in dollars.

These fee increases that you have brought into place, you say to offset some of the losses, will that in any way, or any of the fees that you charge, offset this sheet as is shown in this document, and will those operating losses decrease?

**Mr. Gilleshammer:** The fee increases that we spoke of earlier have already been built into this budget and these budget projections. The Fire Commissioner's office and the training school in Brandon is endeavouring to control its costs but also to generate revenue, and I am very pleased to say that there has been interest expressed from jurisdictions outside of Manitoba to do some training, to avail themselves of the expertise available to them.

I do not know whether my honourable friend has ever had an opportunity to visit the training site, but we would certainly extend an invitation to himself and the deputy critic to come to Brandon at any time and view the site. We have the development of an additional training site that has just been announced and probably just starting. We hope to have that completed by the fall. Part of the challenge of the special operating

agency has been to increase business to attract more training. I think they have an excellent track record in training men and women in this particular area.

\* (1500)

I am encouraged that the City of Winnipeg is considering using the facility in the near future. I am not sure it has been finalized yet, but we are working towards it. But other cities, other provinces, some of the northern states, and in fact, I believe, some countries from other areas of the world are also considering using the site as a base for training. So it is an ongoing challenge for the Fire Commissioner and his staff to provide a high level of service and at the same time recover costs for the training they provide, working with rural fire departments, professional firefighters and others to try and enhance the amount of business that occurs at the training site in Brandon.

**Mr. Reid:** I am happy to hear that you are making some strides to make other opportunities available to the Fire Commissioner's office and to provide expertise to other jurisdictions, which will allow the operating agency to grow.

I take it then that as more opportunities become available to provide or to share the expertise of the Fire Commissioner's office with other jurisdictions that as well could affect the bottom line on your revenue picture which will change then your operating loss picture for successive years. Until those negotiations conclude, then you will not have a clear picture, and it will have to be revised year by year to determine what your projections are on your operating losses for successive years.

**Mr. Gilleshammer:** That is correct. The objective, of course, is to balance the budget and even turn a profit if we can. There are many ways to invest any surplus dollars back into the college, and certainly, I believe, there are lots of opportunities out there that are being worked on by staff at the college.

**Mr. Reid:** I take it then that since there are operating losses and that this is not just paper numbers here, but there are real operating losses that are affecting the Fire Commissioner's office, should those opportunities not develop in the future, that the current losses are covered

out of the Consolidated Fund for the government. Will the government continue to cover those losses in successive years should the Fire Commissioner's office not be successful in achieving or realizing the changes or the contracts that they hope to achieve?

**Mr. Gilleshammer:** Well, the losses are covered from a pool of money that the Fire Commissioner's office has access to. But you are right, the objective is to expand the opportunities to attract more business, and time will tell whether they are successful. They are running a budget of about \$4 million, and the objective is to try and bring their expenses and revenues into balance in the next short while.

**Mr. Reid:** Over the years that I have been here, I have received correspondence from First Nations communities, and my understanding is that it is not only First Nations communities that have volunteer fire departments, many of the rural communities have them as well. We have seen a loss of life on some of the First Nations communities in particular; at least those are the ones that stand out in mind.

What role does the Fire Commissioner's department play, or are they involved with First Nations communities, their representatives, the chiefs and band councils, to provide training to the people living in those communities? Do you have a ratio that is in place? Are there ongoing negotiations to bring so many people a year in for training, or what type of process or structure do you have in place to provide for that continual training need?

**Mr. Gilleshammer:** I think it is fair to say that every community out there has some sort of fire protection. In rural Manitoba, virtually every community has a volunteer fire brigade; ones that are, at this point in time, quite well equipped and quite well trained. In addition to that, they have agreements with nearby communities, the mutual aid agreements, whereby they assist one another if there should be a fire that is in between jurisdictions or is deemed to be of a nature that assistance is required. By and large, this works very well.

The member asked about First Nations communities. They can access the same training as any other fire brigade or mutual aid district and are able to participate

in training programs offered by the Fire College in Brandon. Certainly, all fire departments out there are not created equal; some have taken greater advantage of training opportunities. Some, obviously, make it a higher priority, but the training is available, can be purchased by any community within the province, and there have been a number of First Nations communities that have availed themselves of the service.

**Mr. Reid:** I guess the concern I would have in my mind here is that not all municipalities are created equal and not all First Nations communities are equal in financial capabilities with the various municipalities in rural Manitoba. What type of a process do you have for those communities that do not have the financial wherewithal to send their people, because they have to, obviously, from my understanding, pay a fee to send people for this particular training? What type of a process do you have to make sure that these people coming from communities that do not have that financial capability are also given the opportunity to train their people?

**Mr. Gilleshammer:** Well, I am not sure how to assess the financial capabilities of First Nations communities or bands. They have their own sources of revenue, and some of it, of course, is earmarked for health, education, housing, that sort of thing. I am not just sure what priorities different bands put on it, but I am informed that the college has not turned down any jurisdiction asking for training. They have all been accommodated.

**Mr. Reid:** Well, I hope that the financial considerations would not be the primary objective of the department, that the department would seriously consider all the applications that are coming to make sure that people are trained, and that when they go back to live in those communities, they have the adequate training, and that the cost would not be prohibitive to prevent that training from taking place.

But I want to ask the minister another question dealing with—because he mentioned in his opening comments—the North American Agreement on Labour Co-operation, do you have that agreement available to you here today? Is it possible to get a copy of that agreement from you so that I might have the opportunity to read up on it?

\* (1510)

**Mr. Gilleshammer:** I do not have one personally, but we can certainly see that a copy is provided for my honourable friend.

**Mr. Reid:** Is that agreement now in effect, and what would be the effect? Do you have a summary or a ministerial summary on the effect of the agreement on the Province of Manitoba?

**Mr. Gilleshammer:** The agreement that my honourable friend has referenced was signed, I believe, in January of this year—it might have even been in this room or the one down the hall—and we can provide a copy of that for the member.

**Mr. Reid:** I would appreciate it. At the same time, if the minister is going to provide the copy of the agreement, if there is an executive summary that is attached to it, if one is available, he would pass a copy of that long as well, I would appreciate that.

**Mr. Gilleshammer:** Agreed.

**Mr. Chairperson:** Item 2. Labour Programs (m) Office of the Fire Commissioner, no funds—pass.

Resolution 11.2: RESOLVED that there be granted to Her Majesty a sum not exceeding \$12,139,600 for Labour, Labour Programs, for the fiscal year ending the 31st day of March, 1998.

The last item to be considered for the Estimates of the Department of Labour is item 11.1.(a) Minister's Salary \$25,700. At this point we request the minister's staff leave the table for consideration of this item.

Item 1.(a) Minister's Salary \$25,700—pass.

Resolution 11.1: RESOLVED that there be granted to Her Majesty a sum not exceeding \$474,000 for Labour, Labour Executive, for the fiscal year ending the 31st day of March, 1998.

This completes the Estimates for the Department of Labour. The next set of Estimates that will be considered by this section of the Committee of Supply

is the Estimates of the department of the Civil Service Commission.

I do not believe we are ready to continue, so we will take a brief recess. [interjection] I guess we will not take a brief recess.

## CIVIL SERVICE COMMISSION

**Mr. Chairperson (Ben Sveinson):** Will the Committee of Supply please come to order. This section of the Committee of Supply will be considering the Estimates of the Department of the Civil Service Commission.

Does the honourable Minister responsible for the Civil Service Commission have an opening statement?

**Hon. Harold Gilleshammer (Minister responsible for the Civil Service Commission):** In introducing the budget Estimates for the Civil Service Commission for 1997-98, I would draw attention to the Supplementary Estimates Information which has been provided and contains a good deal of organizational program and financial information to assist the members with the Estimates review now before us.

The budget Estimates for the Civil Service Commission for 1997-98 remain largely unchanged depicting a decrease of approximately \$100,000 from \$4,164,100 to \$4,063,900. This decrease has been achieved largely through the elimination of two staff positions; one a vacant computer programmer within the Administrative Services division and the other, a seconded administrative officer from the Human Resources Programs Branch.

For the coming fiscal year, collective bargaining will be a major priority within the Civil Service Commission as collective agreements with the MGEU and other bargaining groups expired on March 28, 1997. Negotiations with the MGEU and other bargaining agents representing provincial government employees are currently underway. The province provided its proposals for renewal of the collective agreement to the MGEU on February 18, 1997, and the MGEU subsequently responded with proposals to government on April 11, 1997. Negotiations are continuing between the parties. As minister responsible

I am hopeful that a satisfactory agreement will be achieved consistent with the government's bargaining framework and overall fiscal goals. Other than this general information, while the parties are at the bargaining table I do not believe it would be appropriate to disclose or discuss details of negotiations at this point in time.

I am pleased to highlight the fact that our workforce adjustment process continues to operate with success in reducing the impact of potential layoffs within the civil service. This year's Estimates process identified a reduction of less than 200 staff years with approximately 100 employees being potentially impacted. Through application of our workforce adjustment process, only 45 letters of layoff were required to be issued in March and April of this year. Currently, 36 employees remain on the redeployment list and, of that number, 17 have been re-employed in various positions resulting in nine employees left to be placed at this point in time. Re-employment efforts will continue for these employees for the period that they remain on the re-employment list. Total employment in the civil service stood at 14,373 as of fiscal year end. This is a slight decrease of 122 employees compared with 1996. Of this total, full-time employment is represented by 11,256 employees, with the remaining 3,117 employees being part-time or casual.

Since 1991 the total civil service workforce has been reduced by approximately 3,000 employees, or 15 percent. At the same time that the civil service has become smaller, it is also growing older as the predominant baby boom population moves through our workforce. It is anticipated that, within the next five to 10 years, upwards of 25 percent of our civil service will exercise the right to retire. It is for these reasons that the government, through such measures as the Management Internship Program and recently announced Aboriginal Management Development Project are taking steps to implement new measures for human resource planning and development that will contribute to the renewal of the civil service as these retirements take place over the coming years.

Finally, Mr. Chairperson, as Minister responsible for The Civil Service Act, I would like to take this opportunity to recognize and pay tribute to the

tremendous effort and dedication that our provincial civil service has displayed over the past several weeks in battling one of the largest disasters in our province's history. It is at times such as these that public servants, working alongside private citizens and volunteers, have the opportunity to showcase the value of their services, their dedication and their professionalism. I think we can all take pride in many unsolicited and well-deserved compliments that have been expressed by the general public and all forms of the media directed at the terrific effort being put forward by our civil servants. Without question, the response of our civil service to this unprecedented state of emergency has been a real tribute to the quality of the civil service we have grown to enjoy within the province of Manitoba.

With these very brief opening remarks, Mr. Chairperson, I would now welcome questions from the members opposite on the Estimates now before us.

**Mr. Chairperson:** We thank the Minister responsible for the Civil Service Commission for those comments. Does the official opposition critic, the honourable member for Wellington (Ms. Barrett), have any opening statements?

**Ms. Becky Barrett (Wellington):** Mr. Chair, just a brief comment as well on the role of the civil service in dealing with the flood of 1997. I think it is a shame, actually, though, that it takes something like a natural disaster of this calibre to bring out positive comments about the civil servants of the Province of Manitoba. Over the years that I have been in the Legislature, there have been a number of negative comments put forward by various members of the government about the civil service and about, most particularly, the Manitoba Government Employees' Union.

\* (1520)

While I appreciate the comments put on the record at this point in time by the minister, I think it is incumbent upon the government to understand that the civil service operates that way all the time, more or less; that they do the jobs that they are hired to do. Over the last seven or eight years they have been doing them in very stressful situations on an ongoing basis with a 15 percent reduction in the civil service since 1991.

Even though many of those jobs have been reduced through attrition, the process of that attrition has been very stressful on the employees, not knowing who is going to be laid off or who is going to get pink slips, what jobs are going to be eliminated, what is the bumping going to be. All of these situations that happen when layoffs or reductions in the civil service take place lead to an increase in stress and workforce problems, and I do not think over time they have been recognized by the government.

So I am glad to see the government recognizing the positive role of the civil service. I hope that they will continue to do so as they negotiate with the MGEU another collective agreement and in their day-to-day activities and comments in the House and with the people of Manitoba.

**Mr. Gilleshammer:** Mr. Chairman, I would just like to say the remarks I made are not inconsistent with anything I have put on the record before.

**Mr. Chairperson:** We thank the critic of the official opposition for her remarks. We invite the minister's staff to join us at the table, and we ask the minister to introduce his staff present.

**Mr. Gilleshammer:** I would like to introduce my staff. Paul Hart, sitting next to me, is the civil service commissioner; on his left, Gerry Irving, assistant deputy minister, Labour Relations; and also with us, Bob Pollock, director of Human Resource Programs Branch

**Mr. Chairperson:** We will now proceed to line 17.1. Civil Service Commission (a) Executive Office (1) Salaries and Employee Benefits on page 20 of the main Estimates book.

Item 17.1.(a)(1) \$163,600. Shall the item pass?

**Ms. Barrett:** Mr. Chair, I am wondering if the minister could tell me if there are any current vacancies in this area of the department.

**Mr. Gilleshammer:** Yes, I am told there is one vacancy, one professional staff vacancy, with no budget dollars attached to it.

**Ms. Barrett:** Yes, I see that. No budget dollars attached to it. It would help if I could read one of these things. So in this Executive Office category there is currently no professional/ technical person under salary?

**Mr. Gilleshammer:** I am told that the salary numbers reflected there are the salary of the commissioner, a support staff, and the stipends that are paid to board members.

**Ms. Barrett:** Can the minister explain why there is a professional/technical line there since there is not an actual person attached to that, or is it just that this is the standard format for the Estimates reporting?

**Mr. Gilleshammer:** Well, I confess that some of the staffing arrangements across government are still a mystery to me, and I recall being told by a previous deputy that sometimes staff years are more valuable than money. I guess this is a case where a staff year was left in place and there were not dollars attached to it.

**Ms. Barrett:** Yes, I can understand that staff years would be like gold or some other precious metal, particularly with a reduction of 3,000 staff in the civil service as a whole. Is there any concern expressed on the part of other departments that there is this staff year sitting here for at least two years—I am not sure if it goes back any further than that—under Civil Service Commission, when there surely must be other departments that would like to have access to that SY.

**Mr. Gilleshammer:** I am told that vacant staff years occur in many other departments.

**Ms. Barrett:** Could the minister give me the remuneration rates for the Civil Service Commission, their per diem, if any, and any other rates?

**Mr. Gilleshammer:** I am told the remuneration for the chair is \$140 a day, and for members it is \$70 a day.

**Ms. Barrett:** And is that for a full day or are there some—I recall that there used to be some categories or some boards or commissions that had half-day and full day, so that you could have a full-day meeting and be—

**Mr. Gilleshammer:** I am told there is just the one rate in place, that a meeting consists of three and a quarter hours and that there is not a half-day rate.

**Ms. Barrett:** Could the minister tell me when the last time these rates were reviewed or changed, how many years it has been in place?

**Mr. Gilleshammer:** I am told it was 1981.

**Ms. Barrett:** How often does the Civil Service Commission meet?

**Mr. Gilleshammer:** I am told that it is a minimum of once a month. That once-a-month meeting is on administrative matters, and there may be a second meeting to deal with appeals.

**Ms. Barrett:** So that only if there were an appeal or appeals needing to be dealt with by the commission would there be more than a once-a-month meeting?

**Mr. Gilleshammer:** That is correct.

\* (1530)

**Ms. Barrett:** Would this be an appropriate time to ask about the appeals, numbers of appeals, et cetera? [interjection] Okay. I will do so then. I am wondering if I can get the number of appeals currently before the Civil Service Commission.

**Mr. Gilleshammer:** The annual report that I have before me for '95-96 contains the information. In 1995-96 there were 15 appeals initiated; there were two appeals heard; there was one appeal granted and one appeal denied. Further to that, in '96-97, there were 13 appeals initiated.

**Ms. Barrett:** I was interested in '96-97 information. When will the '96-97 annual report be available?

**Mr. Gilleshammer:** I am told it will be available before September 30.

**Ms. Barrett:** Is this a normal time delay between the end of the fiscal year and the issuance of the report?

**Mr. Gilleshammer:** I am told that there is a statutory—the legislative procedures are that they will be tabled by September 30.

**Ms. Barrett:** The appeals process—have there been any changes in the procedures that civil servants follow in order to initiate an appeal or to have it heard, or are the processes the same as they have been for the last few years?

**Mr. Gilleshammer:** I am told they are standard, that they are referenced in the collective agreement and in The Civil Service Act.

**Ms. Barrett:** I would like to ask a question under the Expected Results component of the Estimates. It says, "Ongoing review and revision to a strategic plan, role and mission for the Civil Service Commission." I am sorry, I did not check last year's Estimates book to see if this is the traditional statement, or is this a new addition to the expected results column?

**Mr. Gilleshammer:** I am told the statement is identical to last year, and that, historically, they have reviewed it on an annual basis.

**Ms. Barrett:** What focus, or what are the components to that review and any revision? Is there a process that is undertaken? Is it a formal process or an informal process?

**Mr. Gilleshammer:** I am told it is the standard strategic planning process that they go through involving senior staff and input from others.

**Ms. Barrett:** Okay, what others?

**Mr. Gilleshammer:** The input is gathered from the board, from the client departments and from other staff within the department.

**Ms. Barrett:** Is there a formal gathering process? Is it initiated by the civil service staff, or does the Civil Service Commission receive input from the board, other departments and staff rather than proactively going out and asking for information?

**Mr. Gilleshammer:** This is, I am told, information requested by the Civil Service Commission, which, of

course, has regular contact with all of their client departments, but there is a process whereby input is requested.

**Ms. Barrett:** Who does this regular contacting with all the departments?

**Mr. Gilleshammer:** I am told it is the directors of the various branches within the Civil Service Commission.

**Mr. Chairperson:** Item 17.1. Civil Service Commission (a) Executive Office (1) Salaries and Employee Benefits \$163,600—pass; (2) Other Expenditures \$57,100—pass.

17.1.(b) Administrative Services (1) Salaries and Employee Benefits \$542,300—pass; (2) Other Expenditures \$280,700—pass.

17.1.(c) Human Resource Management Services (1) Salaries and Employee Benefits \$979,100.

**Ms. Barrett:** I am sorry. Is it possible to go back to 1.(b)?

**Mr. Gilleshammer:** Certainly, we can engage in any process the honourable member wants to here.

**Ms. Barrett:** Thank you. I was distracted.

**Mr. Chairperson:** I have, I believe, unanimous consent to go back to 1.(b)(1) or (2).

**Ms. Barrett:** This, I take it, is the Administrative Services and Management Information and Support Services. Am I correct? Thank you.

I am looking at a memo that I received from the previous minister, Minister Toews, last year in response to questions during last year's Estimates stating that there is no specific limit or formula applicable to retained earnings for Organization and Staff Development, i.e., any profits or retained earnings available to the agency at the end of the fiscal year can be used for reinvestment purposes or invested through the Department of Finance on the agency's behalf.

I take it that this means that if OSD runs a surplus that there is no specific directive as to what happens to

that surplus; it can either be turned back to the agency or to the Department of Finance. Can the minister give me clarification on this?

**Mr. Gilleshammer:** The question my honourable friend is asking would fall under 1.(e) Organization and Staff Development Agencies, but the member is correct in her interpretation.

**Ms. Barrett:** I am sorry to have brought it up under the improper grouping. Should I ask questions under it now? Okay.

Well, let us say there is \$100,000 profit, just for the sake of discussion. Who makes the determination as to whether that money goes back to OSD or into the general revenue or is targeted back to another department?

\* (1540)

**Mr. Gilleshammer:** Mr. Chairman, I am told the director would make that decision in consultation with the advisory board and if there was a surplus in discussion with Treasury Board, when the annual review of the operation of the board is held, a determination could be made there to return to general revenue.

**Ms. Barrett:** I am tired, but I think I heard the minister say that, one, the director makes the determination as to what to do with those additional revenues, in consultation with the advisory board, which is one answer, and then talked about Treasury Board being involved as well. Can he perhaps clarify that. At what point is the decision final? Does the director have the final determination, or does it have to be passed through Treasury Board?

**Mr. Gilleshammer:** Yes, the director, in consultation with the advisory board, makes that decision. If there is a surplus building that there are no commitments for in the annual reporting to Treasury Board, that money could be returned to general revenue. That is, if they do not have any plans for the money that has built up as a surplus.

**Ms. Barrett:** So the special operating agency, OSD, it would make sense then for it to have plans for any

operating surplus, to ensure that those retained earnings or that money is able to stay in OSD rather than going back into general revenues. Would that be a process?

**Mr. Gilleshammer:** Mr. Chairman, it is a very small agency with, I believe, expenditures around \$750,000. They do keep a contingency fund. If there are plans and a need to have funds as determined by the director in consultation with the advisory board, they have the ability to proceed with those expenditures.

**Ms. Barrett:** So any retained earnings would be found under the contingency fund part of the budget, or could you have an additional source of revenue? I am trying to get at how much autonomy does the OSD have with regard to the money that it has access to.

**Mr. Gilleshammer:** They are no different than any other special operating agency where they have a reasonable degree of autonomy, and they have an advisory board to assist in terms of their planning. Again, if they have new initiatives that they want to proceed with, they have that opportunity to, in their planning and in their consultation, put that forward and go in that direction if they wish. The retained earnings, I believe, are separate from the contingency fund. Further to that, there is no separate contingency fund. I guess the point that I should be making is that the board will attempt to have a certain level of retained earnings to cover off things like sick leave or other unexpected expenditures.

**Ms. Barrett:** Okay, so to my inexperienced and unprofessional—in this kind of context, that to me is the kind of thing that you would use a contingency fund for, even though it is not called that. It is money put aside for the kind of expenditures that you might assume might be coming, but you have not potentially budgeted for.

**Mr. Gilleshammer:** Mr. Chairman, the retained earnings can be held at a level that these contingencies can be accommodated, and that is part of the discussion the director would have with the advisory board and, in turn, part of their presentation when they have their annual review.

**Ms. Barrett:** Okay, so the director in consultation with the advisory board could determine that the retained

earnings would be legitimate at X level. Then they have an annual review with Treasury Board. Treasury Board could say, no, no, no; it has to be at X-minus-one level, and then Treasury Board then has the authority to tell OSD, go back and reduce your retained earnings. Is that an accurate assessment of the process?

**Mr. Gilleshammer:** Yes, I am told there is a detailed business plan that is filed and that the activities that are encompassed within that detailed business plan are accommodated within their budget.

**Ms. Barrett:** Yes, I understand that, and I have looked at some of the information about special operating agencies, although not recently. What I am trying to get at is, again, as I said earlier, the level of autonomy that the OSD has. It seems to me that one of the principles of special operating agencies is to act in a businesslike manner and, to that end, to try and work towards total cost recovery to whatever degree is possible in this particular SOA.

It could very well be that OSD does that and they have more money than they budgeted for. I guess what I am asking is, in that case, does Treasury Board have the authority to say, you have not planned for this, you do not have any plans put aside for if you did have some extra money, so we are going to take a portion of that and put it back into general revenue? Do the efficiencies accrue back to the special operating agency or would they go into, potentially could they go into the general revenue, based on the decision of Treasury Board?

**Mr. Gilleshammer:** Well, the member is asking a hypothetical question. The special operating agency works very well towards its business plan and, by having an accurate plan of activities, they are able to live within their budget.

**Ms. Barrett:** Okay, so getting not hypothetical but actual, has this special operating agency ever had money taken away from it by the Department of Finance to be invested, as the previous minister said, on the agency's behalf?

\* (1550)

**Mr. Gilleshammer:** The answer is no.

**Ms. Barrett:** I would like to talk a little bit, or ask some questions about the Better Methods Initiative that is identified under this 1.(b), the Service First Initiative under activity identification, participate in the Better Methods Initiative. Is this the proper place? Okay.

One of the statements around the Phase I findings is something I would like to ask about. It says, and I quote: Staff who work within these processes and systems will be affected by these dramatic changes. Better Methods is committed to a \$5-million government-wide Workforce Adjustment Program, including, but not limited to, retraining, redeployment, and job search training. Choices will be tailored to each individual.

I would like to get some more specific information about that \$5-million government-wide Workforce Adjustment Program.

**Mr. Gilleshammer:** I am informed that the question the member is asking is not lodged within the Civil Service expenditures but rather under the Enabling Appropriations located on page 129 of the budget document, Internal Reform, Workforce Adjustment, and I believe the Minister of Finance (Mr. Stefanson) is the individual responsible for that particular budget line.

**Ms. Barrett:** Okay, then maybe the minister can clarify for me the first statement under activity identification which says, participate in the Better Methods Initiative to implement and integrate a human resource management system and the expected results at the end which is completion of Phase 3 of the Better Methods project, et cetera.

**Mr. Gilleshammer:** What that indicates, Mr. Chairman, is that we are one of many departments participating in the Better Methods Initiative.

**Ms. Barrett:** That is exactly what the activity identification says. What I am asking for is an explanation of what that means. How are you participating in it? Can you clarify what specifics are involved in that participation?

**Mr. Gilleshammer:** Our participation in this government-wide initiative is that we are involved in a

new human resource information system, and it is part of a corporate-computerized system to deal with human resources.

**Ms. Barrett:** So the staff in the Department of the Civil Service Commission or that part of government does not participate in the Better Methods Initiative in any other way other than the implementation of the CHRIS system, if that is what you are mentioning?

**Mr. Gilleshammer:** Our major participation is in the development of that system.

**Ms. Barrett:** Okay, maybe this has a connection. I am not sure, but under the Salaries and Employee Benefits I see that, again, the Professional/Technical column has lost an SY. Then there is a note at the bottom, although it is not connected—oh, yes, there is. I am assuming that that is the computer programmer position that has been lost. Has that position gone to another part of government, or is that part of the staffing reductions in the civil service as a whole?

**Mr. Gilleshammer:** This was a vacant position within the department and one that the department felt they could eliminate.

**Ms. Barrett:** Is that the only vacancy in this section?

**Mr. Gilleshammer:** At the current time, the director's position is vacant.

**Ms. Barrett:** That is the Managerial category?

**Mr. Gilleshammer:** That is correct.

**Ms. Barrett:** How long has the managerial position, the director's position, been vacant, and when do you anticipate filling it?

**Mr. Gilleshammer:** It has been vacant six or seven weeks, and the department anticipates filling it in the not-too-distant future.

\* (1600)

**Ms. Barrett:** I just am intrigued actually by the fact that under the Executive Office subappropriation the Professional/Technical SY has been vacant for at least

two sets of Estimates. I have not gone back to '95-96 to see if it was vacant at that point, and yet it still shows it has not been given up by the Civil Service Commission. Here we have a professional/technical computer programmer position under subappropriation 17.1(b) that has been vacant for, well, I do not know how long, but now is seen to be not necessary.

It seems to me that on the one hand, in the Executive Office, you are holding a vacant SY, and in the Admin Services you are saying we can get along without a computer programmer, at the same time that your participation in the Better Methods Initiative is basically dealing with a computer system, if I am hearing you correctly.

**Mr. Gilleshammer:** These should be seen as two totally different positions. The one position has no dollars attached to it. The one that was eliminated was a vacant position with dollars attached to it.

**Ms. Barrett:** I know that, Mr. Minister. That is clear. But why is there such a difference in dealing with these positions? It seems to me this is an indication of how civil servants must feel really discombobulated, if you will, about how you can have a professional technical position in—I am sure it is a—

**An Honourable Member:** How do you spell it, Harold? Somebody downstairs is running for a dictionary.

**Ms. Barrett:** I will get a call later, I am sure. How you can hold onto an SY, a professional technical SY, in one area for two years, at least, with no dollars attached to it and still maintain that SY, and in another area, an area that would appear to me to be necessary if you are involved in establishing management systems with computerization, et cetera, the Civil Service Commission feels it can eliminate a staff year in an area that would seem to me to be necessary. I do not understand the Human Resource Management rationale between these two professional technical positions.

**Mr. Gilleshammer:** We have very experienced and dedicated managers within the Civil Service Commission who make staffing decisions that are within their purview that allow them to operate to fulfill what they perceive their needs to be. If I read my

honourable friend right, what she is saying is that perhaps we should eliminate the staff year that has no dollar attached to it as well. I am not sure where she is going with that.

**Ms. Barrett:** No, the minister continues to not read the honourable member for Wellington correctly. I am not for a moment suggesting that you eliminate the executive office professional technical staff year with no dollars attached. In effect, you have eliminated it. What you have done, it seems to me, is by keeping it as a staff year but not putting any money attached to it, you can say you are not eliminating it, but, in effect, it is not being filled.

It would seem to me that if I were someone from another department, I would say why are you keeping this SY here when we have eliminated, streamlined and are looking to streamline and make lean and mean, effective and efficient, our civil service? You are sitting here with an SY, a professional technical SY, with no money attached to it when I, in the Department of Labour, Department of Family Services, the Department of Culture, could certainly use that SY. Why are you keeping that one vacant with no money attached to it and for whom perhaps is another question?

**Mr. Gilleshammer:** There is an opportunity for all departments to plan to achieve whatever staff levels they feel are required for the running of their department, and I am not aware that other departments have not dealt with this in a professional manner as well. These decisions were made two years ago, or that decision was. Again, within government things change from time to time, and the managers of the Civil Service Commission have made staffing decisions that they feel are in the best interests of the performance of the Civil Service Commission.

**Ms. Barrett:** Who makes the decision that the Executive Office, Professional/Technical position will not be filled, but the SY will remain under the Civil Service Commission?

**Mr. Gilleshammer:** The department annually reviews their needs and comes up with the plan for the upcoming year that they ultimately have budget resources for.

**Ms. Barrett:** I am wondering if the minister can tell me, or get the information to me if he does not have it available right now, what that position was when it was filled.? Does the Civil Service Commission anticipate filling that position at some time in the future and that is the reason they are keeping the SY?

**Mr. Gilleshammer:** I am told that this was a support staff to the appeal's process within the commission, and if my honourable friend looks at the Civil Service Commission Annual Report, the number of appeals has been declining over the years. In 1991-92 and 1992-93 there were over twice as many appeals initiated. So the workload at the Appeals Commission has declined and, as a result, they are able to manage with one fewer staff in that area.

**Ms. Barrett:** Well, if that is the case, why does the Civil Service Commission not just eliminate that SY from their department and redeploy it to someone else's department? Why keep that vacant when you have under Admin Services what sounds to me like exactly the same situation, that you can deal effectively with one fewer computer programmer, so you reduce the SYs? Do you anticipate, perhaps, an increase in the appeal process at some time in the near future?

**Mr. Gilleshammer:** Well, we are optimistic that the trend with the appeals will continue to decline, but the staff year was left there in case there is more activity at the Appeals Commission. If those appeals start to increase again and there is more work there, then they have the ability, in terms of that staff year, to add that staff back in.

This is not unique to this particular department. There are other departments across government with vacancies, and departments, of course, require funding if they are going to fill vacancies and sometimes that is a bit of a problem.

\* (1610)

**Ms. Barrett:** Not to belabour the point, and I will try not to, but precisely the point I am trying to make in the Admin Services, under the Managerial category, there currently is a vacancy, although it is showing that it is intended to be filled very shortly for a whole year. I do not understand why. Well, it does not seem to me to be logical that you leave the SY in there with no money

attached if you think there is a possibility that you may need it. If you give the SY away, yes, then you may have more difficulty in getting it back from another department. But to have the SY with no money, if you find that you need it, you are going to have to come back with an additional appropriation or a change in the budget to begin with. I guess what you are saying is that you want to hold that staff year in reserve in case the appeals do increase.

It would be interesting, and I think what I will do is maybe look at other departments and see how many situations like this there are, where there is a staff year with no money attached. But I will leave that particular area, and go on. I am prepared to pass 1.(b) as well.

**Mr. Gilleshammer:** Well, I think the member has got it. That is the correct interpretation of that particular staff year. I am sure that the senior staff here will review her concerns. If they are deemed to be appropriate, we will certainly examine whether that is possible.

**Mr. Chairperson:** Item 17.1.(b) Administrative Services (1) Salaries and Employee Benefits \$542,300—pass; (2) Other Expenditures \$280,700—pass.

17.1.(c) Human Resource Management Services (1) Salaries and Employee Benefits \$979,100.

**Ms. Barrett:** Are we at 1.(c) Human Resource programs, right?

**Mr. Chairperson:** Human Resource Management Services.

**Ms. Barrett:** Yes, I am not going by the budget book, but by the Estimates.

**Mr. Chairperson:** I am sorry.

**Ms. Barrett:** That is okay. The same question as I have asked before, are there any vacancies in this area other than the reduction in administrative support of one staff year, any other vacancies that are currently in this category?

**Mr. Gilleshammer:** I am told we have one person on long-term disability.

**Ms. Barrett:** In what category is that person?

**Mr. Gilleshammer:** I am told it is professional.

**Ms. Barrett:** Thank you. The previous minister sent to me, May 14 of last year actually, or it was prepared on May 14 of 1996, the Affirmative Action Indicators Distribution: Government Employees By Occupation as of March 31, 1996. I am wondering if the minister has the updated 1997.

**Mr. Gilleshammer:** Yes, we do.

**Ms. Barrett:** May I have a copy?

**Mr. Gilleshammer:** We would be pleased to arrange that.

**Ms. Barrett:** May I have a copy now?

**Mr. Chairperson:** This is the copy of?

**Mr. Gilleshammer:** Yes, we are tabling the Employment Equity Indicators. Do you want one, Daryl? Do you need one? No.

**Ms. Barrett:** I appreciate getting this from the minister, and I will try before the end of Estimates to be able to take a look at it and see if there are some questions that I might want to ask.

In this category, Human Resource programs, I am wondering if this a place where I could talk about the individual who is on secondment from the Department of Justice to Labour for training, that the critic for Labour mentioned to the Minister of Labour in the previous Estimates.

**Mr. Gilleshammer:** The staff from the Civil Service Commission I do not believe have any details on the individual, if that is what the member is asking?

**Ms. Barrett:** No, it was not a specific. It was as I—[interjection] The process, yes.

**Mr. Gilleshammer:** Yes, we can deal with the process.

**Ms. Barrett:** I guess what I am asking was, from my listening to the exchange that took place earlier in the Department of Labour Estimates, it seemed to me that a secondment for training is an unusual procedure. I may be incorrect in this, but it does seem to me that the secondments that I have heard of before have been where the person being seconded has skills and expertise in areas that are required in the department to which he/she is being seconded. This would appear to be a reversal of that, that the person being seconded is getting training rather than providing expertise. The first question: Am I stating the situation in this case correctly; and, secondly, am I accurate in saying that this is an unusual process to be undertaken in the secondment procedure?

**Mr. Gilleshammer:** Yes, I am told that this is not an unusual secondment. It is an employment opportunity where an individual probably comes to the job with some interest and skills and enables them to participate in what could be termed a developmental assignment, and with employment opportunities across the civil service varying from time to time, this is an opportunity that someone can take advantage of.

**Ms. Barrett:** So it would appear to me that the seconding department, in this case Justice, says we have got enough staff, we can afford to have this person go to another department for training. I would assume then that the Department of Justice anticipates the return of this person at some point.

**Mr. Gilleshammer:** This probably should be seen as an employment opportunity to expand one's horizons, to come to a new position with some skills and an opportunity to develop some new skills, so that if they should go back or when they go back to the sending department they go back with further skills. I am led to believe that this is not an unusual way of getting further training. I am given a page from The Civil Service Commission Act here where under personnel selection it says: The commission shall whenever possible and in the public interest fill vacancies in the civil service by promotion within the civil service and, further to that, take such action and measures as it may deem necessary to anticipate and meet the need for well-qualified personnel at higher levels in the civil service.

\* (1620)

So, again, I am not just sure what the member is asking, but this is an opportunity within the civil service for a person in one department to achieve some additional expertise and training in another department. It is a way of, I suppose, gaining that on a secondment basis.

**Ms. Barrett:** Oh, I have no doubt that it is an opportunity to get training and experience in another department. That is clearly going to happen. It seems to me, though, that if you are seconded for training, or if you are a staff person who is in this position, then potentially you have a leg up, as it were, should a permanent job be open in the seconding department, in this case it would be Labour. Training for what I guess—is this person who is seconded for training in the Worker Advisor department then not going to be able to step into a worker advisor position, have a better shot at that potential position than other members of the civil service? Is this not preferential treatment? Is this not grooming, if you will, someone for another position?

**Mr. Gilleshammer:** Well, I guess I am trying to explain the reality of how the civil service and departments interrelate with one another. If I am reading the member for Wellington (Ms. Barrett) correctly, she is opposed to anyone from one department going to another department and is opposed to providing that sort of opportunity that people would have to move from one department and learn additional skills within another department, because it gives them some advantage.

I guess I have never thought of it in that way. I am told that people move from one department to another from time to time, and it is an opportunity to gain experience and skills, and, perhaps, to apply for other positions across the civil service. So I do not think we are breaking new ground here, that this is very standard management action across government. I think it has been a practice of long standing, not something that came into effect in recent years, but a practice that is in vogue in other provinces and this province for some time.

I am told there are all sorts of examples where this is happening and has happened in government in the past.

**Ms. Barrett:** Normally, I would assume the secondment for expertise, if I could say it that way, a requesting department asking for a secondment of a person who has a particular skill or area of expertise that the requesting department would like to take advantage of, that that is the process, that the seconding department asks for this person or a person with these particular skills.

In the case of secondment for training, what is the process? Does the individual ask to be seconded? Would this individual, for example, have asked to be seconded from Justice to Labour to be trained in a particular category? Is this secondment for training open to all civil servants? Is there a process whereby any civil servant can access this secondment process, and could the minister undertake in the future to provide me with a list of the number of people who are seconded for training from department to department?

**Mr. Gilleshammer:** Yes, I am told that the secondment can be initiated by the employee, that numbers of employees indicate that they would like a new work experience. It can be initiated by management. That secondment has been used across government by all departments or virtually all departments, and it is not an unusual practice. It offers opportunities to try out a new experience and a new department. I am not totally familiar with the process that was followed in this case, but I think when we discussed this yesterday—I think if this is the same individual we are discussing—this was a person who was a lawyer and a nurse, and there was an opportunity to move from one department to another and expand one's horizons by taking on a new challenge.

**Ms. Barrett:** Again, I ask the minister if he would be able to provide me at some future point—I know he probably does not have the information now—but if he could undertake to provide me with a list of the training secondments and the departments from which they are coming to which they are going as separate from requests for secondments to fill a need of the requesting department. Is it possible to do that?

Secondly, the minister is saying there are currently nine people still on the redeployment list. Have they been given access to this request for training? It seems to me that this might be a way for them to be able to

find a new niche for themselves in the civil service. Are they being given access to this training-secondment process?

**Mr. Gilleshammer:** Well, my honourable friend has asked for some information on secondments across government. We can certainly report on the Civil Service Commission.

We have people, I understand, who have been seconded from departments and people from the Civil Service Commission who are serving in other departments at the present time. I notice that the member puts a lot of emphasis on the word "training." Virtually all of the secondments have a training component to them in that what is happening is that somebody is going from one position to another position or one department to another department.

I suppose it would be realistic to believe that some people would fit in on Day One, because they have a certain knowledge and expertise that would suit them for that particular position. In other cases, it may take some time longer for the person to adjust to the new environment and adjust to a new position. But we would be happy to provide as quickly as possible information that we have on secondments, and if the member wanted it right across government, we would have to be in contact with other government departments to get an accurate snapshot of what is happening within those departments.

**Ms. Barrett:** I put the emphasis on training because it seems to me, from my experience with the Estimates process and hearing about secondments, that this is the first I have heard of a secondment for training. Anytime you make a job change or move to a different office you have a certain learning curve, but it seems to me that many secondments, and certainly I would assume that the traditional, the normal definition of secondment is that the secondment is initiated by a department who needs a certain level of expertise that is not available in their department or division and they are asking another department or division to second a person who has those requirements that they need on a short-term or a long-term basis. That is one kind of secondment.

It seems to me that what we are talking about here is another kind of secondment where the action is not initiated by a department, but is initiated by—well, it could be initiated by a department I suppose. It could be initiated by Justice in this case, who says, here is an individual that we want to have more training, and we are going to ask Labour if they will accept this secondment of this person to give her more training. That is a different kind of secondment, and that is the one I am interested in.

How many times does a civil servant—I am assuming a civil servant could request that same kind of secondment. Either a civil servant or a department could say, I want or we want myself or this person to have training, and we think the kind of training that this person can get or I can get is best in this particular department. So you contact that department and say, do you have a spot for this person or myself?

It seems to me there are two very distinct kinds of secondment here, and I am looking at how widely utilized is this second kind of secondment, which has as its major component a training component, and are all civil servants aware of this? Is there a specific process they would go through to be able to access this training component, or is it sort of an ad hoc, informal process where it is initiated either by your department or by yourself as the need arises?

**Mr. Gilleshammer:** Well, as my honourable friend knows, I have just been with the Civil Service Commission for a matter of a few months, and I am told by senior staff that this is very much normal business within the civil service. I am sure they are right and I accept their version of it.

I am told there are all sorts of examples where, for instance, people in Justice have been seconded for training purposes to the Civil Service Commission to understand human relations and collective bargaining and that sort of thing.

I accept the advice I am getting from senior staff that this type of secondment is normal business, that these opportunities are there for individuals right across the civil service. It can be initiated at the individual level, someone seeking new opportunities, or it can be initiated within the department, that there are all sorts

of opportunities to indicate a desire for a different worksite, a different workplace, a different department, and these are accommodated to whatever degree that the staffing will allow those to be accommodated. So it is normal business. There is on-the-job training; there is structured training; there is experiential training. This is part and parcel of the work that the Civil Service Commission does and occurs within our provincial civil service.

**Ms. Barrett:** I am wondering, again, if it is possible to get a list of those secondments across the civil service. I know that it would take a while. I am not expecting it right now.

**Mr. Gilleshammer:** Yes, I thought I had already indicated—and if I did not, I apologize—that we would provide that from within our department, and we would also survey other departments to gauge the degree of secondments that are occurring within the provincial civil service.

**Ms. Barrett:** I would like to move on to the subappropriation under 1.(c) Employee Assistance Program. I think that is still the same section, is it not, Mr. Chair?

May I ask questions under Employee Assistance Program without having passed the other part?

**Mr. Chairperson:** Is there unanimous consent—

**Ms. Barrett:** No, no, I am prepared to pass—it is part of 1.(c).

**Mr. Chairperson:** That is the part that we are on, so just proceed.

**Ms. Barrett:** Mr. Chair, any vacancies in the Employee Assistance Program?

**Mr. Gilleshammer:** No.

**Ms. Barrett:** In the minister's opening statement or in an answer he talked about the civil service currently being, I think, 14,673 or approximately that, a decrease of 122. Is that the current civil service component?

**Mr. Gilleshammer:** The figures that I read into the record were as of the end of the fiscal year.

**Ms. Barrett:** Again, this may not be accessible to the minister at this point, but is it possible to get figures for adding up the actual numbers in the various departmental Estimates to get a sense of what the estimated number of civil servants will be in this fiscal year?

**Mr. Gilleshammer:** Yes, these were the numbers at the end of March 1997. We can indicate the number of employees, but not the number of staff years.

**Ms. Barrett:** I would be interested in the number of employees, not staff years.

Yes, I would like to now briefly talk about the Employment Equity Indicators or affirmative—h'm, interesting. The head of it last year was Affirmative Action Indicators; the head of it this year is Employment Equity Indicators. Just after a quick perusal of it, and I thank my honourable colleague the member for Transcona (Mr. Reid) for this, the total number of government employees has increased year over year by 2,200 from 13,107 in 1996 to 15,359 in 1997. Can the minister explain this?

**Mr. Gilleshammer:** I am wondering if my honourable friend could clarify what she is comparing this document to.

**Ms. Barrett:** Yes, I would be delighted to clarify it. I asked last year's Estimates and received shortly after last year's Estimates, from the then minister, the affirmative action indicators, which is the categories of employees and the numbers of employees; the male, female, aboriginal, persons with disabilities and visible minorities. I am comparing that summary with the summary which the minister just provided me this afternoon.

**Mr. Gilleshammer:** I think we are, perhaps, comparing charts that are not doing exactly the same thing. My staff indicate that a possible explanation could be that the seasonal employees are added in here, but there is no reason for there to be that variance. So I do not think we have got exactly the same list that we are comparing here. I am told that the number on this year's list, in a direct comparison to last year, it would have been 15,674 as of March 31, '96; and at the end of the fiscal year as of March 31, 1997, it is 15,359.

\* (1640)

**Ms. Barrett:** Okay, so since we are not comparing the same information year over year, the other questions I have on this may be, as well, skewed by what the definition is of total government. Does the minister have access, or may I have access, to a comparable chart as at March 31, 1996?

**Mr. Gilleshammer:** I can table another chart which I guess compares apples to apples and, perhaps, would be of assistance. So I will table that.

**Ms. Barrett:** Well, maybe I will wait to ask questions on that until I get that other chart. Does it talk about—does it have the same headings? No.

**Mr. Gilleshammer:** It has the total representation of each of the designated groups.

**Ms. Barrett:** But it is not broken down. So it has the total male, female, aboriginal, disabilities, and visible minorities.

**Mr. Gilleshammer:** That is right.

**Ms. Barrett:** What does it not have, the occupation groups? Oh, and it goes down instead of across.

**An Honourable Member:** They are really confusing us.

**Mr. Gilleshammer:** I want to assure the member that this was not done to mislead members of the opposition.

**Ms. Barrett:** Okay. All right, I guess the question I have is, the chart that I was given last year did not include seasonal employees. Is that the difference? Is that the major distinction?

**Mr. Gilleshammer:** I think I have to say that the honourable critic of the NDP has sort of stumped my staff on this, but that is their best estimate of why there is a discrepancy. But they will check the numbers and see if that is the answer to the question the member is asking.

**Ms. Barrett:** Not that I would not like to take responsibility for that, but I do believe it is probably the

former minister who has stumped the staff, because it was his chart that I was given. It looks identical in the layout and the categories.

I think what I will do then, rather than using time here to try and put all of this together, is wait until I get a response to see what the difference is between these two charts, and then perhaps ask the minister in writing, or contact the minister, to see if there are questions that I have. But I think it is important to make sure they are apples to apples, if you will.

**Mr. Gilleshammer:** Well, that would certainly be fine. We do not have to wait another year for Estimates to roll around. You can ask those questions any time, and we will be happy to provide the answers.

**Mr. Chairperson:** Item 17.1.(c) Human Resource Management Services (1) Salaries and Employee Benefits \$979,100—pass; (2) Other Expenditures \$616,200—pass.

17.1.(d) Labour Relations Services (1) Salaries and Employee Benefits \$1,150,100—pass. (2) Other Expenditures \$274,800.

**Ms. Barrett:** I am wondering if the minister can tell me if there are any vacancies in the Compensation and Classification Services.

**Mr. Gilleshammer:** We have one position that has been vacant since the end of March, and we anticipate filling it shortly.

**Mr. Chairperson:** Item 17.1.(d) Labour Relations Services (2) Other Expenditures.

**Ms. Barrett:** Under 1.(d), and I do not know if it is (1), (2) or whatever, but Negotiation Services, again, vacancies?

**Mr. Gilleshammer:** I am told we have none.

**Ms. Barrett:** Any vacancies under Benefits Administration?

**Mr. Gilleshammer:** Yes, that was the one I referenced in my previous answer.

**Ms. Barrett:** No further questions.

**Mr. Chairperson:** Item 17.1.(d) Labour Relations Services (2) Other Expenditures \$274,800—pass.

17.1.(e) Organization and Staff Development Agency—no funds, I assume—pass.

Resolution 17.1: RESOLVED that there be granted to Her Majesty a sum not exceeding \$4,063,900 for the Civil Service Commission for the fiscal year ending the 31st day of March, 1998.

This completes the Estimates of the Civil Service Commission.

The next set of Estimates that will be considered by this section of the Committee of Supply are the Estimates of the Department of Employee Benefits and Other Payments on page 42.

### EMPLOYEE BENEFITS AND OTHER PAYMENTS

**Mr. Chairperson (Ben Sveinson):** Will the Committee of Supply please come to order.

\* (1650)

This section of the Committee of Supply will be considering the Estimates of the Department of Employee Benefits and Other Payments. Does the Minister responsible for Employee Benefits and Other Payments have an opening statement?

**Hon. Harold Gilleshammer (Minister of Labour):** No, I do not, Mr. Chairman.

**Mr. Chairperson:** We thank the minister for those short comments. Does the official opposition critic—the honourable member for Wellington (Ms. Barrett) has gone—the honourable member for Transcona (Mr. Reid).

**Mr. Daryl Reid (Transcona):** No, Mr. Chairperson.

**Mr. Chairperson:** Okay, we thank the critic of the official opposition for the co-operation. We invite the

minister's staff to join us at the table. We ask the minister to introduce his staff.

**Mr. Gilleshammer:** Mr. Chairman, it is the same staff as with the previous appropriation.

**Mr. Chairperson:** We thank the minister. We will now proceed to line 6.1 (a) Civil Service Superannuation Plan on page 43 of the main Estimates book. Shall the item pass?

**Mr. Reid:** This is my first opportunity to ask questions concerning Employee Benefits and Other Payments. I must confess I do not have a great deal of knowledge in this regard, so I am going to ask some questions to try and educate myself about the spreadsheet, the comparisons year over year that we have before us here.

There are a number of lines under resolution 6.1 talking about the Civil Service Plan, the Workers' Compensation Board, Canada Pension Plan, Employment Insurance, Dental Plan, et cetera. Can the minister give me some explanation of each of those categories and what that represents so that I might bring myself up to speed on this particular part of the department?

**Mr. Gilleshammer:** The Civil Service Superannuation Plan, this act provides a pension plan for all eligible civil servants, and the Civil Service Commission reimburses the Civil Service Superannuation Board, the employer's share, 50 percent of pensions paid to retired civil servants including the annual cost-of-living increase. With that thorough explanation, I think the critic is satisfied, and he is prepared to move on.

**Mr. Reid:** Mr. Chairperson, I am sorry, I did not realize that the explanations were provided on the other pages. I will move directly into an area dealing with the Civil Service Superannuation Plan. The explanation here shows that it is a cost-shared plan between the government of Manitoba and the government employees in the province. Is that saying that they are equal contributions, dollar for dollar, that are contributed?

**Mr. Gilleshammer:** Mr. Chairman, it consists of a number of separate employee groups, and I will maybe

just reference some of them for you: the Province of Manitoba civil service, Manitoba Hydro, the Manitoba Public Insurance Corporation, the Civil Service Superannuation Board, the Manitoba Arts Council, the Manitoba Crop Insurance Corporation. I think that in all cases civil servants contribute approximately 7 percent, and there is also a provincial contribution, a matching contribution, so that the previous civil servants, previous employees are able to draw on that plan for their retirement income.

**Mr. Reid:** I thank the minister for the explanation. Is this plan fully funded?

**Mr. Gilleshammer:** No, it is not; it is matched on retirement.

**Mr. Reid:** Has this plan ever been fully funded?

**Mr. Gilleshammer:** I am told it was prior to the construction of Duff's Ditch around the city of Winnipeg. Prior to the Roblin era is the explanation I got, that it was fully funded.

**Mr. Reid:** So I take it that then the employees themselves would still be continuing to make contributions to the pension plan and that the government is not making contributions to the Civil Service Superannuation Plan currently, and that has been the case since approximately the early 1960s. I take it from the minister's comments that, when the greater Winnipeg floodway was constructed, that is when the contribution stopped?

**Mr. Gilleshammer:** I would not relate it to that. I was simply told that prior to the Roblin years, it was a fully funded pension plan. In all of the years since, it has been an unfunded liability through the '60s, '70s, '80s, and '90s.

**Mr. Reid:** I am trying to get an understanding here. I think I am correct in saying that the Auditor has referenced the fact that there should be some accounting for, if I recall correctly, the unfunded portion of the government employees' pension plans. So then the minister is indicating that this has been going on for quite a number of years. Can you provide me with some historical understanding of why the decision was made to stop the contributions into the

plan back in the early '60s, I take it, because that is when the discussion was taking place with respect to the construction of the greater Winnipeg floodway?

**Mr. Gilleshammer:** I think over the decades there was a feeling that government was not going to go out of business, that they would simply fund it on a year-to-year basis. It was not like a normal company that had to put away resources every year.

In hindsight, and this is a dilemma that I think most provincial governments find themselves in, just about all provincial governments where, through the last three or four decades, they have not set aside funds for the pensions of retiring workers. So we have what is called an unfunded liability, and of course it is growing every year, but Manitoba has, I guess, treated this the same as other provinces. I think it is certainly an issue. I think, in retrospect, all governments would have liked to probably have done things differently over the years and put those funds aside, but it has not happened and, as a result, every year government has to make an allotment as part of its Estimates to provide for the pension of retired workers.

So what is happening in Manitoba is consistent with what has happened in other provincial jurisdictions, for the most part, and they have been, I guess, shown in a similar fashion in some of the other jurisdictions. I believe I sat in on part of the Estimates of the Minister of Finance, and this issue was discussed in those Estimates, just for the reference for my honourable friend, but it is going to be an increasing number as we have more and more people retiring.

In my opening remarks, I believe I said that we have an aging workforce and, in coming years, coming decades there is going to be a greater draw on the government to live up to its responsibility to fund those pensions.

\* (1700)

**Mr. Reid:** I do not doubt there is going to be an increasing draw on the fund. As employees, the baby boomer blip in the spectrum kind of moves through, there are going to be a number of people that are moving into retirement years, so there will be, I would imagine, a fairly large hit on the fund and, as

government continues to downsize, that will also take some hit on the fund too, I would imagine, as people opt, through voluntary separation plans, to take advantage of this as well.

Can you give me an idea of what the total unfunded liability is to this point?

**Mr. Gilleshammer:** I do not have an exact number, but I think I can give some examples whereby we can give you a ballpark figure from this chart. In 1989, the unfunded liability was \$607 million; in 1992, it was \$720 million—and my staff indicate today it is probably over \$800 million.

**Mr. Reid:** So the ballpark guess that you have got, I guess, for the year ending 1996-97 fiscal year would be over \$800 million in unfunded liability to the Civil Service Superannuation Plan. Because I am asking this question to try and educate myself too, does this particular plan also include teachers? Are they part of this plan as well?

**Mr. Gilleshammer:** No, they are not. This was for the Province of Manitoba civil service.

**Mr. Reid:** I do not think I heard from the minister because I have—I do not know if the minister was, I do not think he was in the workforce back in the 1950s when the flood occurred, and then there was that consideration about constructing the greater Winnipeg floodway. Perhaps he was in the workforce in the early 1960s while I was still in school, and no offence meant by that, but I do not have a historical comparison that perhaps the minister may have, or his staff may have, to provide for me to give me an understanding why the decision was made to stop contributing to the fund.

Did the government of the day decide that they—did they have an agreement with their employees, the civil service of the province, to stop making those contributions? Did the employees still have to continue to make those contributions? Was there a reason that was given for moving in that direction, that the government had for wanting to stop making those contributions?

**Mr. Gilleshammer:** Well, I was not in the workforce at that time and probably still in the school system

myself, but the staff tell me that their understanding of the situation is that the actuaries indicated that there is a decision to be made, a balance to be made, on whether you borrow money to do some of the things government wanted to do or, I suppose, increase taxes.

I know one of the things that happened throughout Manitoba in the 1960s was the building of schools. Many areas across the province had very unsatisfactory school buildings and a lot of little red school houses, one-room school houses of many grades, and there was particularly a move, I think, in the '60s to create school divisions, to build high schools across many parts of Manitoba to give young people the opportunities to get what was considered a decent education, prepare them for going to university or other training programs.

We also saw at that time the building of hospitals, particularly in rural areas, the construction of highways. So again there is a capital development of our resources in schools and hospitals and highways that called for a lot of money being spent.

Certainly I can recall the 1960s when many schools in rural Manitoba were built and opened. In fact, if you look at the construction, they are all very similar. The construction and the architecture have led to a lot of ongoing costs too. One of the things they built in every school was a flat roof, and there was not one of them that did not leak. We are still trying to fix them up, because basically the buildings are still in reasonably good shape.

So governments, I guess, could have addressed this at any time, and I know it has been described as a ticking time bomb in some jurisdictions, that you are going to have to devote more and more dollars every year to address these unfunded liabilities. It is very difficult in these times to governments of all political stripes trying to manage their expenditures, balance their budgets, pay down their debt, and at the same time be aware that there is an unfunded liability there that has to be addressed.

I think the issue that the member referenced earlier on is how do you display this. It is a debt that is recognized by governments. It sometimes is not included in the budget documents in a way that certain accountants would like to see it displayed, but in my

understanding it is an issue that many, many governments in the western world have to address. It is not even uncommon with some governments to borrow from funds that have been established and use that money for other things, but certainly it is accounted for. It is acknowledged, and, you know, who knows how it is going to be addressed in the future.

**Mr. Reid:** So then I take it that there was an extensive capital works program that was undertaken when the government, through some negotiations with its employees—I would hope that would have been the case—worked out an arrangement whereby the contributions to the Civil Service Superannuation plan could cease to be shown as a paper number, and that the government then use those funds to do capital works construction programs which would include, no doubt, schools, hospitals, highways, and perhaps even the greater Winnipeg floodway, because it would have been around that time, and I know the minister referenced that in his initial comments in this regard.

So I understand that there was a decision that was made at that time then, judging from the minister's comments here. Does the department then have a plan to commence paying down the unfunded liability portion in an orderly fashion, or is that a decision that is going to be made by the Minister of Finance or the cabinet as a whole and not just to be made by this department itself?

\* (1710)

**Mr. Gilleshammer:** For sure. It is not an issue with our department. We simply represent the employee benefits and other payments here. How that is dealt with is a government decision. I would hasten to say some of the background I was providing for my honourable friend predates all of us being in government. In fact, I am told that it probably predates collective bargaining, which started in 1965.

I am just trying to give a commonly accepted explanation for this without, certainly, appearing to be an expert on it. This has been known by governments through the '60s, '70s, '80s and '90s that the pension requirements was an unfunded liability, that governments were not putting aside resources, knowing every year that their commitment and their exposure is

growing. It has always been part of the budget that you had to set aside so many dollars for those people who have retired or are retiring in that particular year. It is not part of the decision making within the Civil Service Commission or this group to determine what the ultimate solutions are going to be. That will be done by central government.

**Mr. Reid:** So there is a bigger decision that has to be made with respect to the unfunded liability and will not be made by the minister or by his staff here today, which I can appreciate, considering the magnitude of the problem that is facing all of us, I guess, collectively, because it was successive governments that were involved.

When the minister referenced the fact too that the decision to commence or to stop making payments into the civil service plan which predates collective bargaining, I did not know that. I was not aware of the historical aspect of that, so I appreciate that information as well. I guess it was a decision that was made several decades and a generation ago that is now coming home to affect us which we are going to have to deal with. So I thank the minister and his staff for that background and that information.

When you talk about the information that is in here for the Workers Compensation Board line, there are a variety of figures in there that we are talking I think it is \$3,430,000 for this current year, and then there is a number in brackets shown below. Is that the money that is collected back from the government that is remitted to the Workers Compensation Board? Is that what those figures are for?

**Mr. Gilleshammer:** I am told that that is a charge back to the departments.

**Mr. Reid:** A charge back for premiums, Workers Compensation premiums, or actual injured employee costs that are recovered from those departments that are then remitted to the Workers Compensation Board?

**Mr. Gilleshammer:** Yes, as explained on page 12 of the expenditure Estimates, as required by The Workers Compensation Act, the Civil Service Commission remits to the Workers Compensation Board assessments applicable to government employees

injured at work and then recovers amounts from other departments in respect of their employees. So we are assessed \$3.4 million by the Workers Compensation Board, and we recover that from the various departments of government. We assess the various departments to achieve that recovery.

**Mr. Reid:** I am trying to get an understanding here, and having a little bit of background about the Workers Compensation system, when you talk about assessments, there are assessments for excessive accidents where you have higher risks or you have penalties that are involved, but you also have the premiums that are involved as well. I am just trying to get an understanding here or to clear up whether or not this is an additional assessment or this is the actual premiums assessment that would be spread out amongst the other departments that are affected, based on the number of employees that would be injured in those jurisdictions.

**Mr. Gilleshammer:** I am told that we are not a premium plan. It is self-insured so that this is the actual payout, and then we assess the departments to recover that.

**Mr. Reid:** On the Canada Pension Plan line, that is money that you would collect based on the number of employees in the different departments as well, and that money would then be remitted to the federal government, to the Canada Pension Plan based on the number of civil servants. The second part of the question is, because the Canada Pension Plan has seen some increases in the assessments for this year, does that number reflect that change as well?

**Mr. Gilleshammer:** As the explanation indicates, as required by the Canada Pension Plan Act, the Civil Service Commission pays the employer's matching contribution to the Canada Pension Plan for all eligible civil servants. The number of \$14.4 million reflects the current rates.

**Mr. Reid:** Because there are other areas here including the Group Life Insurance, the Dental Plan, Long Term Disability, Ambulance and Hospital Semi-Private, these areas are affected by the negotiations with the various government employee representative groups, the union groups.

I know the minister said in his opening comments that he could not talk about the negotiations, and I can appreciate that. That is something that is internal to your operations as managers of that particular portion of the negotiations. But what do these numbers reflect? Do these numbers reflect current costs, and should there be any changes in the negotiation process? Will there be an adjustment in these areas? How does that process work? How is that determination made?

**Mr. Gilleshammer:** Yes, essentially the member is correct. These represent the current costs and, as he can appreciate, until agreements are finalized, it is impossible to project a totally accurate number, but they would have to be adjusted if need be.

**Mr. Reid:** I am just trying to get a handle here, an understanding of how the process works here, because budgets are usually set. Then once they are passed through the various committees, it was my understanding that they become pretty well entrenched and unalterable. How does the process work if you are showing an estimate based on current costs? When you do your negotiations on behalf of government, do you always try and reflect the changes that you would negotiate, should there be any, at some point beyond this budget that is set here, or is there some way that these numbers are altered to reflect the changes that would be negotiated?

**Mr. Gilleshammer:** We would naturally have to find the resources necessary to accommodate any negotiated changes, and if need be, at the end of the year be part of the special warrant to access the necessary funds.

**Mr. Reid:** Okay, so that would be essentially either a cabinet or Treasury Board decision for the additional funding should there be any as a result of the negotiations, and then these numbers would be adjusted to reflect in next year's Estimate document what the cost to the government would be under the Employee Benefits. Is that accurate?

\* (1720)

**Mr. Gilleshammer:** Well, that is correct. I mean, the numbers are put there with the understanding that this is being negotiated. Obviously, whatever is negotiated has to be accommodated, and if need be, at the end of

the year, we would have to address that under a special warrant and find the resources, because there is no other choice.

**Mr. Reid:** On your bottom line, you have got a rider clause there that talks about the Ambulance and Hospital Semi-Private Plan premium payments. I take it that was a negotiated change that is now taking effect in September of 1997 to the Ambulance and Hospital Semi-Private plan. Is that accurate?

**Mr. Gilleshammer:** That is correct.

**Mr. Reid:** Recoveries from other appropriations seems to be a catch-all. Can you give me some explanation on what one would expect? Is it too broad to even describe? I am looking for some kind of an understanding on what you would recover from Other Appropriations that represents \$59 million.

**Mr. Gilleshammer:** Mr. Chairman, I think the explanation at the bottom page 13 covers it. I will just read it into the record. Recoveries From Other Appropriations. Commencing with the 1994-95 fiscal year, the cost of the various employee benefit plans and related overhead charges, with the exception of the Civil Service Superannuation Plan and a portion of Workers Compensation Board charges, will be recovered from client departments and agencies. So in essence, it makes departments fully aware of what the costs are related to these employee benefits.

**Mr. Reid:** All right, then, the other costs, including Workers Compensation, Canada Pension Plan, Employee Insurance Plan, Dental Plan, Long Term Disability, Ambulance and Hospital Semi-Private, the Levy for Health and Post-Secondary Education, Group Service Life Insurance, that is all of the recoverables under Other Appropriations. Is that what the minister is referencing here, that it would be recovered from other departments?

**Mr. Gilleshammer:** That is correct.

**Mr. Reid:** No further questions.

**Mr. Chairperson:** Item 6.1. Employee Benefits and Other Payments (a) Civil Service Superannuation Plan \$39,750,700—pass.

6.1.(b) Workers' Compensation Board (1) Assessments re: Accidents to Government Employees \$3,430,600—pass; (2) Less: Recoverable from other appropriations (\$3,415,600)—pass.

6.1.(c) Canada Pension Plan \$14,432,400—pass.

6.1.(d) Employee Insurance Plan \$21,733,200—pass.

6.1.(e) Civil Service Group Life Insurance \$1,764,700—pass.

6.1.(f) Dental Plan \$4,850,300—pass.

6.1.(g) Long Term Disability Plan \$2,612,600—pass.

6.1.(h) Ambulance and Hospital Semi-Private Plan \$133,000—pass.

6.1.(j) Levy for Health and Post-Secondary Education \$13,659,700—pass.

6.1.(k) Less: Recoverable from other appropriations (\$59,185,900)—pass.

Resolution 6.1: RESOLVED that there be granted to Her Majesty a sum not exceeding \$39,765,700 for Employee Benefits and Other Payments for the fiscal year ending the 31st day of March, 1998.

This completes the Estimates of Employee Benefits and Other Payments.

The next Estimates that will be considered by this section of the Committee of Supply are the Estimates of the Department of Government Services. At this point, we will take a 10-minute break.

*The committee recessed at 5:25 p.m.*

#### After Recess

*The committee resumed at 5:30 p.m.*

### GOVERNMENT SERVICES

**The Acting Chairperson (Mr. Gerry McAlpine):** Order, please. Will the Committee of Supply please

come to order. This section of the Committee of Supply will be considering the Estimates of the Department of Government Services. Does the honourable Minister of Government Services have an opening statement?

**Hon. Frank Pitura (Minister of Government Services):** Mr. Chairman, I am pleased to present the 1997-98 fiscal year spending Estimates for the Department of Government Services and for Vote 27, Emergency Expenditures.

My honourable colleagues are well aware that I was appointed as Minister of Government Services four months ago. I have spent that time absorbing and analyzing my department's financial position and program information. I can more fully appreciate the scope and complexity of the programs and services that the Department of Government Services provides.

I would like to thank my honourable colleague Brian Pallister for his efforts in leaving this department in good stead. Also, as every new and seasoned minister knows, he or she relies on, and is grateful for, the staff who carry out their direction in a dedicated and professional manner. I would like to thank each and every staff member for the work they do to help achieve the goals and objectives of this department.

Mr. Chairman, I would like to pay special tribute to the staff of the Department of Government Services and the Emergency Management Organization. I have had the opportunity to travel around the province and have met a lot of the staff, and, indeed, Mr. Chairman, I am privileged to be associated with these fine people who are dedicated to their work and who have unbridled enthusiasm to take on the challenges that confront them from time to time in this great department and Emergency Management Organization.

Mr. Chairman, for many years I have been in the employ of the provincial government, and now that I am in this position, I hope that my experience will help me in working with my staff. Too often we overlook the roles our staff play, and too often we do not pay tribute where tribute is due. My hope, along with my senior managers, is to recognize their achievements and provide proper recognition for work well done.

As Minister of Government Services, it will be my task to lead the department through continuous improvement in its program delivery. It is a reality of this day and age that technology touches and affects every aspect of our business and personal lives. Government Services has been building and strengthening the province's main technology infrastructure and communications network. Through the enhanced capabilities of the provincial backbone data network, the province will be able to improve services and implement the initiatives associated with better systems, better methods, and desktop management.

Manitoba businesses are benefiting from technology. The open bidding service and electronic tendering system introduced two years ago in Manitoba gives Manitobans access to tender opportunities across Canada. The purchasing activity shows that rural Manitoba suppliers in particular are using the open bidding service to their advantage. The value of orders by rural suppliers rose from \$4.8 million to \$5.4 million in the last year.

(Mr. Jack Penner, Acting Chairperson, in the Chair)

In recent years, there has been a large growth in desktop technology, i.e., the personal computers, throughout government. My department will undertake the development of functional guidelines and policy to manage desktop technology on a government-wide basis, desktop activities include software licensing, user training, site preparation and user ergonomics.

The government and my department are evolving in their approach of operating in a businesslike manner. We conduct ourselves in a business manner, not in competition but rather in co-operation with private companies. Government is operating with a fiscal responsibility that demands cost consciousness. We owe this to the taxpayers of Manitoba, for it is their money we are spending in carrying out programs. We are following and adopting business models in delivering government programs.

As Minister of Government Services, I have, reporting to me, four special operating agencies. The special operating agency model gives managers additional decision-making flexibility while holding

them fully accountable for the financial performance of their organization. Special operating agencies operate as businesses. These agencies have proven the success of the SOA operating business model. The first SOA to be created, Fleet Vehicles Agency, has paid its share of the long-term debt of \$8.2 million established when Fleet was made an SOA and 15 years ahead of their required payback deadline.

Materials Distribution Agency, the second special operating agency created in this department, is also paying off its long-term debt six years ahead of their required payback date. Recognized for the efficiency of their operations, as of April 1 of this year, Materials Distribution assumed responsibility for the Home Care Equipment and Supplies program. Materials Distribution has the expertise, the warehouse distribution facilities, and the systems to support the Home Care Program more economically. This move will eliminate the duplication in distribution centres and, more importantly, allow the Home Care program to focus its resources to providing care to its increasing number of clients.

The third special operating agency to be created from this department, Land Management Agency, through the efficiency of their operations, is in the exemplary position of paying a dividend of \$400,000 back to the provincial coffers, another contribution to reducing the provincial debt and reducing the burden to the taxpayers of Manitoba.

My honourable colleagues may not be aware of the size of the Accommodations portfolio that Government Services manages. The Accommodation group manages a total portfolio in excess of 9-million square feet of facilities at 354 locations throughout Manitoba and one location outside the boundaries of the province, the Manitoba office in Ottawa. The portfolio is comprised of 1.4-million square feet in leased properties and 7.7-million square feet in owned facilities. By any standard, this is a very large and diverse portfolio.

My department is responsible for the planning and property management for this portfolio on behalf of every government program resident in those facilities. Using its knowledge of the province's space holdings and matching program needs has allowed the

Accommodation group to dispose of its own facilities and utilize vacant space.

The benefits of increased cost accountability through the accommodation cost recovery system are being realized on a daily basis, with program managers now being very cognizant of the accommodations cost of their programs within their respective operating budgets. The Department of Government Services has done its part to bring about a balanced budget through continued good management of expenditures. For the fifth consecutive year, Government Services has reduced the leasing budget. Another \$400,000 will be saved in this fiscal year, bringing our five-year lease savings to approximately \$4.5 million. The department will continue to implement alternative ways to provide services where it is more efficient and cost effective to do so.

As Manitobans recover from flood waters, I am pleased that Government Services had the insight to change the delivery of emergency preparedness and disaster assistance programs. Two organizations, the Manitoba Emergency Measures Organization and the Manitoba Disaster Assistance Board were reshaped to better assist Manitobans during and following emergencies.

In the coming fiscal year my department will be spending dollars on much needed construction projects. Government Services will begin upgrading The Pas Correctional Institution. The renovations estimated at over \$1 million will be carried out over the next two years. Work will continue at Headingley Correctional Institution. Further improvements include new intermittent housing and maximum security units. By the time we are finished, \$10 million will be expended to improve the Headingley facility. Government Services, in consultation with the Department of Justice, will be developing long-term upgrade proposals for eight of the other correctional institutions in the province.

We are involved in a project to preserve more of the history of our province. The Hudson's Bay Archives which is housed in the Provincial Archives building on Memorial Boulevard will be expanded. To prepare for expansion of the Hudson's Bay Archives, the Archives Building will receive over \$2 million in upgrading to

create a state-of-the-art archival vault in the former concert hall space.

In bringing my introductory remarks to a close, Mr. Chairman, I would like to say that the Department of Government Services Estimates are reflective of this government's commitment to hold the line on spending and free taxpayers' dollars for social programs and job creation.

**The Acting Chairperson (Mr. Penner):** Thank you very much, Mr. Minister, for those comments. Does the official opposition critic, the member for Elmwood, have any comments at this time?

\* (1740)

**Mr. Jim Maloway (Elmwood):** I would like to congratulate the minister on his appointment. I would like to, I think at this point, get right into the questions, and I would suggest as a matter of procedure that we simply allow flexibility to move throughout the Estimates back and forth, and then at the end of our allotted time, that we pass everything at the end. That is how we have dealt with a number of other departments this session.

**The Acting Chairperson (Mr. Penner):** Under the Manitoba practice, the Minister's Salary is traditionally the last item considered in the Estimates, and accordingly we shall defer consideration of this item and now proceed with the consideration of the next line. We would ask the minister's staff, at this time, to join us. They already have done so, which is great. That is efficiency; I appreciate that.

I would ask at this time that we will proceed on line 8.1.(b) Executive Support (1) Salaries and Employee Benefits. Shall the item pass?

**Mr. Maloway:** Mr. Chairman, I wanted to begin the questioning by asking the minister a few questions concerning a review that is being done called the Facility Management Review. The minister is no doubt aware of it. It is the government civil service Property Management's commission department that are working on this, and I would like an update as to just what is going on with the government and the management of the buildings.

**Mr. Pitura:** Mr. Chairman, before I respond to the honourable member's question, I would like to introduce my staff at the table here: Hugh Eliasson, the deputy minister, sitting next to me, and Bryan McTaggart, who is the director of our Administration branch with the department.

In response to the member's question with the Facility Management Review, the department has selected five buildings, government buildings, and what we are doing there is doing an in-depth study, and we are comparing the cost of the operations of these buildings versus that in the private sector. At this point, I am advised that it is a study that is being conducted.

**Mr. Maloway:** So at this point in time then, no buildings have been contracted out to private management companies?

**Mr. Pitura:** No.

**Mr. Maloway:** Can the minister tell us then when the supposed business plan will be available?

**Mr. Pitura:** I am advised, Mr. Chairman, that it will be several months yet before anything is forthcoming from the study.

**Mr. Maloway:** Can the minister tell us what companies are being looked at to manage the facilities?

**Mr. Pitura:** There are none, as this is only an internal study at this time.

**Mr. Maloway:** Evidently the government has been looking at this for a while now, and there is some indication that some fairly quick action was going to be taken on this and that there was a plan to have the thing in place within a very short time frame. What is the time frame for having this management company take over the buildings?

**Mr. Pitura:** As indicated to the honourable member, at this point in time it is basically a study that is taking place to compare the costs between the private-run buildings versus government-run buildings. So there is nothing at this point in time that is anticipated coming forth, and for some time to come.

**Mr. Maloway:** What sort of background information has the group been considering to try to determine what their final resolution and solution will be?

**Mr. Pitura:** I am advised that what the study is looking at is the definition or defining of all of the services that are now presently provided within the government buildings and taking a look at comparing those with the private sector. The whole crux of the study is to determine if there are indeed better methods or ways by which the government may be able to operate its buildings in the future.

**Mr. Maloway:** Has the committee looked at any other provinces to see how their operation is run?

**Mr. Pitura:** Yes, we have.

**Mr. Maloway:** Can the minister tell us which provinces, and what are the circumstances that he finds in these other provinces?

**Mr. Pitura:** I am advised that there is a federal-provincial committee that has representatives from all the provinces looking at this whole area, and they are presently doing some benchmarking. I am advised that the studies are taking place, and the information that is being collated together is coming from all 10 provinces.

**Mr. Maloway:** I realize the minister might be at a bit of a disadvantage because I have all of these documents from an April—I guess it is April 10 or April 4—meeting. It clearly indicates who/what they have been looking at in this area, and what I would like to know is what has been driving the move for this type of approach to the management of the buildings?

**Mr. Pitura:** The province has gone into this process, I think, from the standpoint that if you are operating government buildings you always have to be cognizant of the fact that maybe there are better ways of managing your resources that you have, and I think the essence of the whole study is to take a look at what the private sector is doing, what is happening in other provinces, to take some of the better ideas, the better methods that are employed in other provinces that we can see will benefit us in being able to manage government resources here.

**Mr. Maloway:** Can the minister tell us what business organizations or interest groups have lobbied him or members of his department on this matter?

**Mr. Pitura:** To my knowledge there have been no businesses lobbying us in this regard.

**Mr. Maloway:** I wanted to ask a couple of questions about the current disposition of the SOAs, the special operating agencies. I would like to ask him, maybe we could take them as a group. In some of the other SOAs we were taking a look at the user fees that are being charged and how they have gone up since the SOA was formed. What is the situation regarding the user fees with the current SOAs?

**Mr. Pitura:** Mr. Chairman, before I answer the question I would like to call my assistant deputy minister, Mr. Gerry Berezuk of Supply & Services, to the table. The SOAs are under his purview.

Mr. Chairman, I am advised from the staff that the prices, or the user fees as my honourable critic points out, these prices have remained fairly constant, and in fact with the Fleet Vehicles SOA the prices this year have decreased to the customer. Agencies such as Mail Management and Materials Distribution have held their prices constant, and Land Management.

\* (1750)

**Mr. Maloway:** Would the minister endeavour to provide us with a list of the user fees immediately before they became SOAs and what they are currently?

Mr. Chairman, the reason for that of course is that we have become accustomed to this government developing little pools of money here and there, little rainy day funds all over the place, so that when election time comes they can reduce the costs of the services to the public, whether it be Autopac rates or whether it be any other service. So that is what the motivation is behind the questioning. We want to get into how much of a surplus is being developed by the SOAs and how the surpluses are being dealt with.

For example, in the Workers Compensation situation we have a projection that by 1999 there will be an enormous amount of money sitting in the pot at

Workers Compensation. So I would like to know what the long range projections are for each of the SOAs in terms of the monies or profits that they have at the end of the year, as to what the disposition of them is going to be and where they will be at within two years.

**Mr. Pitura:** With the SOAs, they are all independent operating agencies, and as such at the end of each fiscal year they do produce a financial statement. They also produce projections as well as part of their financial statements. The retained earnings that are left at the end of the year for each SOA is tabulated at the bottom of each financial statement, and that information is readily available. I will be glad to supply my honourable friend with that information.

**Mr. Maloway:** With regard to Fleet Vehicles, I believe it was last year Fleet Vehicles opened itself up to competition in the leased car field. Now this was I believe last April 1, so there has been a year of competition. Can the minister tell us how well the SOA has done in terms of retention of its existing business?

**Mr. Pitura:** I am pleased to say that since Fleet Vehicles has opened itself up to being competitive so that various departmental agencies and departments could take a look at the private sector for supplying of leased vehicles, I am pleased to report that the Fleet Vehicles Agency has remained very competitive and has in fact retained all of its customers.

**Mr. Maloway:** My recollection though is that there was really very little in terms of vehicles coming due, at least in the first 12 month period. How many competitions has Fleet Vehicles been successful in up against private companies for the leased vehicles at this point, and when do the majority of the leases come due? When are we going to see increased activity in that field?

**Mr. Pitura:** I am advised that, you know, every department every year has a number of leases that come due, and as a result of this year I am advised that two departments within government, Industry, Trade and Tourism and Natural Resources both chose the option of seeking competitive bids besides Fleet Vehicles, and again very pleased that Fleet Vehicles was able to remain competitive and retain those two departments as their customers.

**Mr. Maloway:** How many private sector companies bid on these contracts, and how big were they?

**Mr. Pitura:** I am advised that, in the competitive process, four companies were involved in the competitive bidding for the business of both I, T and T and Natural Resources. I am also advised that I, T and T had two vehicles which were up for lease and that Natural Resources had 68 vehicles that were up for lease renewal.

**Mr. Maloway:** Can the minister give us the names of the four unsuccessful bidders?

**Mr. Pitura:** I am advised that we do not have the complete list at our disposal right here today, but I can certainly supply that list to my honourable friend.

**Mr. Maloway:** That would be fine; we could look at it tomorrow. I would also ask the minister if it would be possible to, in terms of the SOAs, if we could get a chart together showing just what the retained earnings position would be for each of them on a year-by-year basis since their inception. That would give us a bit of an idea of where things are going with them. You know, I recognize that they may not have that information available right now, but certainly tomorrow if we have it available.

In the other departments we had the heads of the SOAs. There were individual heads of Vital Statistics, that we had the individual heads available for questioning on a couple of instances. I do not know whether they are available. I am sure they can be obtained, but we may not need to go that far. I do not think that we had somebody in the other departments who was centrally in charge of the SOAs like we do in this situation.

**The Acting Chairperson (Mr. Penner):** The hour being 6 p.m., committee rise.

## JUSTICE

**Mr. Chairperson (Marcel Laurendeau):** Will the Committee of Supply please come to order. This section of the Committee of Supply will be considering the Estimates of the Department of Justice. Does the

honourable Minister of Justice have an opening statement?

**Hon. Vic Toews (Minister of Justice and Attorney General):** Yes, I do, Mr. Chairman.

Mr. Chairman, I am pleased to make a few remarks to open this presentation. As the newly appointed Minister of Justice and Attorney General, it is indeed a privilege for me to make my first presentation of the Estimates of Manitoba Justice. I am going to take this opportunity to outline some of the plans and activities of the department for this fiscal year.

However, Mr. Chairman, before getting into these highlights, I want to discuss briefly the department's mission statement, goals and objectives, because it is these guiding principles that lead to the development of programs and priorities within the department.

Our mission is to administer a system of justice that promotes a safe, just and peaceful society based on democratic principles, the law, and respect for rights and freedoms. Our aim is to administer an open, accessible system of justice that treats everyone fairly.

Our government's vision is to improve the quality of life for Manitobans. Manitobans have told us they expect the justice system to be fair and accountable, that the rights of victims are extremely important and that criminals must be held accountable and pay the consequences of their criminal acts. They have also told us that public safety is a high priority. It is with this and other priorities in mind that the department has determined its objectives for the year, and I will now focus on some of them to introduce my Estimates.

A prime focus for this year is enhancing public safety. In support of this goal, a number of new initiatives are underway. The new Public Safety Branch will lead the development of fresh approaches to crime prevention and victim services in Manitoba. For example, this summer we intend to introduce an Urban Sports Camp Program for inner city youths in Winnipeg using social development as a way to divert young people from engaging in criminal activities. The details will be released in the near future when we announce this program formally.

The branch will also reorganize the delivery of victim services in response to the recently completed Prairie Research Associates report. We will continue to lead the country in our approaches to dealing with dangerous offenders. The Community Notification Advisory Committee has proven so successful that a national conference will take place in Winnipeg where this Manitoba initiative will be explained to interested delegates from other jurisdictions, some of whom have already followed Manitoba's lead.

We are also chairing a national committee charged with developing new legislative initiatives to deal with dangerous offenders. Other Manitoba strategies include increased use of dangerous offender applications to the courts and more aggressive prosecution of cases involving serious and violent crimes, especially those involving gangs.

This fall, Manitoba has organized and will host a national conference that will give upgraded training to professionals who deal with domestic violence ensuring they are aware of the latest developments in legal issues, research and practices in the field. We are also taking a number of steps to counter the threat of street gangs. They are special funding for co-ordinated police-criminal intelligence activities; multidisciplinary strategies to divert youths from joining gangs; targeted prosecution of auto thefts; introduction of antiprostitution legislation; implementing The Parental Responsibility Act; monitoring and segregating known street gang members in our correctional institutions; financial support for the Winnipeg Police Service Curfew Check Program; and aggressive prosecution of gang-related crime.

\* (1430)

We see good RCMP service for Manitobans throughout the province as a top priority, as well as adequate funding to ensure this service can be provided. The RCMP has been authorized to undertake a major upgrade of their telecommunications network in the province. By centralizing, dispatching and eliminating areas of poor radio reception, we will improve response times in rural Manitoba and provide more reliable communications for RCMP members in the field.

Aboriginal justice services will continue to be a priority of the department for 1997-98. The former \$1-million Aboriginal Justice Fund has been replaced by a \$1.5-million Justice Initiatives Fund, which will support a range of new programs. It will provide a source of funding for developing and testing new innovative approaches to the challenges facing the judicial system.

We expect that, although fund projects will no longer be limited to aboriginal needs, they will continue to address interests or issues of interest and concern to aboriginal people and communities. The fund will continue to support project commitments made from the AJI fund such as the First Nations Justice Strategy and will be available to address recommendations from public inquiries, such as those issued last fall by former Justice Hughes and those pending from Mr. Justice Schulman of the Court of Queen's Bench.

In addition, there will be funding for community justice committee operations for grassroots initiatives developed in Winnipeg neighbourhoods and regional communities. The criteria for the fund will give priority to enhancing public safety, including aboriginal justice concerns.

The Hollow Water Healing Circle and the St. Theresa Point Youth Court, formerly funded as pilot projects out of the AJI fund, will this year be supported out of the department's base Estimates.

A comprehensive aboriginal justice program known as the First Nations Justice Strategy is being piloted in northwestern Manitoba. This project enables an additional aboriginal magistrates court party to travel through the area disposing of less serious matters in an expeditious, culturally sensitive manner. These parties will work in conjunction with community justice committees in First Nations represented by the aboriginal community of The Pas. A committee is also being established at the Waywayseecappo First Nation.

First Nations policing programs are in operation in eight Dakota Ojibway Tribal Council communities. Six of them operate the DOTC police force and two have opted for the RCMP First Nations Community Policing Services.

The Corrections division has focused on increasing institutional safety and security in the wake of last

year's riot at Headingley Correctional Institution. Led by a new assistant deputy minister and aided by Manitoba Government Services, the management and staff have implemented a number of physical upgrades, made policy and procedural changes and enhanced the emergency response team's training and equipment.

The division was guided by the recommendations of former Justice Hughes and aided by the involvement of Mr. John Scurfield. Achieving a safe and secure institutional environment is a goal of everyone in the Corrections division, and I would like to publicly acknowledge the input and co-operation of the Manitoba Government Employees' Union and all the front-line workers, correctional workers, in working together with management to achieve it.

In the Portage Correctional Institute, the Corrections division and the Elizabeth Fry Society are operating a telephone call centre. This gives inmates job experience to assist them in reintegrating into the workforce after their release. Corrections also continues to support the Restorative Resolutions programs jointly operated by the province, Canada and the John Howard Society. This program allows eligible offenders to apologize and make restitution to their victims as an alternative to incarceration. There are 86 persons in this program.

To address the risks that inmates can present to themselves and to others, Corrections has recently developed and is implementing an offender risk assessment and management system. This new system is a culmination of extensive consultation with offender risk management experts and a review of recognized research in Canada and other countries. It will enhance the institution's ability to identify inmate risk factors and respond with appropriate security and programs. The range of programming available to offenders includes partner abuse offender seminars, sexual offender intervention, anger management, victim awareness, criminal thinking errors, social thinking skills, and substance abuse programs.

A number of our departmental improvements and innovations will draw on the Justice Initiatives Fund for initial support and evaluation, but others are being accomplished within existing budgetary allocations and some are even reducing expenditures while

simultaneously improving service. For instance, Legal Aid Manitoba has instituted a full-service duty council program which allows financially eligible persons to obtain immediate assistance in setting hearing dates or in resolving matters quickly without the need to make a formal application. This means many persons whose charges would not be serious enough to warrant issuing a Legal Aid certificate will now get free legal service and matters will be resolved more expeditiously, thereby helping to avoid court backlogs. This enhanced service can actually be given at lower cost because of the reduction in the number of formal applications and in the number of Legal Aid certificates issued.

In another policy change, Legal Aid has instituted a review of domestic and civil cases proceeding to trial and has reduced unnecessary litigation by declining to authorize trials in those cases where either the issues or the conduct of the client make a successful outcome extremely unlikely.

The Manitoba Human Rights Commission has introduced a precomplaint conciliation program and a face-to-face mediation process, both of which have led to faster and more agreeable resolutions to many complaints. By reducing the number of matters requiring full investigation and formal arbitration, the commission has freed up investigative staff to provide public education and focus on more complex issues such as allegations of systemic discrimination. The federal government's implementation of new child support guidelines will create a significant volume of inquiries and applications to court to vary existing orders. In order to better serve affected parents, we are setting up a centre to provide legal advice and assistance in varying support orders. The costs of this initiative will be recovered from the federal government.

In an important related sector, I would note that changes last year to The Family Maintenance Act have had a very beneficial result for clients of the Maintenance Enforcement Program. Our increased authority to demand information from employers, family members and associates has enabled the program to find sources of funds that formerly were difficult to identify or locate. This is reflected in the changes and amounts collected in staffing between 1995 and 1996. In 1996, the program collected \$39.1

million, an increase of \$3.7 million over 1995. In addition, \$2.5 million was returned to the government in payments owed by recipients who had to seek financial assistance from employment and income assistance and then assigned their maintenance payments to the province.

Our success can be seen in the fact that our collections improved by 10 percent over 1995 while the number of accounts grew by only 4 percent. We were able to issue 154 percent more garnishing orders on wages, bank deposits and federal payments. Our court summonses have been reduced by 25 percent.

Mr. Chairman, I am pleased to be a part of Manitoba Justice once again, and I look forward to explaining our many achievements and initiatives in greater detail during the days ahead. I will look for support and constructive suggestions from members opposite in the course of discussion of these Estimates as we all strive to keep our province as an example of a safe and orderly place in which to live and work. Thank you.

**Mr. Chairperson:** We thank the minister for those comments. Does the official opposition critic, the honourable member for St. Johns, have an opening statement?

\* (1440)

**Mr. Gord Mackintosh (St. Johns):** Very briefly, Mr. Chair, we certainly have concerns about some of the trends in the funding of various programs in the Department of Justice. In particular, we have been raising concerns about the reductions in funding to the Human Rights Commission in Manitoba, which continue this year, as well, the reductions for victims of crime, particularly those who are injured as a result of crime. We note that there has been a reduction of about 15 percent since 1994 in respect of criminal injuries. As well, in Question Period and other forums we have been expressing our concerns about the abolition of the Law Reform Commission, a move that we think is most unfortunate for the development of good law in Manitoba, and we will pursue that further with the minister.

Another theme that we will develop through the Estimates process will be a follow-up to the Hughes

Inquiry and, as well, delve into other related issues respecting Corrections, issues that really came to light as a result of the tragedy at Headingley and resulting government action. As well, related to that, we will be looking at the government's view on alternatives to incarceration, effective alternatives that hopefully will ensure a safer community.

A third area that we will be looking at with the minister is law enforcement in the broadest sense, and that is the apparent pick-and-choose approach to law enforcement as indicated through, for example, the refusal of the ministry to enforce The Remembrance Day Act and to enforce the Criminal Code, particularly the provisions regarding the gun registration scheme.

A fourth area of concern and one that I think has been of particular focus in Question Period has been our demand for a comprehensive response by the government, and not just involving the Department of Justice, to the growing threat of criminal organized gangs in Manitoba.

Our fifth area will be regarding the area of domestic violence, in particular the response of the Prosecutions Division. In a somewhat related vein, we will be pursuing questions regarding maintenance enforcement in Manitoba because it has come to our attention that indeed problems continue in that area. We will be interested in discovering what assurances there will be for aboriginal justice initiatives such as the St. Theresa Youth Court and the Hollow Water project and ensure that the funding will be assured for into the future and discover on what lines those projects now receive their funding.

Finally, we will be reviewing some of the outstanding promises made by the Conservative government in the election of over two years ago. I think those are the general themes that we have. Clearly, there is a more widespread approach than, for example, last year where we concentrated disproportionately on the Headingley riot and the information known or unknown to the minister. Those are my comments.

**Mr. Chairperson:** We thank the critic from the official opposition for those remarks. I would like to remind members of the committee that debate on the Minister's Salary, item 1.(a), is deferred until all other

items on the Estimates of this department are passed. At this time we would invite the minister's staff to take their place in the Chamber.

Is the minister prepared to introduce his staff present to the committee at this time?

**Mr. Toews:** Yes, I am. With me, I have my deputy minister, Mr. Bruce MacFarlane, Q.C.; Mr. Ron Perozzo, Q.C., the associate deputy minister; and Mr. Pat Sinnott, executive director of Finance.

**Mr. Chairperson:** The item before the committee is item 1. Administration and Finance (b) Executive Support (1) Salaries and Employee Benefits.

**Mr. Mackintosh:** Here I am looking to explore questions on broader policy issues but as well identify where certain matters should be best raised. I am wondering if the minister can identify where the St. Theresa Point Youth Court funding now is in the Estimates.

**Mr. Toews:** In answer to that question, the appropriation is No. 5.(c) under the program name Regional Courts.

**Mr. Mackintosh:** Can the minister tell us now whether he has received any draft report or any indication on the Lavoie inquiry? When does he expect the report to be released publicly is really the central question.

**Mr. Toews:** I am sorry I missed the—it was the Lavoie report that the member was referring to. I have not yet received any report from the justice who is conducting that particular inquiry, and I cannot state with any certainty as to when that particular report will be received.

**Mr. Mackintosh:** Has the minister received any indication from counsel to the inquiry or from the commissioner a range of dates when the report is likely to be released?

**Mr. Toews:** I can indicate that, in respect of that report, the department has had communication from the justice on a number of occasions as to when we could receive that report. The justice, for reasons best known

to him, has on various occasions postponed that deadline. He had anticipated completing it earlier this year and has subsequently revised that on a number of occasions. The last report that I recall reviewing indicated that the justice was anticipating that the report would be released at the end of May or later.

\* (1450)

**Mr. Mackintosh:** Given that the Order-in-Council prescribed a report date of June 1996, I am wondering if the minister has made any interventions at all, given the minister's jurisdiction under the Order-in-Council with respect to a date to expedite either the receipt of the report on a more timely basis or whether it is the minister's view that the commissioner should be given full discretion as to when the report is made?

**Mr. Toews:** Mr. Chairman, in respect of that particular issue, especially the June 30, 1996, target date, that was indeed the target date that we had anticipated that the report could be completed by. I might indicate that on a number of occasions the justice has approached departmental staff and has requested an extension of the time required to prepare that report.

My preliminary concern, without getting into the substance of it at this time, is that whether there is or is not any jurisdictional problem, does, in fact, the justice have the required legal authority to continue, and I am assured by my staff that the justice, in fact, has the legal authority to continue.

That being the case, it has been my department's position that the justice should receive an extended period of time in which to complete his report. I know he has been very diligent, working very, very hard in respect of completing this matter. He, on a number of occasions, has approached the department and requested the extension for what the department considers valid reasons, and I simply acknowledged receipt of any documentation that he may have sent over regarding an extension and allowed the matter to proceed in that fashion.

I thought it would be in the best interests of the administration of justice to ensure that the justice proceed in a fully exploratory way to ensure that the unfortunate events, in respect of that inquiry, can be

understood and measures can be taken to prevent the reoccurrence of that type of situation.

**Mr. Mackintosh:** Is the minister prepared to share with the committee any of the reasons given by the commissioner for the request for extension of the report time?

**Mr. Toews:** Mr. Chairman, on the occasions that Mr. Justice Schulman has contacted our department in respect of extensions, I understand that the first request for the extension centred around the fact that all evidence had not been heard and he wanted to complete the hearing of evidence and, of course, that was a very reasonable request.

The other requests have been more general, and we have accepted those reasons as appropriate. He was in the process on at least two other occasions that I am aware of, of writing the report, and I understand that he is, in fact, in the process of completing the report at this time. All indications are that the target that Mr. Justice Schulman has set of the end of this month, May 30, should in fact be met but, again, I will not hold Mr. Justice Schulman to that if, in fact, he feels it is appropriate. I think the release of that report to the department is in fact very close, and I look forward to hearing and reading the recommendations of the justice.

**Mr. Mackintosh:** It may be worthwhile for future reports like this, where the commissioner is a judge of a court, to look at the issue of whether the courts have reprioritized the scheduling of trials or the assignment of trials to judges who are also commissioners for areas of broad public interest. I am wondering if such accommodation was done by the Queen's Bench, if the minister has any knowledge of this.

**Mr. Toews:** Mr. Chairman, I appreciate the question from the member for St. Johns. The issue of the time limits for any report is of course one that is always of concern. Sometimes the delay of a report can in fact contribute to an aggravation of a problem, and we certainly are alive to that fact.

In this particular situation, members of the department met specifically with Chief Justice Hewak as well as Justice Schulman and counsel for the commission. At that time, issues of timing and release

of the report were discussed. It is always a very sensitive issue in order to determine what is an appropriate time to cut off an inquiry or to set time limits on an inquiry. I do not need to remind the member about the Somalia affair, where one could argue that the government and indeed the commissioners set out, for all intents and purposes, to accomplish a specific task within what is initially considered a very reasonable time limit, and, as one proceeds down these roads, suddenly issues develop, issues, for example, in the Somalia Inquiry regarding the co-operation of senior officials in the armed forces. So these were aggravating factors that were no doubt not seen by government or the commissioners when they began that type of an inquiry.

\* (1500)

I know that in my previous portfolio as the Minister of Labour, I had occasion to appoint Judge Enns to review The Remembrance Day Act, and this was a particularly thorny issue but clearly an issue whose time had come in order to review it. This was a committee that was struck, yes, as the chair, Judge Enns chaired it, but it was a multifaceted committee. It had representatives of Chambers of Commerce, labour and all the major veterans' organizations in Manitoba and northwest Ontario. In that particular case, the members met, and indeed there were unanimous recommendations given by that committee. The chair was able to write a report in a very expeditious period of time, and indeed it was a very valuable report forming the basis of amendments to our Remembrance Day Act. So, in some cases, the aggravating factors are not there, the consensus and the need for change is present and one is able to move very, very expeditiously.

The other issue of course is the question of judicial independence in these matters. Although technically many of these judges act as commissioners and not as judges, it is a very difficult thing for the Attorney General to suggest to a judge the time frame in which he or she should prepare that report. So, as the Attorney General, I have to rely on the expertise and the good judgment of the commissioner who has been appointed to weigh all factors, including the public interest, in proceeding expeditiously and essentially give that commissioner a free rein in terms of the time

limit. If one, for example, set a time limit and then the time limit expires with a consequent loss of jurisdiction, then one could be viewed as politically interfering if one chose then not to renew that mandate or to continue that mandate. So that is a very difficult issue. I think in most situations in this province, the justices and the judges who have been appointed commissioners have, in fact, met their mandate in a timely fashion and have provided the government of the day with recommendations which the government can then consider in the overall implementation of policy in the development of legislation.

**Mr. Mackintosh:** The receipt of this report will be my first experience with a commission of inquiry report, and I am wondering if the minister can tell the committee what the protocol is in terms of the receipt of the report by his office versus the timing for the receipt of the report by the public generally. In other words, does his office receive the report in advance of the public release?

**Mr. Toews:** Mr. Chairman, obviously, the case is different in the release of any report. Governments receive reports from time to time, and specific action is required of governments. Obviously, it is trite to say that, in every case that I am familiar with, the government receives the report before the general public receives it because it is the government of the day that has commissioned the report and so the commissioner of the inquiry fulfills his or her obligation under the commission to forward that report to the authorizing or initiating department.

So the question then is, when is the appropriate time to release it. Usually, I know in a number of cases that I have been involved in many, many years ago, when I was a member of the Attorney General's department, these matters were turned over to the political people, and the political people reviewed the reports and looked at them and released them in an appropriate fashion. At times, certain initial steps have to be taken before that can be released to the public, but certainly, in this particular case, there is a commitment by the government to release that report to the public. I do not think I would be prepared to say what period of time that would take. That is obviously dependent on the nature of the recommendations and whether it would be

required for the government to hold it any longer than is reasonably necessary.

**Mr. Mackintosh:** Is the minister then saying that the timing of the release of the report to the public is not the decision of the commissioner but rather of the minister or the government?

**Mr. Toews:** I would have to review the specifics of the commission that was granted in this particular case, but all commissions of inquiry that I am familiar with, in fact, are released to the authorizing government or the initiating government, and that document is forwarded to the minister or to the body that has requested the report, and at that time the decision is made in every situation as to when an appropriate time is to release that document. Generally speaking, if there are no administrative issues that have to be dealt with or there are very small administrative issues, this can be done in a very expeditious manner. But there is of necessity always a delay in the receipt of any report that I have ever been involved with, and I do not anticipate that this particular report and its release should deviate from the standard that is normally acceptable.

**Mr. Mackintosh:** I understand that the government has created a new, I think it is called division of public safety with Wyman Sangster, I believe as the director. I am just wondering where that fits in terms of the Estimates book. Where does Mr. Sangster's position come in the Estimates book? Is it under Victims Assistance, or where?

\* (1510)

**Mr. Toews:** I can indicate very generally that there is not a specific appropriation for that entire division but that Mr. Sangster will be present here at the table for the appropriations 2.(e) and 2.(f). Perhaps that would be an appropriate time to direct the member's question to myself or to the Chair, and when Mr. Sangster is here, I can have the benefit of his counsel.

**Mr. Mackintosh:** I wonder if the minister can tell us where Mr. Sangster's salary is then because it does not appear that there is any accommodation for a change of salary in either 2.(e) or 2.(f).

**Mr. Toews:** I remember in my years as a public servant that from time to time I had requests for

resources in the branch that I was either heading or a part of, and I would ask for this assistance. I know that there was a lot of creative accounting done from time to time, and I am not suggesting that this is what is done here, but this is a very complex matter.

I know at times administrators can start out with 2,000 positions, juggle them in the air for about half an hour and come down with 2,001 and then try to challenge people to find them. Again, I emphasize that that is not the case here, and my staff, in fact, has provided me with a very expansive briefing note talking about the Public Safety Branch, and perhaps this will give the member some of the background that he needs in order to address his concerns.

I could start off generally stating that the Public Safety Branch of the Criminal Justice division was formed in January 1997, to be responsible for all victim and crime prevention programming, policy development and planning in relation to public safety. Now, this unit includes the Women's Advocacy Program, the Victim/Witness Assistance Program, the Child Witness Program, the victims services co-ordinator, crime prevention, the Law Enforcement Review Agency and the provincial firearms program.

The branch is responsible for making recommendations for the delivery of services and benefits under The Criminal Injuries Compensation Act, and the transfer of the responsibility for the programs to the branch has been conducted in stages to ensure a seamless transition for both the staff and clients of these departments. The Public Safety Branch is accountable to the Assistant Deputy Attorney General of the Criminal Justice division, and I should indicate for the record that Mr. Allan Fineblit did join us here at the table. He was not here originally but joined us later on, and indeed the reference that I have made to the Assistant Deputy Attorney General of the Criminal Justice division is, in fact, Mr. Fineblit.

The resources in the budget for this branch are located in a number of appropriations, and I will get specifically to the point that was raised by the member for St. Johns in due course, but all of the victims' services come under the appropriation 04-2E, the Criminal Injuries Compensation under 04-2F. Law Enforcement Review Agency comes under 04-2D(1)

and 04-2D(2) (Program 4). Crime Prevention comes under 04-2D(3). Gun Control and the Firearms Program is 04-2D(1) and 04-2D(2) (Program 3), and the specific appropriation where the salary of Mr. Sangster is found is under the Public Safety General Expenses, and that is under 04-2A (1), and another appropriation for Public Safety General Expenses is found in 04-1C(2).

Just for the member's information, Public Safety is located on the 14th floor of the Woodsworth Building and, give or take, 20 staff are involved in the various responsibility areas with a secondment from Corrections to assist with a victims' study and criminal injuries.

I am also aware that there is a secondment from the Women's Directorate for a period of six months to assist in the management of the office during the transition period. As indicated, that branch is headed up by Mr. Wyman Sangster.

\* (1520)

**Mr. Mackintosh:** Is the increase of one SY on 04-2A Salaries and Employee Benefits the position of director of Public Safety then? I notice it goes from four SYs last year to five SYs this year.

**Mr. Toews:** Yes, Mr. Chairman, the member for St. Johns is correct.

**Mr. Mackintosh:** The Women's Advocacy Program, I understand, has since its inception been part of Prosecutions. I ask the minister what difference in program delivery the department sees as a result of the move from Prosecutions to the director of Public Safety's ambit.

**Mr. Toews:** There are a number of reasons why the department took the initiative of moving the Women's Advocacy directorate or branch under the Public Safety area. First of all, I think that as the nature of justice issues change in our society it is not sufficient anymore to simply look at the Department of Justice or the department of the Attorney General as simply prosecutions on the one hand, which entails simply the suppression of criminal activity and, secondly, the delivery of legal services, that is the in-house law firm

for the government. I think for many years that is the way the Attorney General's department operated, and perhaps it was a much simpler society back then. For whatever reason, things changed.

The department changed a lot in respect of not just in reaction to changes in society but, indeed, changes in organization. So instead of simply having Prosecutions and Legal Services to take up a department, Corrections was added to that department, and that gave an entirely new complexion to the department. As I recall, many years ago the Corrections used to be in a department called Community Services and Corrections, and it was felt that it would be appropriate to move Corrections into a unified department with the Department of the Attorney General, hence the Justice department essentially taking up functions of the Attorney General and the Solicitor General. Some provinces such as New Brunswick and, indeed, the federal government still have that type of division, and they do it for various reasons. I think in Manitoba, given that on a population basis we are much smaller and that we can more effectively deliver services, it was felt that this amalgamation would assist in the rationalization of the delivery of services so that people of Manitoba are best served.

This is not an exception when we are dealing with the Women's Advocacy Program. As the nature of the department changed, and as the demands of society increased in order to address new and growing problems, various branches were created. Just looking at some of these that I mentioned earlier, if we talk about things like the Victim/Witness Assistance Program, the Child Witness Support Program, the victims' services co-ordinator, Crime Prevention, and, indeed, even the Law Enforcement Review Agency, those were all, in a relative sense, recent additions or changes to the Department of Justice. Aspects of the provincial firearms program, of course, evolved as federal legislation changed, and so it was necessary, in view of all these complex pressures and demands to ensure that as we continued to meet these demands that our administrative structure in fact is such that ensures that we remember that it is the people of Manitoba that we are serving and that bureaucracies do not simply reproduce themselves because they are there. So in respect of the Women's Advocacy Program, it was felt that there was a common element with many of these

other programs, the Victim Witness/Assistance Program, the Child Witness Program, the victims' services co-ordinator, and, indeed, Crime Prevention, recognizing that women in many respects, because of economic situations, social situations, cultural situations, are sometimes in a more vulnerable position than others in our community.

So it was felt that bringing that into the department under the Public Safety Branch was an appropriate organizational way to begin to and continue to deal with the particular problems of women.

Although the initial administrative changes do not, in themselves, signal any change in any programming, what they do is enable the senior officials who report to me and indeed my colleagues in cabinet, enable us to review in a more comprehensive way the nature of the services that are being provided and to determine which services, in fact, are meeting their function, meeting the needs of the people of Manitoba. In that context, we then view the Women's Advocacy Program in this branch.

\* (1530)

The other point that I would like to raise is that as a result of a Supreme Court of Canada decision, the court had suggested that records kept by Prosecutions branch in respect of women in particular types of prosecutions could be more vulnerable to production if they were left in the hands of the prosecution and to take those documents, or records, and leave them in the Public Safety Branch, a step removed from the Prosecutions branch, would service in an administrative way to enhance the privacy of many of these important records relating to individual women's problems or concerns or treatment.

So it was not only from an administrative point of view, with a view to enhancing the delivery of existing programs and with a view to expanding programs where appropriate or changing programs where appropriate but also a very specific motivation; that is, to enhance the protection of some of these very sensitive records consistent in a manner with the directions of the Supreme Court of Canada.

**Mr. Mackintosh:** I understand that one of the benefits of linking the Women's Advocacy Program with

Prosecutions would be that there would be a nexus between the Family Violence Court and the Women's Advocacy Program to ensure that all women, for example, coming as complainants and victims would be connected with the Women's Advocacy Program.

I am not convinced that that objective was fulfilled under the previous organization, given, particularly, the Lisa Grover [phonetic] case as one example, but I am wondering if the minister, the department, has considered whether the separation of the administration of the Family Violence Court and the Women's Advocacy Program will cause communication problems and a lack of outreach by the Women's Advocacy Program to victims or survivors of domestic violence.

**Mr. Toews:** I would like to emphasize, without detracting from what I said, that the Women's Advocacy Program still remains a part of the Criminal Justice branch. That is still very, very important, and so what that means is that there is essentially the same communication mechanisms and the same level of information sharing. The department has various internal committees which, in fact, share information up to and including the executive management committee, which shares information on a departmental basis.

I think the real benefit of bringing this program under the Public Safety Branch is, again, the rationalization of the services that are being delivered and a refocusing of the importance of women's issues to the department.

One of the things that the member may know is that many years ago in the Department of the Attorney General, when the function was simply to prosecute, the particular concerns of women and the particular needs of women in the criminal justice system were often seen as simply an adjunct to prosecutions. That was, I think, quite unfortunate. The very legitimate needs of women were often forgotten in the appropriate goal of obtaining convictions, but convictions often were attempted to be obtained at any cost. So I can recall during the years that I was a prosecutor that in cases of domestic abuse, we recognized that there was a problem, but the answer to the problem was always seen in the context of prosecutions.

How do we solve this problem of domestic abuse by the utilization of the tool of prosecution? Very simply

put, it was a clumsy device, and often police officers, recognizing that there was a serious problem in the area of domestic abuse, and in many cases, it was the male partner in a domestic situation, they would bring this male partner under charge and bring him to the criminal court system.

Well, that is essentially what happens now, but in many cases the women were reluctant to testify, and there was virtually no support given to these women. The answer at that time, and thankfully that has changed, was in all cases where they refused to testify, essentially contempt proceedings were brought against these women, and, in fact, they were the ones who were thrown in jail.

So, again, that was an attempt to deal with a very serious problem in a very clumsy way, and I think, in retrospect, in the wrong way. What we are trying to do now, the department is, through the Public Safety Branch is to indicate that problems such as domestic abuse are simply not an adjunct to a criminal prosecution but are part of a broader social problem, and the Public Safety Branch, through a branch like Women's Advocacy and Victims Assistance, recognizes and focuses primarily on those types of victims' issues rather than proceeding as simply an adjunct to a criminal prosecution.

\* (1540)

I think we have been able to retain the best of the old system in terms of ensuring a clear channel of communication and a high level of information sharing but also the new emphasis of ensuring that Prosecutions policy is sensitive to the concerns of victims generally and women specifically.

So, while I share the member's concern that in any bureaucracy when you divide matters up there can be the problem of lack of communication developing, I do not think that this is the case here. I do not think our experience has indicated that, and I think as we work toward improving the administration as we are putting it into place, I think we will see very concrete benefits of this emphasis and approach.

**Mr. Mackintosh:** Well, it is not clear from the revised organizational chart effective March of '97 whether

Women's Advocacy, for example, or the Criminal Injuries Comp Board report to the director of Public Safety. What is the responsibility of that director for those programs?

**Mr. Chairperson:** The committee will recess for five minutes.

*The committee recessed at 3:43 p.m.*

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#### After Recess

*The committee resumed at 3:53 p.m.*

**Mr. Chairperson:** The committee will come to order.

**Mr. Toews:** I appreciate the indulgence.

I am looking at Schedule 2 of page 7 of the Supplementary Information for Legislative Review on the Departmental Expenditure Estimates. The organizational chart that I am referring to, revised March 1997, indicates that Public Safety has reporting to it: Crime Prevention, Victims Programs, Women's Advocacy, and the Criminal Injuries Compensation Board, the Public Safety along with Administration, Prosecutions, Criminal Justice Policy, Law Enforcement Services, Provincial Police (RCMP) and Aboriginal Policing, then all directly report to the Assistant Deputy Attorney General, Mr. Allan Fineblit, whom I referred to earlier.

I think that some of the confusion that may have been caused by that graph is the fact that this is an 8-by-11 page and they had to sort of take it around the corner, so to speak. So it is tucked under Community Corrections but there is no line there. Hopefully, we are referring to the same document.

**Mr. Mackintosh:** So I take it then that there is a direct line of authority from Women's Advocacy, for example, to the director of Public Safety.

**Mr. Toews:** Yes, that is correct.

**Mr. Mackintosh:** Could the minister also then explain the relationship between the Criminal Injuries Comp Board and the director of Public Safety, because I understand that Criminal Injuries Comp Board is indeed a board? It is the Workers Comp Board. If there is some level of administrative independence there, I am just wondering what their relationship is.

**Mr. Toews:** It should be noted, and obviously graphs of this nature have to be concise by their very nature, but the mechanism depicted here certainly does not indicate that the judicial functions of the Criminal Injuries Compensation Board, which in fact are carried out presently by the Workers Compensation Board, are in fact reporting to the Victims Programs.

Rather, this is simply indicative of an administrative linkage or liaison with the department, and it is through this liaison that ultimately it has its linkage with the Public Safety director and the assistant deputy attorney general, but the judicial function is independent of the Attorney General's department, or the Department of Justice, and this is simply the administrative linkage, in many ways similar to my experience as the Minister of Labour where the Workers Compensation Board reported, in essence, to the minister through the function of the act. The minister was responsible for The Workers Compensation Act, but certainly no judicial decisions were made, nor would it be appropriate for the minister to be involved in any judicial decisions, including any decisions that the Criminal Injuries Compensation Board might make.

I would just also indicate, for the member's convenience, that all these circles on the chart indicate a liaison situation rather than a direct control. So, for example, if one looks at the provincial police, RCMP, clearly the department does not direct the RCMP. We contract for services with the RCMP, but the policing function is, in many respects, independent of the department. Similarly, with aboriginal policing, the DOTC, I think, would be the prime example of that kind of a situation, the Board of Review and some of the other circled entities rather than the square or rectangular entities.

**Mr. Mackintosh:** Well, I think the analogy of the minister as between the Workers Compensation Board and the Minister of Justice is worth pursuing, because

my concern here is that we have a Criminal Injuries Comp Board which appears, at least from the chart, to report to Victims Programs, which reports to the director of Public Safety, which reports to the Assistant Deputy Attorney General responsible for Criminal Justice, which reports to the Deputy Attorney General, which reports to the minister.

It is my understanding instead, and it could be wrong, and there could be a change, but that the Criminal Injuries Compensation Board has independence, not only insofar as judicial or quasi or administrative decision making as a skilful tribunal and administrative law, but also has some relative independence insofar as the administration of that regime. I am wondering if the Criminal Injuries Compensation Board is in fact wrongly placed under the Victims Programs and director of Public Safety, and does it not have instead a different relationship to the minister?

\* (1600)

**Mr. Toews:** Clearly, the Criminal Injuries Compensation Board, in exercising its statutory duties and obligations is in a very different position than, for example, the Deputy Attorney General would be. The Deputy Attorney General, while exercising very important, independent prosecutorial functions does report to the Attorney General in respect of administrative concerns and duties in the department, in the same way the Assistant Deputy Attorney General, Mr. Fineblit, or indeed Associate Deputy Minister Mr. Perozzo, each of them has very important roles. One could question: Is it appropriate to have them reporting to anyone, or should they report directly to the minister? I think that, in view of the great measure of independence that the Criminal Injuries Compensation Board has in following its statutory mandate, it is important that there be a communication mechanism or liaison with the department.

Now, for whatever administrative reason, and there has been a massive restructuring of our department over the last couple of years, it was seen that this would be the most efficient place to place the Criminal Injuries Compensation Board. So this is probably—and I stand to be corrected by my staff, but something that has been looked at very, very recently, and it was felt that this was the most appropriate. If the member has any

specific concerns as to why the Criminal Injuries Compensation Board, in its liaison function, should be reporting to someone else, indeed to myself, I would certainly be willing to entertain any suggestions and recommendations in that respect.

**Mr. Mackintosh:** Would the minister admit that the Criminal Injuries Compensation Board's administrative independence, relative as it is, is going to be affected by changes in the department which will bring administration from what was the board into the department itself? In other words, we are not simply talking about an organizational chart. What we are talking about is structural changes that will bring the Criminal Injuries Compensation closer into the Department of Justice ongoing administration.

**Mr. Toews:** Mr. Chairman, I would just like to indicate that some of the statements by the member opposite are perhaps in anticipation of certain changes that may well be proposed in respect of the Criminal Injuries Compensation Board. At this time I have no intention, the government has no intention of bringing legislation in to change this reporting structure. That will be done over a longer period of time. We want to ensure that, as we change that reporting structure and who carries out that judicial function, we are mindful of some of the statements that the member for St. Johns has raised.

One of my officials has indicated that the straight line should in fact be a dotted line, indicating rather, again I want to emphasize, a liaison issue or liaison relationship rather than an operational subordination to either the director of Public Safety or to the Victims Programs. So the changes that we will be making structurally have not yet been determined. That will be a process of deliberation and consultation to ensure that victims continue to be served in the best possible way by the Criminal Injuries Compensation Board.

**Mr. Mackintosh:** In other words, the explanation on page 43 of the Detailed Estimates that program responsibilities for the Criminal Injuries Comp Board has been transferred—I mean, the word is transferred, in the past tense, to the Department of Justice—is actually not yet completed, and, furthermore, following that, is it then expected that the reduction of an appropriation for the board is premature?

**Mr. Toews:** Mr. Chairman, in respect of any changes that need to be made, either for the program responsibilities for the Criminal Injuries Compensation Board, the board itself and, indeed, the wage replacement, that must all be done through legislation. That has not yet been done.

It is the intention of this government to deal with the wage replacement issue in this session if possible, but the issue of the Criminal Injuries Compensation Board and the way in which it shall in future deliver its services will be an issue for the Legislature to decide and to discuss and will not be done in simply an administrative fashion.

So, in that respect, the word “transferred” is not accurate. That is correct.

\* (1610)

**Mr. Mackintosh:** Does the minister intend to introduce legislation this session to deal with this matter?

**Mr. Toews:** Which matter?

**Mr. Mackintosh:** Is the minister intending to bring in legislation this legislative session to deal with what I understand from his comments will be necessary in order to fulfill what is described in the note on page 43; that is, program responsibilities being transferred from the Criminal Injuries Compensation Board to the Department of Justice?

**Mr. Toews:** In respect of the issue of the wage replacement, yes, legislation will be brought in. The much larger issue relating to the structure and composition of the Criminal Injuries Compensation Board, for that I do not have any legislation prepared at this time, and I think I can safely assure the member that I will not be introducing that in this session.

**Mr. Mackintosh:** Was the position of director of Public Safety one that was advertised? Was there a public competition for that position?

**Mr. Toews:** This was something that occurred prior to my time, but I do understand from speaking to the departmental officials that there was, in fact, a

competition within the department and that there were a number of applicants and that Mr. Sangster was the successful applicant.

**Mr. Mackintosh:** In other words, is the minister saying that there was an internal posting of a vacant position or a position and that all members of the Department of Justice were invited to apply for that?

**Mr. Toews:** I am advised that the notice for this particular position was circulated to all people within the public safety area, and I think it is very important to point out why that was done.

The creation of the director of Public Safety did not involve the creation of a new position. So, in effect, the successful applicant, in addition to being the successful applicant, had to bring his own or her own staff year with them. So, clearly, that presented certain limitations as to how the department could respond, but, very fortunately, we were able to find a suitable candidate within the public safety area who, fortunately, indeed, had his own staff year that he was able to bring to the position and thereby ensure that we could move forward in this program.

**Mr. Mackintosh:** Well, now I am confused. My understanding is that there was no division for Public Safety pre-existing the director's appointment, so how could anyone bring an SY from Public Safety?

**Mr. Toews:** What I indicated very clearly is, from the public safety area. I did not indicate division at all. That division was created later, and the member is correct that that division was created later. It was a staff year that Mr. Sangster occupied. He was one of the individuals notified of the position, and I assume that through the regular course of events he was interviewed, along with the other applicants, or applicant, and he was the successful applicant.

**Mr. Mackintosh:** Can the minister tell the committee how many applicants there were for that position of director of Public Safety?

**Mr. Toews:** I am advised by my officials that there were two.

**Mr. Mackintosh:** On a related matter, I understand that Mr. Graceffo has recently been appointed to the

position of assistant deputy minister, Corrections. I am wondering if there was a competition for that position, whether it was open to the public generally or whether that was only for members of the department.

**Mr. Toews:** I think it is important that I go back a little bit into the history of that particular position, very, very important position.

As the member for St. Johns will recall, the prior assistant deputy minister, Mr. Ben Thiessen, had been appointed assistant deputy minister as a result of a national competition, and one of the participants in that competition was in fact the present assistant deputy minister, Mr. Greg Graceffo. The member will recall last year that there was a disturbance at Headingley Jail, and in the aftermath of that disturbance Mr. Ben Thiessen took a leave of absence from the department pursuant to the deferred salary position.

I think it should be made clear that Mr. Thiessen did take a deferred salary. He had been paying into that deferred salary program. As the member may know, there is a deferred salary program in government. For example, you get four-fifths of your salary for four years, and then you can take the fifth year off and be paid four-fifths of your salary, in effect, the amount of money that you saved by only collecting four-fifths through the other number of years. I am just using the example four-fifths, because I think that was the case in Mr. Thiessen's case. It can be for a shorter period of time.

\* (1620)

Now Mr. Thiessen indicated when he went on his deferred salary leave that he would not be coming back as the assistant deputy minister, and he is in fact assured of a position equivalent to, I believe, an executive director in our department. We anticipate Mr. Thiessen coming back as an executive director in a position in the department of the Attorney General some time in September. That is my best information at this time. Certainly there are many tasks and roles that he could perform in whatever position he is eventually placed, but he is guaranteed, essentially, an executive director's position in accordance with the leave provisions that he was a part of.

Now, obviously, we required someone to fill that very demanding position of assistant deputy minister, Corrections. A natural choice came to mind when one reviews the comments of Mr. Justice Hughes in his report. I think Mr. Justice Hughes spoke very glowingly of the capability and the determination, the dedication of Mr. Greg Graceffo who was acting in the assistant deputy minister's position. I think if you read that report there may even be, not a direct suggestion perhaps, my memory fails me, but certainly an indication that this would be the type of person that the department required in Corrections in this very, very difficult time.

Mr. Greg Graceffo has an extensive background in Corrections not just with the provincial government but, indeed, with the federal government. I believe he served—not time, I was going to say—in an official capacity, yes, in Her Majesty's service at Stony Mountain but not as a sentenced prisoner, indeed as one of the administrators, and he served in an exemplary fashion as a public servant with that institution for a period of 17 years, I believe, if I have not said it already. He came to the provincial government and worked in the Courts Division, and I believe he was under the Assistant Deputy Minister Mr. Marvin Bruce at that time and then came into Corrections.

Now, as the acting assistant deputy minister, he was obviously very instrumental in trying to normalize the department after the disturbance in April of last year. He spent an awful lot of time, both with me as a new minister and the prior minister, in assuring the public and fulfilling the demands set out in the Hughes report. I think Mr. Graceffo lived up to the expectations that Mr. Justice Hughes saw in that particular individual. He performed his duties very, very well at a very, very difficult time. Accordingly, given that he had been one of the candidates for the original assistant deputy minister's position, on the advice of the Civil Service Commission, he was in fact appointed assistant deputy minister on a permanent basis. He continues to serve in that capacity, and I must say that he continues to serve the province of Manitoba in an exemplary fashion. So that is a bit of a history about why Mr. Graceffo is the permanent Assistant Deputy Minister of Corrections today.

**Mr. Mackintosh:** Could the minister tell the committee whether there has been a policy in the

department that directors and assistant deputy ministers be appointed only after open public competition, and whether such a policy existed particularly in the department of Attorney General?

**Mr. Toews:** Mr. Chairman, I think it is important to note that although the situation here was unique, there was nothing that was done that was inappropriate in the sense of the appropriate civil service regulations or rules being avoided. They, in fact, were followed in this particular situation. I purposely want to focus on this particular position. It is very difficult for me to say what was done in any particular situation without those facts being put to me directly.

What I can say is that generally speaking, and I do not know of any exceptions, we follow what the law requires and what the civil service policy requires or allows. So in respect of this unique situation, given that he was an applicant for that assistant deputy minister's position, given that this occurred, that he took over the position of acting ADM within a six-month period of the competition, that it was felt by the department that advice from the Civil Service Commission should be sought in order to determine whether another competition would be necessary.

Again, in these kinds of situations, the waiving of a competition would not be unique. For example, if you had a sheriff's officer competition, somebody came in second place; the first place person, for one reason or another, within a short time of appointment, could not carry out the responsibilities or something else happened, or some other intervening factor took place, then it would be quite appropriate for the second-place candidate to take the position, if offered to him without a further competition, if it was seen that there were appropriate candidates that could be relied upon.

Not wishing to leave anything to chance in this particular case, I understand that the deputy minister of the department wrote to the Civil Service Commissioner, explained the uniqueness of the situation and received the advice from the commission which resulted in the particular consequence of events leading to the appointment of Mr. Graceffo as the ADM without a second competition taking place.

\* (1630)

**Mr. Mackintosh:** Was Mr. Graceffo the second-place contender, if you will, in the earlier competition?

**Mr. Toews:** I understand that he was, in fact, one of the top three applicants, and I am advised of that. I do not have any personal knowledge of that, but given the recommendations or the advice of the commission, it was felt that it was appropriate and nothing untoward in the appointment of Mr. Graceffo to that position without a further competition.

**Mr. Mackintosh:** Did the Civil Service Commission make any comment to the department about the appointment of Mr. Sangster then to the position of director of Public Safety without a public competition?

**Mr. Toews:** In my former position as Minister responsible for the Civil Service Commission, there are certain areas which are referred to as delegated authority, meaning that the department itself would have the jurisdiction, or maybe not that formal a word, but the authority to make appointments after an appropriate competition which is determined according to the department—can make that appointment without the Civil Service Commission involvement. That is the delegated authority.

In respect of Mr. Sangster's position, the position was one which fell within this delegated authority. Therefore, the advice of the commission was neither requested nor received. That is, the salary and the position were not at a level that would require such a step and fell within the delegated authority of the particular department.

(Mr. Gerry McAlpine, Acting Chairperson, in the Chair)

I believe, and I could be subject to a question on this, this delegated authority is something that is negotiated between the department and the Civil Service Commission. The Civil Service Commission clearly retains overall jurisdiction but then delegates this authority to the departments.

**Mr. Mackintosh:** Whether the positions may be, as the minister describes, delegated authority or not, is it the view of the government and the minister that the various directors now in the department may be

appointed without open competition? I am looking—you know, what is the policy now in the department?

**Mr. Toews:** Mr. Chairperson, I think, just in order to keep the discussion within a very particular parameter, it is very important to understand that this competition involving Mr. Sangster did not involve the creation of a new staff year.

I think one very important example that can illustrate the issue on a broader basis is the competitions, if I can loosely refer to them as that, that took place in respect of in the Criminal Prosecutions branch, and that is there were certain senior Crowns' positions that became available, but these senior Crown positions were positions in title only. They had no independent staff year, they had no independent salary, so all that one acquired in participating in this competition was a title and the existing salary. This is not the type of competition that one could invite people from outside of that particular area to compete in because it would then involve, I guess, a more sophisticated version of musical chairs. You bring another person in, another person loses his or her seat.

So the competition in terms of reorganization in that Criminal Prosecutions branch involved a reorganization, but everybody had to bring their own staff year or chair, if I can continue to use that analogy, to this particular competition. They had to bring existing salary dollars from whatever source.

With Mr. Sangster's position, it was exactly the same thing. In order to compete, if I can use that term in this context, for this position, you had to have certain things. Number 1, you have to have a staff year, and you have to have some existing salary or dollar allocation. Mr. Sangster had those. Similarly in the area of criminal prosecutions, when these senior prosecutors were appointed, we relied on internal people to compete for those positions. Some became senior prosecutors and others, those who were unsuccessful for those positions, did not lose their employment with the Attorney General but were placed in more appropriate places in view of the restructuring.

So it is not a competition in the classical sense where there is a vacant staff year and unattached salary dollars. I think that distinction has to be made very,

very clear that we are not dealing with the ordinary competition in the sense that there is a vacant position. There is no vacant position. It is more of a reorganizational device rather than the adding of another body to the public service.

\* (1640)

**Mr. Mackintosh:** Where was Mr. Sangster's SY last fiscal year?

**Mr. Toews:** I am advised that the SY came out of a Legislative Counsel position.

**Mr. Mackintosh:** I noticed that the SYs in Legislative Counsel remain unchanged at 21. I am wondering, there does not appear to be any movement of an SY from Legislative Counsel to Prosecutions.

**Mr. Toews:** I will try to explain the explanation here, and I trust that this is the correct sequence of events. I recall the little example I told about the 2,000 being juggled up in the air and they come down as 2,001. I am assured that is not what happened here, and I specifically raised that issue.

What in fact I understand is that if you look at the '95-96—and I stand to be corrected, but I am assured that is what the appropriation was from '95-96—was 22 in Legislative Counsel. In '96-97, there is what they call an Adjusted Vote transfer, which then brings the number to 21, and so the number continues at 21 for '97-98. The one staff year of '95-96 that seemed to have disappeared out of Legislative Counsel was as a result of that Adjusted Vote transfer and now has appeared in this area, that is, the Public Safety area, the position that Mr. Sangster was occupying.

**Mr. Mackintosh:** The notion of an Adjusted Vote transfer is not explained by the Estimates for '96-97 which show 21 staff years for that fiscal year. Where does that Adjusted Vote transfer, which is language I have never heard before, show up in the official records of the appropriations of the Legislature? This is the appropriation from the Legislature. It cannot be changed by administrative decision.

**Mr. Toews:** I do not want to risk putting things on the record that I am not explaining properly. This is

probably more of an accounting function, and what I am prepared to do is to have members of my staff explain it in detail for the member for St. Johns (Mr. Mackintosh) in a written form. We do not have that information here in a manner which I am sufficiently satisfied will explain the situation. So I will take that as notice and provide the member with a written explanation of the process, including this Adjusted Vote transfer and the policy behind this Adjusted Vote transfer, how this occurs, how long this has occurred for, and hopefully that will satisfy the member. If the member needs additional information, I can provide that to him as he requests.

**Mr. Mackintosh:** I wonder if that could be done in the next several days, in other words, in time for me to raise any supplementary question that may follow from the written material. I know staff will appreciate that my concern is that I am sitting here and I say okie dokie to 21 SYs in Leg Counsel and 21 this year in the Leg Counsel and in fact that is not the case.

In fact, according to what the minister has said now, there has been actually a transfer of one SY from Leg Counsel over Prosecutions. So, I mean, I have to have confidence that the Estimates as presented to the House are those that have been approved.

Perhaps if the minister could assure the committee that the response could be put together before the end of Estimates, and I do not even know when we are finished here, but if they could be done in the next several days.

**Mr. Toews:** Yes, I can provide that for the member within the next number of days, couple of days, and I will endeavour to ensure that is here before the end of Estimates, provided that the member does not close his Estimates today.

**Mr. Mackintosh:** Just for the record, it has been my understanding that the position of Deputy Attorney General is one that has been filled as a result of an open public competition. I wonder if the minister can tell me if my understanding is correct or not.

**Mr. Toews:** That is correct. I understand that the Deputy Attorney General was appointed in 1993 as a

consequence of a national competition, and Mr. MacFarlane was appointed at that time.

\* (1650)

**Mr. Mackintosh:** It is my preference to pursue always answers to questions, but I will leave the minister with the important notion that we support that, particularly for the department of Attorney General. I am sure the minister recognizes the inherent value of public competitions, not only for the deputy position, which in other departments would tend to be a political appointment, considering the policy sensitivities of different administrations, but that also in the department of Attorney General it is important that, as a general rule, public competitions be held for the director positions. I say as a general rule, and I think he has explained the situation with regard to Mr. Graceffo that may or may not, but it certainly is an arguable point that that appointment was well founded.

I just leave the minister with that notion. He may want to respond or may not.

**Mr. Toews:** I certainly think that, as a matter of principle, the government adheres to the requirements of The Civil Service Act in certain situations, an example being the appointment of Mr. Graceffo. There was no, I think, proper requirement for an additional competition, and he is certainly filling that capacity.

I take the comments of the member for St. Johns as very thoughtful and important that the civil service, in fact, must retain a certain measure of independence and objectivity from the political people. I think that the failure to ensure an appropriate degree of objectivity in the process is very, very important.

I am certainly mindful of that given my own experience in the public service. I know that, in certain situations, I competed for positions. I can tell the member that when I first began in the Attorney General's department in 1976, I was hired as an articling student as a result of a competition coming out of law school. I then became a Crown attorney in, I think, June of 1977, and I do not believe that there was any outside competition. I walked into a position, so to speak. It was an internal competition which I took, and then when I transferred in 1979 to Winnipeg, I was

essentially transferred to the Legal Services branch and no competition took place there. There was a vacancy. I was interviewed by a director and the director hired me. I do not know the legal technicalities of that, but I assume everything was done appropriately.

Generally speaking, yes, it is very important to ensure the highest level of candidates are selected and placed into the appropriate position. So I thank the member for those comments, and I know my own experience in the civil service has been that the Civil Service Commission, whether it acts directly or through delegated authority, attempts to ensure that the provisions of the legislative regime that govern its activities in the appointment of civil servants are followed.

**Mr. Mackintosh:** Can the minister tell the committee when the parental responsibility act is going to be proclaimed, and why is it that it has not been proclaimed yet? It was enacted about a year ago.

**Mr. Toews:** I am pleased that the member for St. Johns has raised the issue of the parental responsibility act, a very, very important initiative of this government. As the member is aware, the area of criminal law in terms of policy and legislation is primarily a function of the federal Parliament, and so the Criminal Code and the Young Offenders Act are in fact acts that the provincial Attorney General administers and enforces, not by way of constitutional obligation but through delegation by the federal government. While we attempt to work things out with our federal counterparts, often we feel that the federal Parliament is not sensitive enough to regional needs or regional concerns, and the broad policies reflected in either the Criminal Code or the Young Offenders Act do not address specific needs that might arise in a particular jurisdiction.

The Parental Responsibility Act is, in fact, one of these initiatives where the provincial government has, in its area of constitutional legislative authority, decided to proceed to advance a policy goal that we feel is missing in our Young Offenders Act. Being unable to directly effect change in the Young Offenders Act, because we do not have the legislative authority, we in this Legislature have passed The Parental Responsibility Act. That particular act is seen as one

tool in a vast array of tools that are necessary in order to ensure that not just law enforcement officials but citizens of our community have speedy access to justice. The justice system must serve our community, so we want to make that justice system as responsive to the community as possible.

If one examines The Parental Responsibility Act, we note that many of the concepts underlying that act are already found in the common law, but I think this is a very clear example of codification of the common law and an improvement of the common law to ensure that parents who owe a duty of care to the community in respect of the actions of their children are also responsible for those actions when they deliberately or negligently fail to carry out their responsibilities. So I am very pleased with our government's initiative in that respect.

\* (1700)

In order to ensure that administratively the policy and legislative goals of that particular statute are carried out, my department has been working to put into place the appropriate administrative infrastructure so that this will, in fact, accomplish the policy purposes that it was intended to. So we are working on that, and I am assured that we will be in a position to proclaim that act in a short period of time. I am hoping that it is certainly within six months. My officials advise me that it can be done within a period of six months or less, but I am still waiting to see what the exact time frame will be. I am hoping that it is going to be shorter than that, but I anticipate somewhere in the range of six months or shortly under that period of time.

**Mr. Mackintosh:** My reason for the question was that the legislation appears to be fairly straightforward in terms of any resulting administrative rearrangement. It really is a codification, a clarification, perhaps an emphasizing of a private civil remedy that the Small Claims Court is there to respond to. I am wondering what administrative arrangements the minister is referring to.

**Mr. Toews:** To give the member some indication of the nature of the problems that we need to address in setting up this infrastructure, I go back to some of my initial comments, and that relates to the jurisdiction that

the federal Parliament has in the area of young offenders. As the member recognizes, under the Young Offenders Act there are certain privacy requirements, and in setting out how we determine who, in fact, are the parents of a particular young offender, these statutory requirements set by the federal Parliament must be observed and taken into account, so that when a citizen then initiates a process against parents, that we ensure that these, in fact, are the correct parents of the particular offender.

So, again, this is an example where existing federal legislation, while not expansive enough to address regional concerns such as the ones that motivated this particular act, must now be taken into account while we are implementing specific responses in the area of our jurisdiction. As the member appreciates, this relates to the issue of federal paramountcy in respect of criminal law, criminal law, of course, being the basis upon which the Young Offenders Act is passed.

Some other aspects that have caused some delay in preparing the infrastructure relate to public information and access to how people can go about proceeding under this act. We want the act to be a summary mechanism. I think, as the member has pointed out, this has, in fact, been a codification, in part, of existing common law civil jurisdiction, and in order to make the law more accessible, it is also the task of the government then to ensure that people know how to use this process.

So the legal issues that have been raised by the Young Offenders Act and then informational and administrative infrastructure issues, secondly, have resulted in this period of delay in proclaiming the bill since the time of its passing by the Legislature.

**Mr. Mackintosh:** Does the department have concerns that the Young Offenders Act needs to be changed in order to proceed with the proper application of The Parental Responsibility Act in Manitoba?

**Mr. Toews:** Lest there be any confusion and my remarks be taken as acceptance of the Young Offenders Act, I want to make it perfectly clear here that our government is not pleased with the legislative framework established by the Young Offenders Act. That is very clear.

The Young Offenders Act is inadequate in many respects, and, yet, because the federal Parliament has made certain legislative pronouncements, we then have to adjust our practice to ensure that we can have an efficient process, bearing in mind the straitjacket, in some sense, the federal legislation puts us in.

But I am not aware of any particular legislative changes that are required in order for us to fully implement the provisions of the act referred to by the member for St. Johns.

**Mr. Mackintosh:** Have there been any concerns raised by the department to the minister about any breaches of the Young Offenders Act in the event that the parents of a young offender are named in the suit in the Small Claims Court?

**Mr. Toews:** Well, in fact, that is exactly the concern that we need to address before we put the infrastructure into place, that we comply with the provisions of the Young Offenders Act in implementing our program. There is nothing wrong with, even today, young offenders or young people being sued in the courts and parents taking responsibility for that. There is a process under the common law. The fact that you can have an action against a parent, for example, for the conduct of that child, negligent or criminal, is not an unusual thing.

What we do need to emphasize is that the goal of our Legislature was to put a summary mechanism in place to ensure that the legal process is simplified, so that the ordinary citizen can have this as an effective remedy. In doing that, we have to ensure that we do not violate any prohibitions or provisions of the Young Offenders Act.

**Mr. Mackintosh:** For example, is it the concern then that, if a suit in Small Claims was initiated against Mr. Robert Jones for the actions of Bobby Jones, that thereby publicizing the name of the young offender could be a breach of the Young Offenders Act, is that the particular kind of instance?

**Mr. Toews:** There are no legal concerns in the filing of that suit, even if, coincidentally, the young offender and the child in the suit are the same person. It is a question of protecting the records of the youth court in accordance with the provisions of the Young Offenders

Act that we have to deal with. So that is the nature of the administrative concern.

Now, I am advised that it is an administrative concern. It is a concern that can be addressed in the existing legislative framework, and that is what is being worked out now.

\* (1710)

**Mr. Mackintosh:** Have any concerns been raised with the minister from the department or from other places about difficulties surrounding the onus provisions in The Parental Responsibility Act?

**Mr. Toews:** I have not been made aware of any issues regarding the onus issue. It is certainly not a constitutional issue. I do recall discussing that particular issue, because I recall from my own days as a prosecutor where we used to have to call the mother of the child in order to prove the age of the child, so that the juvenile delinquents court had jurisdiction. So the mother would have to stand up and say, yes, I am Johnny's mother; Johnny is sitting in the court here, and Johnny was born on June 5, 1981, and I know that to be the case, because I was there when it happened.

So in an attempt to avoid that kind of a proof issue, the act made certain assumptions in respect of birth that I think are entirely appropriate and do not create any issues of natural justice as far as I am concerned.

**Mr. Mackintosh:** Just so it is clear to me then, is the minister saying that the real problem here is the release of information about the conviction from the court to the parties to the dispute in Small Claims Court or to the plaintive, and the provision of that certificate of guilt that is necessary to begin the process in the Small Claims Court?

**Mr. Toews:** Yes, the member understands that correctly.

**Mr. Mackintosh:** The department has made a decision, I understand, not to prosecute certain corporations under the provisions of The Remembrance Day Act as it was in force on the last Remembrance Day. I am wondering if the minister can explain to the committee why there was a decision not to prosecute

when the law was in full force and effect on the day that was the day of significance.

**Mr. Toews:** Yes, that certainly is an interesting question, because it raises all types of questions of legal theory and prosecutorial practice. It has been mentioned in this Chamber before. One of the best decisions regarding the exercise of prosecutorial discretions is a case called *R. versus Catagas*, and I believe that was a prosecution under the Migratory Birds Convention Act, which came out of the Brandon area. In that particular case, the accused, and I believe that they were Status or treaty aboriginals, Indians, had been assured by federal officials that they would not be prosecuted for hunting in contravention of the Migratory Birds Convention Act and, indeed, I believe the judge at the county court level was either Lorne Ferg or Pat Ferg, one of them. I believe it was Lorne Ferg, as I recall, because Lorne Ferg was the judge in Brandon. In any event, Lorne Ferg, Judge Ferg decided that because the officials had lulled these people into a false sense of security, it would now not be appropriate to allow them to charge and convict these individuals given that they had acted on the advice of these federal officials.

The matter went to the Court of Appeal and, I think in a very important judgment, what Mr. Justice Freedman stated, speaking for the majority if not unanimous decision of the court, was that the executive cannot disobey the Legislature. That is, the law is the law, and the law must be enforced in accordance with appropriate principles. One of these appropriate principles was the concept that no prosecutor is compelled to prosecute every time a breach of the law has been identified. There is an important element in any prosecutorial system, and that is the element of prosecutorial discretion. I think this is one of the reasons why the British system, in fact, has the Attorney General outside of cabinet. There is an independence to the decision on whether to prosecute or not. In our Canadian system, we do not have the Attorney General or the Minister of Justice outside of cabinet, but I think what has grown to be the practice in Canada over the last 125 years is a very healthy respect for the independence of a prosecutor in making a decision as to law as to whether or not someone should be prosecuted. It is the independence of that prosecutor and the discretion of that prosecutor.

The prosecutor, in looking at a particular case, deals with, I believe, two issues: No. 1, the reasonable likelihood of conviction in any particular case, and secondly, whether it is in the public interest to do so. It is not a political decision. That is a legal decision which involves an element of discretion. I think the member's points earlier talking about the Deputy Attorney General are also relevant to ensure that the people who occupy these positions are, in fact, appropriately qualified and make these decisions on the appropriate principles.

In the Remembrance Day situation, the member for St. Johns will recall that the act was passed one or two days—I could be off on that. November 11 is Remembrance Day, and I believe the act was passed perhaps within a week, three or four days perhaps of November 11, perhaps even less, so there was clearly a very confusing situation. I am advised by the prosecutors that they made a decision that it would not be in the public interest to prosecute under the old act and—or was it the new act came into force after November 11? That is how it worked: within three or four days after November 11.

\* (1720)

So it would not be appropriate to prosecute under the old act for offences committed on November 11, given the confusing situation that existed at that time, and that was a decision that was based on this second principle that governs a prosecutor's conduct, not the reasonable likelihood of conviction, although one could perhaps argue whether that could have come into play here as well, but in this particular situation, the prosecutors felt that it would not be in the public interest to commence a prosecution.

**Mr. Mackintosh:** It is my understanding that one of the corporations that opened for business on Remembrance Day that year proclaimed publicly that they knew full well what the law was and it was damn the torpedoes. That was my understanding. In other words, to that particular corporation there was no confusion. I wonder if the minister can respond to that understanding of the factual situation.

**Mr. Toews:** I am not aware of that particular situation, but it is not something that I would be involved in on a

personal basis anyway. I do not believe it is appropriate for the Attorney General to make decisions as to whether or not a particular corporation or person should be charged in a case. I think I am entitled to demand an accounting from the Deputy Attorney General of decisions that were made and why they were made. I understand that in this particular case, and I do not know the particular facts of the situation that the member for St. John raises, but I understand that no prosecutions were commenced because it was believed that it would not be in the public interest to do so unless the member can indicate particularly what corporation it was and whether this was even in fact brought to the attention of the police and the Attorney General's department.

**Mr. Mackintosh:** Is it the policy of the Prosecutions branch and particular prosecutors to bring questions as to whether a prosecution should proceed or not to the minister, or a final decision making with regard to that second test, which is the public interest? In other words, where there are cases of political sensitivity, the minister does have a role in decision making.

**Mr. Toews:** I just want to assure the member that in the time that I have been the Attorney General it has not been my practice to be involved in advising whether a person or a corporation should be charged. I do not believe that is my function. I am certainly advised from time to time on important issues where people, corporations have been charged, and that is drawn to my attention. What in fact I can do at that point is question why a certain decision was made, but those types of decisions I have not had occasion to question in a negative way why a particular decision was made during my tenure in office.

I have always found that, while I served the attorneys general of this province, while I was called in to account from time to time about why we would be proceeding on a certain prosecution, it was the Deputy Attorney General who made that type of decision ultimately whether something should be prosecuted or not. I think that appropriately divides the legal function and leaves it with the Deputy Attorney General, and the general broader policy concerns can be raised by the Attorney General to ensure that is taken into account in the Deputy Attorney General's decision.

(Mr. Chairperson in the Chair)

I am very cautious, as I believe other attorneys general have been, in being involved with the prosecutions process. The other thing that might be pointed out is that it has been my practice, and I could be corrected by the staff, that generally speaking, the vast multitude of charges are laid by the police, that the police do these charges as the informant without any direction or interference by the Attorney General's department. From time to time the Attorney General's department is consulted in respect of what charges are laid, but I am not aware of situations where the attorney general in any province routinely directs police to lay charges. The charging role is essentially the role of the police. They receive legal advice from the Attorney General's department, and then the Attorney General's department plays an important role, firstly, in prosecuting and, secondly, in effect, staying inappropriate charges. Again, while it is a difficult distinction to make, the political issues must remain separate from the legal issues, and that is a practice that I have endeavoured to follow.

**Mr. Mackintosh:** Will the minister then assure this committee that he, in no way, took any part or influenced in any way the decision not to prosecute under The Remembrance Day Act in respect of the last Remembrance Day?

**Mr. Toews:** If you are referring to myself personally, yes, I can assure you that I had no decision in respect of when anyone was prosecuted. I was the Minister of Labour at the time. I cannot recall whether the Minister of Labour, that department, referred the issues to the Attorney General, exactly how that was done, but I believe that there was a decision made by the Attorney General's department either as a result of a referral by the Department of Labour or as a result of a referral by the police to them, and the prosecutor then made the decision as to whether it would be in the public interest to prosecute in this particular situation or not. If you just give me one moment, I can check some of the background of that.

Just to continue with my answer, I just wanted to confirm with my staff the exact sequence. As I understand it, a number of police reports were compiled. That went to a prosecutor. The prosecutor

made a decision that it would not be in the public interest to do so. That decision was then reviewed by the director of Prosecutions, Mr. Rob Finlayson. He made that decision, and no charges consequently were laid in that respect.

\* (1730)

**Mr. Mackintosh:** Can the minister advise whether there was any consultation or any influence at all exerted by the former Attorney General with regard to whether this prosecution proceed or not?

**Mr. Toews:** I am advised that there was none. Mr. Finlayson is here with us now, and he advises that he may have advised the assistant deputy minister, but he is unsure of whether he did or not. The decision, he advises, was his, and there was no influence other than perhaps advising the assistant deputy minister, certainly no indication of any involvement by the deputy minister or the former Attorney General. If any information comes to light in that respect, I will advise the member.

**Mr. Mackintosh:** There were very serious questions raised in the House surrounding the allegations made apparently by two Manitobans, and I believe there was at least one information laid as to the whereabouts of the bell of Batoche. At that time, the question was raised as to whether there was political interference at all and whether those prosecutions proceed or not. There had been statements made through the media—and they may have been paraphrases, I cannot recall; I will have to go back to the record now—to the effect that the police had referred the matter to the Department of Justice for some direction from Prosecutions, and there was extensive delay, and, ultimately, a decision was made not to proceed with any charge of being in possession of stolen property.

I wonder if the minister can shed any light now as to whether the minister at that time had any influence or any role to play in the decision not to proceed with a laying of charges or of prosecution at that time with respect to the possession of stolen property, being the bell of Batoche.

**Mr. Toews:** I am advised that throughout any discussions that occurred in respect of possible charges in regard to this bell of Batoche, the deputy indicates

that he may have briefed the former Attorney General on one occasion on this matter but received no direction from her in respect of whether or not any charges should be laid. The decision not to lay charges remained within the Prosecutions branch.

**Mr. Mackintosh:** As I recall, it was the first Hughes report on the Pollock matter that talked, I think, in one of the recommendations about the advisability of police getting direction from the Department of Justice on politically sensitive charges. I am wondering if the minister can comment on how that recommendation is being applied.

**Mr. Toews:** I think, and hopefully I am not missing the point of the member's question, but the emphasis that I tried to make before was that, as the Attorney General, one must divorce the political issues from the legal issues. One of the best ways of doing that is by leaving the decision to prosecute with the Deputy Attorney General and the staff that he delegates that authority to.

So the director of Prosecutions, for example, when contacted by the police, will make certain recommendations as to whether there is a reasonable likelihood of conviction or whether it is in the public interest to do so. At this point, I think it is important that these are recommendations. Police are seeking advice and advice is given on the basis of those two criteria.

The department makes itself accessible to the police, so that virtually police can receive opinions from the Crown, if necessary, on a seven-day-a-week, 24-hour-a-day basis. That is the administrative practice that has been put into place. Of course, it is rare that that type of opinion is required on a 24-hour basis in order to lay charges. The function of laying charges should, in fact, remain with the police. We have to ensure and trust them with that responsibility. That is the way our system works.

Of course, police who initiate prosecutions in a malicious or other improper way are subject to civil liability, and, again, I would assume there is a sufficient jurisdiction under the Law Enforcement Review Agency for improper police conduct to be curtailed by

that mechanism. So there are mechanisms in place to ensure that police act appropriately.

Resources of the Attorney General's department are there to advise them, and, indeed, in situations that could be politically sensitive or involve the conduct of members of the Attorney General's department, or, indeed, police officers, from time to time independent prosecutors are retained, either outside the jurisdiction, from Saskatchewan—we would hire a Saskatchewan Crown attorney to give us a legal opinion—and that divorces the political aspects in a further way from the appropriate legal criteria on which these decisions should be made.

\* (1740)

**Mr. Mackintosh:** Is it the minister's position then that during his tenure he certainly would not in any way attempt to influence or interfere in any decision-making role that the Prosecutions branch has with regard to the prosecution of an individual?

**Mr. Toews:** Yes, it is certainly my position that I have never recommended that any charges be laid. I have, in fact, been briefed on certain situations. Indeed, when the Deputy Attorney General signed a particular direct indictment, as the deputy is entitled to do, the deputy will then come and advise me that that has, in fact, been done.

I would like to point out that under the Criminal Code, the Attorney General still retains that jurisdiction for signing a direct indictment, but, again, in view of the concern that I have and perhaps past ministers have had with mixing politics and the law, it is best left to the independent law office or the prosecutor to make those kinds of decisions and to sign any direct indictments despite the fact that I may have the legal authority to do so.

It, I think, is an appropriate way of distancing the issue of politics from law enforcement activities, and I think that is very important.

**Mr. Mackintosh:** Just coming to a conclusion on this one, is it the policy of the government that outside prosecution opinions be sought in particular situations, and what situations would they be? For example, say,

even if the First Minister was found to have been driving impaired, for example—I am just throwing that out, but something that is very politically sensitive to the government, what would be the policy in how that matter is dealt with in terms of prosecution decision making?

**Mr. Toews:** It is a very difficult issue to give any definitive, firm statements. There are certain general practices, but, again, the issue of prosecutorial discretion and control of prosecutions is very, very important. Again, as the member has indicated, in a case where you have this type of political sensitivity, one, of necessity, has to rely on the good judgment of the prosecutor's office to make the determination how a particular case can be handled.

I remember in my own experience as a prosecutor, back when I was either an articling student or in first year, there was a member of the RCMP involved in a particular situation, a highway traffic situation. I was the junior person in the office, and I was assigned the task of determining whether this officer should be charged or not.

Sometimes I think that I was a little naive in the sense that I did not understand the possible working repercussions that occur if a prosecutor in the same office makes a decision to prosecute a police officer that he would have to work with on a day-to-day basis. In that particular situation, I took a look at it, and I said I would prosecute. I made that recommendation to the police. The police charged. I was then assigned the job of prosecuting an officer that I would also work with. In that particular position, the judge acquitted the police officer, but that did create tremendous difficulties even in a small situation like that, and it is understandable. Perhaps, had I had more experience, I would have refused that type of assignment.

I think the department has come a long way since then and recognizes that kind of problem. They do not want to put a prosecutor in a difficult position. Most of all, they want to ensure that the interests of the public are met in any decision related to prosecutions. You cannot have a prosecutor saying boy, this is going to create difficulties for me and my job, therefore, I am going to choose not to prosecute. So there has to be a

level of objectivity brought into these types of situations.

Depending upon the degree of sensitivity, a senior prosecutor makes these kinds of decisions. So, for example, if a police officer is accused of some kind of crime or even a regulatory offence, generally speaking, it would not be a Crown attorney from Winnipeg who would deal with it, if it was a Winnipeg police officer under consideration. That offence would probably be sent out to a Crown attorney in Brandon or Thompson, or indeed, if it is more serious or more significant, the recommendation would come from an outside lawyer hired by the Attorney General's department to make that recommendation. That is done from time to time. Or a Crown attorney could make a recommendation, and then that would be reviewed by another outside lawyer in the province.

So depending on the nature of the advice, or the charge, it is difficult to put a fine point on it, but one could have a Crown attorney from outside of the area that the police officer is from, or a person in the private sector, to provide that advice, or, indeed someone outside of the province, which is done.

I am just recalling the situation in Yellowknife. Now, I know that there was a Crown attorney hired from Alberta to prosecute an important murder case in Yellowknife, because of the sensitivity of that particular situation. But I do not believe that you can make any hard and fast rules, but you, in fact, have to rely on these general principles and rely on the essential professional conduct of the Crown attorneys.

\* (1750)

Now, I have addressed mainly the area of police officers. The situation that occurs if in fact there is a cabinet minister, let us say, involved, as the example that the member for St. Johns (Mr. Mackintosh) has raised, Mr. Chair, obviously, that creates a much more sensitive issue. Again, I could hardly see the Attorney General advising the prosecutorial staff directly or indirectly as to what should be done. That has to be a prosecutorial decision even to the point where the prosecutor then has to decide, do I go out of the office? That is, outside of the Attorney General's department. Do I go out into the private sector? Do I go out into another province? Even that kind of decision essentially has to be left with that prosecutor to ensure

that that political sensitivity is respected and that the administration of justice is not brought into disrepute; but a very difficult situation.

I think, for that reason, the British Parliament has always kept the Attorney General as an independent law officer outside of cabinet to further enhance that independence and that objectivity; even in that situation, very, very difficult. Our legal system has not evolved in that particular way, but I believe that we have appropriate people in place to ensure that the public interest is met in determining whether or not prosecutions are brought in any particular case.

Now, I have answered this question in a factual vacuum, and I stand to be corrected in any particular case that the member may want to bring to my attention, and I can explain the process or why something was done or ask my officials because they are the ones with the knowledge in those particular situations of why someone was or was not prosecuted or who was consulted and why someone else was not consulted.

**Mr. Mackintosh:** I wonder if the minister can also then explain what the process is in the police obtaining a Crown opinion with regard to whether particular material is obscene, and there are matters in the media right now, and whether that opinion enables simply a charging or whether it also enables a seizure of materials and whether in that instance there would normally be a reference or whether the director of Prosecutions would be advised that such an opinion was being sought.

**Mr. Toews:** Just in respect of that particular issue, the area of pornography, whether it is a film or it is a book, is a very, very difficult one. I argued the case of Butler in the Supreme Court of Canada, which was a case coming out of Manitoba, went to the Supreme Court of Canada, and the whole issue of whether the tests under the Criminal Code were constitutional or a violation of Section, was it 2(b), freedom of expression, under the Charter, and the court in that Butler decision came out with certain principles that act as a guide.

Now, it is very important to remember that the issue of charging and the issue of seizures are essentially police functions. While a Crown attorney might make a decision or provide an opinion, to better put it, as to

whether or not something is obscene, the decision, then, to charge still remains a police function. Similarly, the decision to seize, whether it is in furtherance of obtaining evidence for the purposes of proving that criminal offence, still remains a police decision.

So that is not a decision that I see Crowns making. I am not familiar with Crowns making that particular decision. They can make recommendations, they can provide opinions, but, ultimately, under our system it is the police who then decide whether or not they will lay that charge, and it is good practice for the police to consult with the Crown attorneys because many of the Crown attorneys have an expertise in providing these types of opinions. They are the ones who read the law in a detailed fashion, especially in an area as complex as pornography.

So that, generally speaking, is where I should leave this answer today.

**Mr. Chairperson:** The hour being close to six o'clock, committee rise. Call in the Speaker.

#### IN SESSION

**Mr. Deputy Speaker (Marcel Laurendeau):** Is it the will of the House that I not see the clock for just another minute or two? Agreed? [agreed]

#### Committee Changes

**Mr. Edward Helwer (Gimli):** Mr. Deputy Speaker, I move, seconded by the member for Sturgeon Creek

(Mr. McAlpine), that the change that was made to the Subcommittee of the Standing Committee on Privileges and Elections, the one that was made this afternoon, I move that this be rescinded. That was the one that was the member for Gimli (Mr. Helwer) for the member for Niakwa (Mr. Reimer). That was for May 20, 1997, at 3 p.m., that it be rescinded.

Now, I move, seconded by the member for Sturgeon Creek (Mr. McAlpine), that the composition of the Subcommittee of the Standing Committee on Privileges and Elections be amended as follows: the member for Gimli (Mr. Helwer) for the member for Niakwa (Mr. Reimer). This is for May 21, 1997, at 3 p.m.

I move, seconded by the member for Sturgeon Creek (Mr. McAlpine), that the composition of the Standing Committee on Public Utilities and Natural Resources be amended as follows: the member for Fort Garry (Mrs. Vodrey) for the member for Brandon West (Mr. McCrae); the member for Turtle Mountain (Mr. Tweed) for the member for St. Vital (Mrs. Render); the member for Pembina (Mr. Dyck) for the member for Emerson (Mr. Penner); and the member for Gimli (Mr. Helwer) for the member for La Verendrye (Mr. Sveinson).

#### Motions agreed to.

**Mr. Deputy Speaker:** The hour being after 6 p.m., this House is now adjourned and stands adjourned until tomorrow morning at 10 a.m. (Thursday). Thank you and good night.

# LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, May 21, 1997

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