



Third Session - Thirty-Seventh Legislature

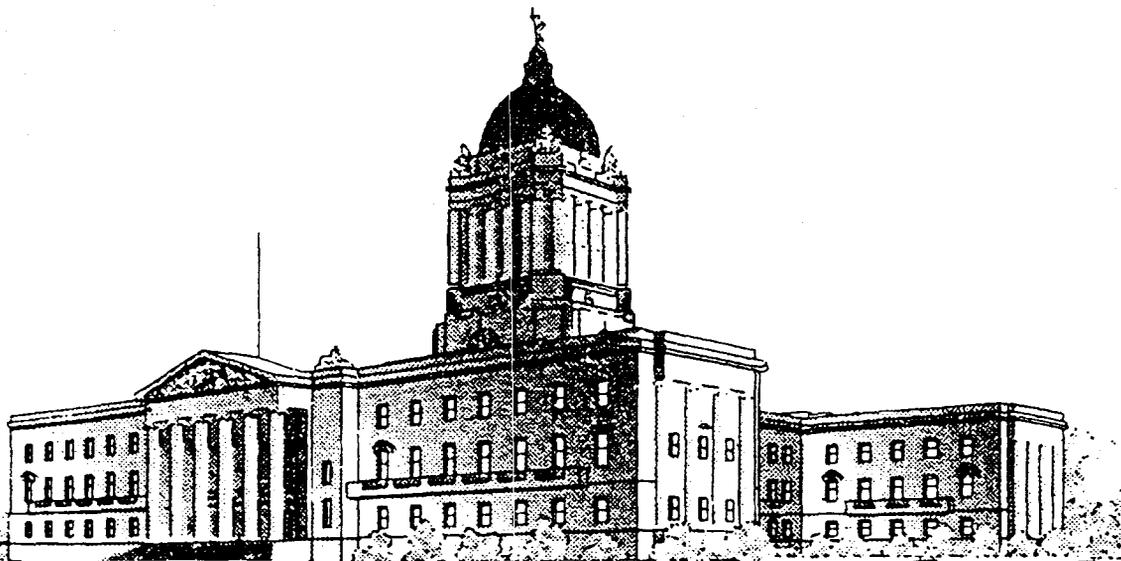
of the

**Legislative Assembly of Manitoba**

**DEBATES  
and  
PROCEEDINGS**

**Official Report  
(Hansard)**

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**MANITOBA LEGISLATIVE ASSEMBLY**  
**Thirty-Seventh Legislature**

<b>Member</b>	<b>Constituency</b>	<b>Political Affiliation</b>
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ALLAN, Nancy	St. Vital	N.D.P.
ASHTON, Steve, Hon.	Thompson	N.D.P.
ASPER, Linda	Riel	N.D.P.
BARRETT, Becky, Hon.	Inkster	N.D.P.
CALDWELL, Drew, Hon.	Brandon East	N.D.P.
CERILLI, Marianne	Radisson	N.D.P.
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DACQUAY, Louise	Seine River	P.C.
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FAURSCHOU, David	Portage la Prairie	P.C.
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JENNISSSEN, Gerard	Flin Flon	N.D.P.
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LATHLIN, Oscar, Hon.	The Pas	N.D.P.
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## LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, June 5, 2002

The House met at 1:30 p.m.

### Introduction of Guests

### PRAYERS

### ROUTINE PROCEEDINGS

### TABLING OF REPORTS

**Hon. Ron Lemieux (Minister of Culture, Heritage and Tourism):** I am pleased to table the Supplementary Information for Legislative Review for the 2002-2003 Departmental Estimates for the Department of Culture, Heritage and Tourism.

### INTRODUCTION OF BILLS

#### Bill 33—The Private Vocational Institutions Act

**Hon. Diane McGifford (Minister of Advanced Education):** Mr. Speaker, I move, seconded by the Minister of Culture, Heritage and Tourism (Mr. Lemieux), that leave be given to introduce Bill 33, The Private Vocational Institutions Act; Loi sur les établissements d'enseignement professionnel privés, and that the same be now received and read a first time.

His Honour the Lieutenant-Governor, having been advised of the contents of the bill, recommends it to the House. I would like to table the Lieutenant-Governor's message.

#### *Motion presented.*

**Ms. McGifford:** Today I am pleased to introduce The Private Vocational Institutions Act, which will replace The Private Vocational Schools Act. In doing so, it makes a number of changes affecting the providers of private vocational training and students attending those institutions. Some of the new key areas are enhanced consumer protection, a strengthened registration process and the creation of a private vocational institutions appeal board.

#### *Motion agreed to.*

**Mr. Speaker:** Prior to Oral Questions, I would like to draw the attention of all honourable members to the public gallery where we have with us from David Livingstone School six Grades 3 to 6 students under the direction of Mrs. Carol Peterson. This school is located in the constituency of the honourable Member for Point Douglas (Mr. Hickes).

Also seated in the public gallery from Killarney School 52 Grade 9 students under the direction of Mrs. Lesley Johnston. This school is located in the constituency of the honourable Member for Turtle Mountain (Mr. Tweed).

Also in the public gallery we have from Maples Collegiate Institute 21 Grade 9 students under the direction of Ms. Roberta Garton and Mr. Doug Smith. This school is located in the constituency of the honourable Member for The Maples (Mr. Aglugub).

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

### ORAL QUESTION PERIOD

#### Manitoba Hydro Rate Increase

**Mr. Stuart Murray (Leader of the Official Opposition):** Mr. Speaker, we are dealing with a desperate government that has taken some desperate measures to balance last year's books. We know, and Manitobans know, the Doer government has a spending problem. They floated the idea of raiding the rainy day fund, and they knew Manitobans would not agree to it. They also tried—

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

**Mr. Speaker:** Order.

**Mr. Murray:** Thank you, Mr. Speaker. They also knew Manitobans would not accept them trying to amend balanced budget legislation. So

in order to balance last year's books they went in and raided Manitoba Hydro to some \$564 million.

\* (13:35)

My question is to the Minister of Hydro: Does he stand by his Premier's (Mr. Doer) statement that Hydro rates will not go up and that Hydro rates in fact will be frozen?

**Hon. Greg Selinger (Minister charged with the administration of The Manitoba Hydro Act):** In the preamble to the Member for Kirkfield Park's question, he indicated there had been a dramatic increase in spending. I just want to correct the record. In the Budget papers, pages B10 and B11, the increase in program spending in our first three Budgets goes from \$5.9 billion to \$6.5 billion. The increase in the former government's spending between '95-96 and their last Budget is a billion dollars. Our Budget has gone up less than half of the members opposite.

When you look at the reduction in general purpose debt costs, which we have taken from \$515 million down to \$368 million, and down lower this year, we have made a very strong effort to manage the expenses of the Government of Manitoba in the interests of all Manitobans. I think the member opposite from Kirkfield Park should get the record straight when he makes these kinds of statements.

**Mr. Murray:** Mr. Speaker, last year Manitoba Hydro produced documents that say they were going to be projecting increases of 6 percent over four years. Now we have learned that Manitoba Hydro has amended those figures to projecting a 13% increase in hydro rates, a 13% increase, double digits.

Hydro officials have indicated these amended increases were done because the Doer government announced they would be raiding some \$564 million from Manitoba Hydro in order to balance last year's books. Can the minister guarantee that Hydro's current projection of annual increases will not occur?

**Mr. Selinger:** Once again, for accuracy of the record, Mr. Speaker, the member opposite uses a number that is entirely manufactured by himself.

He ignores the testimony sworn under oath as emphasized by the members opposite that says there will be no interest expense if the dividend is taken out of export profits. If the member is going to put that kind of emphasis on officially sworn testimony, he should put equal weight on all of the evidence that is provided.

As to the question of rate increases, in the '01-02 integrated forecast—by the way, this is not an application for a rate increase; this is a projection—that would be last year at around this time, they projected a 13.5% increase over 10 years. In this spring's forecast they project exactly the same rate increase, 13.5 percent. In other words, the dividend has no impact on their projections.

**Mr. Murray:** Prior to the raid of Manitoba Hydro by the Doer government to the tune of \$564 million to balance last year's books, they saw the increase of 13 percent by the year 2008. Is the minister now saying today that his Government's decision to force Hydro to hand over \$564 million will have no impact on Hydro's rates?

**Mr. Selinger:** Once again, the member is using a number that is contradicted by the officially sworn evidence of the person who does the forecasts for Manitoba Hydro, so I would hope the member would put the weight on that evidence that he has in previous days and not try to have it both ways.

\* (13:40)

The information I have just put on the record is that there is no change in the projected forecast, and that is the information we stand by here today. In previous years these forecasts, which are not rate applications for an increase, have always been put in there because Manitoba Hydro makes very prudent forecasts, and those prudent forecasts have turned out not to be necessary. Rate applications have not proceeded.

Let us also remember, Mr. Speaker, we have not taken a draw from the Fiscal Stabilization Fund during our first two Budgets. But in the last two budgets of the members opposite, they had a \$185-million draw from the Fiscal Stabilization Fund in the budget year and also

overspent by \$330 million. So they had a half a billion dollars of overspending.

### **Manitoba Hydro Profits–Debt Reduction**

**Mr. John Loewen (Fort Whyte):** Mr. Speaker, in a desperate attempt to give the appearance of balancing their Budget, the government of the day has reached into Hydro's pockets and forced Hydro to spend \$288 million in the form of a dividend to this Government. This Minister of Finance is now trying to convince Manitobans that paying \$288 million will not have any impact on Manitoba Hydro. How ridiculous.

I would like to ask the minister if he will confirm that the \$288 million that the Doer government is demanding from Manitoba Hydro could have otherwise been spent by Hydro on either capital expansion or debt reduction.

**Hon. Greg Selinger (Minister charged with the administration of The Manitoba Hydro Act):** Well, I will simply confirm again the testimony put in at the Public Utilities Board, officially sworn testimony under oath, as the members so frequently mention is that the answer would be there would be no additional interest expense.

I should remind the members opposite that Manitoba Hydro pays no corporate income tax in this province. It has a privileged position compared to other private-sector corporations who not only pay corporate income tax but they also pay dividends.

For the record, I think it is also important to recognize that our equalization payment is reduced by the amount Manitoba Hydro could have paid as corporate income tax, whether they pay it or not. So it is only a reasonable and appropriate measure to take to have a dividend for Manitoba Hydro, which puts it on a more equal footing with other Crown corporations across the country. I will answer further comments on this in my next question.

### **Borrowing Requirements**

**Mr. John Loewen (Fort Whyte):** My supplementary; I will try and keep it simple for the minister.

Will he at least admit to the people of Manitoba that as a result of the Doer

government's demand that Hydro fork over \$288 million to cover the Province's overspending, will he admit that Hydro will have to increase its borrowings? Simple.

**Hon. Greg Selinger (Minister charged with the administration of The Manitoba Hydro Act):** I notice the members are shying away from the officially sworn testimony given at PUB, something that they used very aggressively just a couple of days ago, and that testimony indicates very clearly at page 2444 that if the dividends come out of export profits then there will be no interest expense.

Now the member opposite has tried to draw a direct line between a Hydro dividend and increased borrowing costs. Manitoba Hydro has to make a business case for capital projects, and when those capital projects will generate increased reliability, increased profitability, increased service improvements to Manitoba, they are a successful business case. Those kinds of capital projects are appropriately borrowed like any corporation in the country.

**Mr. Loewen:** Mr. Speaker, I would ask the minister if he is then contradicting the statement made this morning by the Premier (Mr. Doer) of this province, who said, and I quote: So there is no question taking a dividend out of profits affects the borrowing requirements.

Is he contradicting that statement simply because he knows full well rates are on the rise?

**Mr. Selinger:** Mr. Speaker, the previous answer I gave is exactly consistent with what the Premier said on CJOB this morning. He indicated very clearly that capital projects have to be justified on their own basis and if they are a justifiable, positive investment in Manitoba Hydro which will generate more benefits, then they are legitimate objects for borrowing like any business case and any corporation when it comes down to borrowing.

Let us remember, Manitoba Hydro has the lowest rates in North America when it comes to the rates they charge their customers, rates that give us a tremendous competitive advantage. We will continue to have the lowest rates in North America.

### Manitoba Hydro Rate Freeze

**Mrs. Bonnie Mitchelson (River East):** Mr. Speaker, as a result of the Doer government's demanding that Hydro turn over millions, hundreds of millions of dollars, we know and Manitobans know that rates will go up. But the minister seems to believe otherwise. Will the Minister of Hydro guarantee today that rates will not go up once Hydro has handed over the \$288 million that he has demanded from them to satisfy his excessive spending habits?

\* (13:45)

**Hon. Greg Selinger (Minister charged with the administration of The Manitoba Hydro Act):** Mr. Speaker, I have read into the record the facts, which are available to everybody through the Budget text, on how our spending has gone up less than half than the members opposite through the same period of time. We have the third lowest per capita expenditures in the country, something the members opposite should acknowledge.

Now on the rates question. In their integrated forecast for the year '99-00, Hydro projected a rate increase of 2 percent, the actual increase was zero. In the year 2000-2001, they had a projected rate increase of 2 percent, the actual increase was zero. In the year 2001-2002, they had a projected rate increase of 0.5 percent, the actual increase was zero. They have a projected increase of a 0.5 percent in '02-03 and there has been none to date. We can see that the forecasts that Manitoba Hydro make are very prudent, and so far we have been able to exceed them in every year.

**Mrs. Mitchelson:** Mr. Speaker, my supplementary question to the Minister of Hydro is: Will he confirm that Hydro has been forced to state that a rate increase will not happen as a result of the transfer payment because of a directive issued by him and his Government?

**Mr. Selinger:** There is absolutely no question the event the member conjectures happened. There is no way that happened. But I will give another validator on the rates. Mr. John Osler, who is a consultant for the Manitoba Industrial

Power Users Group, in testimony in front of the Public Utilities Board, officially sworn testimony, under oath, as the members are so often glad to repeat, has indicated that Hydro stated that the \$288-million additional charge should result in no changes to rates. And we agree.

**Mrs. Mitchelson:** Mr. Speaker, I have a very simple and a very direct question for the Minister of Hydro. Did this minister order Manitoba Hydro to freeze rates?

**Mr. Selinger:** Mr. Speaker, I certainly did not. One thing I can say for sure is we are the Government that brought in legislation that will protect Hydro from being privatized. When it comes to Crown corporations, it was the members opposite that promised they would never privatize the Manitoba Telephone System and then promptly went ahead and did. We do not make those kinds of promises and break them. We try to put accurate information on the record.

### Manitoba Hydro Rate Freeze

**Mr. Leonard Derkach (Russell):** Well, Mr. Speaker, getting back to the issue at hand. The minister continues to contradict statements made by officials of Manitoba Hydro, under oath.

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

**Mr. Speaker:** Order.

**Mr. Derkach:** Thank you very much, Mr. Speaker. On May 27, when asked about rate increases as a result of the \$288 million, an official of Manitoba Hydro said on page 1686 under oath, and I quote: It was a policy decision by the Government and announced as such, that there would be no changes to rates as a result of the special payments.

Mr. Speaker, I would ask the minister to confirm, as stated under oath by a Hydro official, that Hydro is being asked to freeze rates prior to an election due to a directive issued by his Government.

**Hon. Greg Selinger (Minister charged with the administration of The Manitoba Hydro Act):** Mr. Speaker, it is absolutely remarkable.

Yesterday, the Member for Fort Whyte (Mr. Loewen) got up and talked about double-digit increases. Today, the member opposite says we have directed them to have a rate freeze. It is remarkable. Which is the truth?

\* (13:50)

The truth is Manitoba Hydro makes its own projections and puts those in front of the Public Utilities Board. Those projections are examined and reviewed by all the interest groups and lobby groups that want to review them. They have confirmed that, based on their independent analysis, they do not think this dividend payment will generate a rate increase.

**Mr. Derkach:** I want to ask this Minister of Finance who is also the Minister responsible for Hydro why his official said under sworn testimony, and I quote, and I will quote directly from the text: It was a policy decision by the Government and announced as such that there would be no changes to rates as a result of the special payments.

**Mr. Selinger:** Mr. Speaker, the members opposite will remember last year in this Legislature we brought in rate equalization legislation which actually decreased rates to all citizens living in rural and northern Manitoba. We have done better than members opposite ever did in their 12 years. We have reduced rates to Manitobans living in rural and northern Manitoba as a result of our rate equalization legislation, and that is of benefit to all of those Manitobans.

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

**Mr. Speaker:** Order.

**Mr. Derkach:** Mr. Speaker, it is unfortunate the minister will not answer the question. I would like to ask him a supplementary question, and that is this: Can the minister explain why rates are being set at the Cabinet table or frozen at the Cabinet table prior to an election instead of allowing the Public Utilities Board to set rates as they should have the right to set?

**Mr. Selinger:** Mr. Speaker, we have no intention of interfering with those policies. I should just point out that—

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

**Mr. Speaker:** Order.

**Mr. Selinger:** Thank you, Mr. Speaker. I note the testimony from Ms. Wray indicates on page 1686: It would be consistent with our policy as well not to have rate increases above the rate of inflation.

That is what they have put in their integrated forecast. Those projections, we will see if they materialize, but as I have indicated on the record the projections they have put into their integrated forecast are projections based on very prudent assumptions. If those assumptions are exceeded then they do not make a rate application for further increases.

### **Manitoba Hydro Rate Freeze**

**Mr. Mervin Tweed (Turtle Mountain):** Already today, Mr. Speaker, we have the Minister of Finance contradicting his board at the Public Utilities Board. Ms. Carolyn Wray, when asked the question: And with the swing of \$550 million, Manitoba Hydro still does not think that it has to revise its rate increases or decreases, Ms. Wray replied: It was a policy decision by the Government and announced as such that there would be no changes to rates as a result of the special payments.

My question to the minister: Is he denying that his Government ordered Hydro to freeze rates?

**Hon. Greg Selinger (Minister charged with the administration of The Manitoba Hydro Act):** Mr. Speaker, if we were ordering Hydro to reduce rates, why would they have in their integrated forecast rate increases at 13.5 percent over the next 10 years. They are putting forward what they think, based on prudent assumptions, their rate increases will be. We do not interfere with that process.

**Mr. Tweed:** I will put it a different way so the minister can perhaps understand the question. Is the minister telling Manitoba Hydro that they must freeze their rates today when in reality Manitoba Hydro is suggesting to the Public Utilities Board they do need a 2% increase over the next five years?

**Mr. Selinger:** Mr. Speaker, Hydro, based on its best analysis and projections, puts its rate increase projections in front of the Manitoba Hydro Board. I have simply indicated that they have exceeded those assumptions in every year for the last five years and have, therefore, not had to make an official rate application. We do not interfere in their projections. We simply report to the Legislature information that they have put on the public record. I did table yesterday in the House a letter from Mr. Brennan which indicated we are not considering any rate increases as a result of the transfer payment.

\* (13:55)

I have additionally indicated independent third-party testimony from significant stakeholders in this event of Manitoba Hydro, the Manitoba Industrial Power Users Group, who represent some of the largest consumers of electricity in Manitoba, and they agree that they do not anticipate rate increases as a result of this dividend policy of the Government of Manitoba.

**Mr. Tweed:** Mr. Speaker, I am sure Mr. Brennan's arm is pretty sore this morning.

My question for the minister is: Are the Minister of Finance, the Minister responsible for Hydro (Mr. Selinger), the Premier of Manitoba (Mr. Doer) and the NDP government keeping Hydro rates artificially low at the Cabinet table, ordering a freeze in Hydro rates until after the next election?

**Mr. Selinger:** Mr. Speaker, all I can say is we are proud of the fact that Manitoba Hydro has among the lowest rates in North America, if not the lowest rates in North America, at a time when they are making record profits off export sales. Record profits, lowest rates in Manitoba, a good place to do business.

#### **True North Entertainment Complex Business Plan**

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, in their first year, the NDP government purchased a frozen food facility for almost \$25 million, and later an audit showed that it was valued at only \$2 million. This year, the NDP government is financing its ongoing expenditures by requiring Manitoba Hydro to borrow hundreds of millions of dollars.

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

**Mr. Speaker:** Order. The honourable Member for River Heights has the floor.

**Mr. Gerrard:** Today we learned a new analysis of the True North business plan suggests that the arena proposal is very risky from a business point of view.

I ask the Deputy Premier to admit that her Government does not have a solid business plan for the Province and that her Government's efforts to provide public funding for the proposed True North arena appear to be based on a very questionable business plan.

**Hon. Jean Friesen (Minister of Intergovernmental Affairs):** Mr. Speaker, I thank the Member for River Heights for that question.

I had assumed that the Member for River Heights was supporting the arena. I am not sure where the assumptions are behind this question, but, nevertheless, I think the information that the member is basing his questions on is erroneous. I think that the master agreement, which is a public agreement on True North, is one that all three governments have entered into in good faith. It is an agreement which is good for downtown Winnipeg and good for Manitoba.

**Mr. Gerrard:** Mr. Speaker, my supplementary. I ask the Deputy Premier to admit that it was a big mistake for her Government not to hold full public hearings on the arena proposal and to try to keep the details of the business plan secret from Manitoba citizens.

**Ms. Friesen:** Mr. Speaker, well, quite contrary to the assumption and assertions of the Member for River Heights, the master agreement is a public document. The terms of that agreement were tabled in this House in June. The term sheet, rather, was tabled in this House. I believe that the member has read it, and the master agreement is public. I understand that the member has not read it; otherwise, I think he would be very clear about the role of government in this project. It is a project which, I repeat, is part of the revitalization of downtown Winnipeg. That, I assume, is something that is supported by all members of this House.

**Mr. Gerrard:** My supplementary, Mr. Speaker. I asked the Deputy Premier to admit that her Government is committed to the destruction of the Eaton's building while having only a very questionable and risky business plan for the new arena.

\* (14:00)

**Ms. Friesen:** I can confirm that the Eaton's site is indeed the site of the new arena, an arena which I believe most Manitobans agree is an important change for downtown Winnipeg. The lights were going out in downtown Winnipeg under the previous government. Three levels of government have stepped up with private sector proponents to create a new arena which will be part of that revitalization.

#### **Building Communities Initiative Update**

**Ms. Nancy Allan (St. Vital):** My question is to the Minister of Intergovernmental Affairs. Since our Government became elected in 1999, we have made significant investments in neighbourhood revitalization. Could the minister inform my colleagues in the House today how the Building Communities initiative will make a difference in neighbourhoods throughout Winnipeg?

**Hon. Jean Friesen (Minister of Intergovernmental Affairs):** I would like to thank the member for that question. Building Communities is, indeed, a very important program for Winnipeg. It is one that I would like to underline is cost shared with the City of Winnipeg on a 50-50 basis. It is a \$14-million program which will go to rebuild and assist in capital construction and housing issues in the shoulder neighbourhoods of Winnipeg. It is one that is a very strong support for the kind of thing that this Government has been able to do, I think, with great success in Neighbourhoods Alive! and that is a rebuilding and the reconstructing of an inner city of Winnipeg which was left devastated by the previous government.

#### **Soil Moisture Levels Southwest Manitoba**

**Mr. Larry Maguire (Arthur-Virden):** Mr. Speaker, southwestern Manitoba is experiencing a drought. Fall crops have been plowed under,

many dugouts are empty, pastures are brown, wells are running dry, and it is only early June. Farmers and area residents need secure water supplies for livestock needs for this spring. Can the Minister of Conservation tell this House what mechanisms his department has undertaken to assess the soil moisture shortage in that region, and what are the findings from those surveys?

**Hon. Oscar Lathlin (Minister of Conservation):** There has been quite a bit of work going on with respect to trying to address the effects of the dry spell that we have been having and also forecasts that are being made. There is a committee that has been struck to work towards developing a strategy that would address the effects of a drought, should we get it.

**Mr. Maguire:** Mr. Speaker, this spell has been going on since last July. I guess my question to the Minister of Conservation is: Can he tell farmers and communities today in this House what contingency plan he has directed his department to initiate to deal with this drought situation?

**Mr. Lathlin:** Let me assure the member across the way that we on this side of the House are also concerned about the negative impacts that drought would bring. That is why we have been working in co-operation with the Department of Agriculture and Food in trying to come up with a strategy that would address how to manage the drought for this summer.

**Mr. Maguire:** Mr. Speaker, I would like to further extend to the Minister of Conservation the request to tell this House if he has had any discussions with any of the federal departments and organizations, like PFRA for instance, that do have programs in place and equipment ready to go?

**Mr. Lathlin:** Yes, I can indicate to the member that in conjunction with the Department of Agriculture and Food discussions are ongoing with the federal government with respect to trying to address the drought situation in Manitoba.

#### **Chiropractic Care Coverage Reduction**

**Mrs. Myrna Driedger (Charleswood):** Mr. Speaker, more than 42 000 Manitobans are now

up in arms over the massive cuts to chiropractic services made by the Doer government. I would like to ask the Minister of Health (Mr. Chomiak) to explain how he can justify these cuts when every dollar spent on chiropractic services saves our health care system \$7.

**Hon. Tim Sale (Acting Minister of Health):** At least we did not cut the number of visits from 15 to 12, which the previous government did. Secondly, we did reduce the co-payment from approximately \$11 to approximately \$8. This is a service that is not included under the Canada Health Act. It is not an insured service. We are one of five provinces which provides this service, five do not. And the cut that is in place, if a person takes all 12 visits that they are entitled to, it is just around \$40 a year.

We had tough decisions to make in this Budget. We did not like making this decision. If the Canadian government funded the Canada Health and Social Transfer payment properly, we would not have had to make this kind of tough decision.

**Mrs. Driedger:** I would like to ask the Acting Minister of Health to explain how elderly people and people on social assistance are now supposed to be able to afford chiropractic care. How can they turn their backs on those needy people?

**Mr. Sale:** There are all kinds of things that it would be nice if our citizens were able to enjoy if the Canadian government funded the health care system anything like it was funded in '94-95 before the draconian cuts to the Canada Health and Social Transfer. We did not like this kind of situation. We did not enjoy facing the kind of cut that we were looking at in regard to the accounting error that we faced. We did not like the reality of the downturn in the economy. So difficult decisions were made in a number of areas. We did not enjoy that process. We did not cut the number of visits that were covered like the previous government did.

**Mrs. Driedger:** I would like to ask the Acting Minister of Health today if he is prepared to do the right thing, listen to us and listen to over 42 000 Manitobans and reverse his wrong-headed decision to cut chiropractic care.

**Mr. Sale:** We listen to Manitobans very carefully. One of the things I would say to those Manitobans is that we are as concerned as they are about the state of our health care system. We invite the federal government to be a real partner in health care, to meet the 18% goal that was set by the premiers in their discussions with the First Minister, to fund the Canada Health and Social Transfer with a proper escalation formula, which was ended by the Mulroney government in 1990 and has not been restored by the current Chrétien government in spite of the fact that they have been in power for seven years.

If we had a stable, predictable health funding formula we would not have to face the kinds of decisions that we had to make this year. I sympathize with Manitobans for the failure of the federal government to live up to its commitment to fund health care properly.

#### **Animal Diseases Act Quarantine of Wildlife**

**Mr. Jack Penner (Emerson):** The Minister of Agriculture has introduced a bill that gives greater powers to local authorities to deal with an outbreak of disease in livestock. The Minister of Agriculture stated in the May 31 *Winnipeg Free Press*, and I quote: "We have the ability now to take steps to do quarantines, to restrict the movement of animals."

Can the Minister of Agriculture tell this House if these legislative changes give the minister powers needed to quarantine diseased elk in the Riding Mountain National Park area in order to prevent them from coming into contact with domestic herds?

\* (14:10)

**Hon. Rosann Wowchuk (Minister of Agriculture and Food):** Mr. Speaker, we have indeed brought forward changes to The Animal Diseases Act that clarify the responsibilities and the powers that the Province has should there be an outbreak of disease, and this bill deals with domestic animals.

**Mr. Jack Penner:** Given that the Minister of Agriculture said to the *Winnipeg Free Press* on May 31, and I quote: "If you have an outbreak of

a disease and are not controlling that disease, then all of our animals are put at risk." Will the minister now tell this House whether she has given herself and her Government the authority under this act to put in quarantine the wildlife that is currently diseased and full of TB in the Riding Mountain area?

**Ms. Wowchuk:** Mr. Speaker, when this Government came into power we recognized that there was a concern, a serious concern with respect to TB outbreaks and it could have a serious impact on the domestic herds. That is why we put together a TB strategy, a committee put together with dollars, a committee put together consisting of the Department of Conservation, the Department of Agriculture and Food, CFIA, the Riding Mountain National Park committee, as well as the Manitoba Cattle Producers. The Manitoba Cattle Producers have clearly indicated their support for the Comprehensive Bovine TB Management Program that has been put in place by this Government in conjunction with the federal government.

**Mr. Jack Penner:** Mr. Speaker, will this minister tell this House what action she is going to take to ensure that the health of our largest industry, our cattle industry, is preserved in this province, and will she now take steps to eliminate TB disease in the Riding Mountain National area?

**Ms. Wowchuk:** Mr. Speaker, as I indicated to the member previously, we have put together a working group to address the issue of bovine TB and working towards eliminating disease, and we are supported by the Manitoba Cattle Producers who see this as a very serious issue, as do we.

### **Hog Manure Odour Reduction Research**

**Mr. Harry Enns (Lakeside):** Mr. Speaker, it has come to my attention that on a farm some 60 miles southeast of Winnipeg near Landmark, there has been an experiment underway for the last several weeks that has successfully taken all the odour out of hog manure.

Can the Minister of Agriculture confirm that she is aware of that experiment? Has she personally visited this site or some of her senior

officials, and can she confirm whether or not this is true?

**Hon. Rosann Wowchuk (Minister of Agriculture and Food):** Mr. Speaker, I thank the member for the question, and I am very aware of the project. In fact, Government has contributed to this research project on eliminating odour from manure. Our staff has been at the site, and we have been making arrangements so members of our Government can visit it. But I can tell the member that it does not quite smell like raspberry jam just yet.

**Mr. Enns:** Mr. Speaker, I note that the project received a \$50,000 research grant from a program that I initiated because—

**An Honourable Member:** Which you cut out.

**Mr. Enns:** I acknowledge that. Is the Government still supporting the waste management initiative that has provided the monies for this experiment? Is the department still providing any support to this program?

**Ms. Wowchuk:** Mr. Speaker, research is very important, particularly given the size of the livestock industry that we have in this province. We see it as a growing industry, but one that needs a lot of research. Yes, we still have money for research in these kinds of projects.

**Mr. Enns:** Mr. Speaker, a final supplementary question. In the event that they manage to remove all the obnoxious odour from the hog manure, would the minister consider making an old ex-Minister of Agriculture's day by inserting a bit of raspberry flavouring to the process, just making it that much more acceptable?

**Ms. Wowchuk:** Mr. Speaker, we have a growing livestock industry. There will be many challenges. There is the need for doing research and developing different ways to handle manure, different ways of controlling the odour.

The day that it should smell like raspberries, I will give big credit to the previous Minister of Agriculture.

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

## MEMBERS' STATEMENTS

### Plum Coulee Grain Elevator

**Mr. Jack Penner (Emerson):** Mr. Speaker, it gives me a great deal of pleasure today to rise to acknowledge the efforts and creativity of the people of Plum Coulee. They have succeeded in preserving a piece of their heritage by promising to convert the village grain elevator into a museum and a restaurant. Plum Coulee officially acquired the elevator from Agricore United earlier this month. The structure stopped being used for its primary purpose because, like many other small Manitoba communities, it was no longer needed, as grain transportation companies are centralizing their operations to large facilities.

This project is going forward, thanks in large part to a \$600,000 donation from the Montreal-based Bronfman Foundation. The wife of Samuel Bronfman, one of Canada's wealthiest businessmen, was raised in Plum Coulee. The foundation felt it was important to help the village save its elevator.

Mr. Speaker, I find it very appropriate that Plum Coulee is commencing the project one year after its centennial celebration, being 101 years old. It certainly has a rich history that many are eager to learn more about through the future museum exhibits. The village has proven it has the spirit to last. Through this initiative, the residents are demonstrating the desire to see Plum Coulee continue to grow and to prosper.

I believe this project will be a source of tremendous pride for the people of Plum Coulee and indeed all of Manitoba and the surrounding area. I look forward to the excitement that will no doubt be generated in the village of Plum Coulee and all the people that will benefit from this project. Thank you very much.

### Black and Gold Society

**Ms. Nancy Allan (St. Vital):** Mr. Speaker, it is my pleasure to rise today to recognize a group of volunteers who do great work in my constituency. What is remarkable about this group is that these volunteers, who provide both youngsters and seniors with valuable

opportunities for entertainment and fun, are high school students.

The Black and Gold Society is a group of 45 secondary school students from Dakota Collegiate who do an excellent job volunteering for our local community.

For example, Mr. Speaker, in December the Black and Gold Society held a party at Dakota Collegiate for 70 young students from Victor Mager and Lavallee Schools. At this party they worked under the guidance of two school community liaison co-ordinators, Leslie Later and Linda Watson. Through their efforts, the generous Black and Gold youth planned the event, budgeted for it, spent time setting up and decorating, volunteered their time for three hours and even took time to raise funds for its success. They raised those funds by selling Christmas trees in the parking lot at the school. The funds were matched by the Youth Connections, which in turn is supported by Shaw Cable.

One of the goals of the Black and Gold Society is the desire to provide young adults with volunteer experience that they can use to develop leadership skills. They have made other contributions, like a seniors evening which was held last fall, that I had the pleasure of attending with many citizens from St. Vital.

Mr. Speaker, St. Vital is fortunate to have people like this participating in our communities. I would like to compliment the students of the Black and Gold Society on their capacity for organizing events that bridge the generation gap and provide opportunities for youth and seniors to have a great time together. I am proud to see the members of the Black and Gold Society work so hard and show everyone the importance of giving something back to their community.

\* (14:20)

### Gord Peters

**Mr. Larry Maguire (Arthur-Virden):** Mr. Speaker, it is my pleasure to rise today to congratulate Mr. Gord Peters of Brandon on being named Manitoba Transportation Person of the Year for 2002 by the University of Manitoba Transport Institute. Mr. Peters received the

honour just before a luncheon attended by our Transportation critic and Member for Portage la Prairie (Mr. Faurichou) and myself on June 3.

Mr. Peters is the chief executive officer of Cando Contracting, headquartered in Brandon. This company was started in 1978 from meagre resources. Cando Contracting currently operates three short-line railways, including the Barrie-Collingwood Railway, Central Manitoba Railway Inc. and Athabasca Northern Railway Ltd., and hopefully, his fourth company will soon be running in the short line to Gimli. Cando Contracting has been a leader in both Manitoba's transportation industry and in Manitoba's business community at large.

Other honours Mr. Peters has received include the 2000 Manitoba Entrepreneur of the Year, the 2000 Best in Business Award for Manitoba Business Magazine and the Brandon Chamber of Commerce's Business Person of the Year in 1999. Mr. Peters is also currently serving as the chairman of the Manitoba Chamber of Commerce.

On behalf of the members of the Progressive Conservative caucus, I would like to extend my congratulations to Gord Peters, his wife, Diane, and his shareholder-participating staff and employees of Cando Contracting on their tremendous success, and wish them all the best in their future endeavours.

### **Aboriginal Festival**

**Mr. Stan Struthers (Dauphin-Roblin):** Mr. Speaker, I want to stand here today and pay tribute to the Dauphin Friendship Centre, the West Region Tribal Council and all the volunteers and organizers of the First Annual Aboriginal Festival that was held up at the Selo Ukraina site south of Dauphin over the course of the weekend.

I was very pleased to be joined by the Minister of Aboriginal and Northern Affairs (Mr. Robinson) on Saturday morning for the opening ceremonies.

Mr. Speaker, it is my hope, and I would hope all MLAs would join me in saying that not just should this be a first annual, but a second

annual and a third annual and a fifth annual and tenth annual, on and on. It was such a success and such an important festival in our area and, I think, for the province of Manitoba.

Special thanks have to go to Gisele Routheir, the executive director for the Dauphin Friendship Centre; Susie Secord, the president of the Dauphin Friendship Centre and president of the Manitoba Association of Friendship Centres; and all their volunteers.

Special thanks to Chief Morris Shannacappo of West Region Tribal Council for emceeding not only the opening ceremonies, but the powwow that took place Saturday afternoon.

Friday night, C-Weed was the entertainment at a very successful dance, and, on Sunday, they had a square dance competition.

I want to, though, say that, in particular, the highlight of the weekend was the powwow. "Powwow" is a word that means "he dreams."

Mr. Speaker, to our everlasting shame in Canada, the powwow was prohibited. It was seen as a threat to our society, and only in more recent times has the powwow gained in popularity. I want to quote from the program guide that I think sums it up best: The powwow is a living cultural expression of song, dance, and art that brings people together and, through the drum, reminds us of our connection to Mother Earth.

**Mr. Speaker:** Order. Time is up.

### **MPI Anti-Theft Device Discount**

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, I rise to speak to a concern raised with me by one of my constituents in River Heights.

At the time of her purchase of a 2002 Chevy Tracker, Charlene Toset called the Manitoba Public Insurance Corporation to find out how much of a discount she would receive on her insurance if she had an MPI-approved anti-theft device installed on her vehicle. She provided information on herself and was told by the Manitoba Public Insurance representative that she would receive a discount of about \$60 a year or about 4.5 percent of a premium.

However, after purchasing the vehicle and the insurance, Charlene Tosek learned, to her shock, from a different Manitoba Public Insurance rep who was dealing with her, that she would only receive a discount of \$22 a year. The difference in what Charlene was told initially at \$60 per year and what she had received at \$22 a year is \$38 a year, a 63% shortfall.

I speak today to bring this matter directly to the Legislature to hope that the Minister of Justice (Mr. Mackintosh), who is responsible for the Manitoba Public Insurance Corporation, will apologize for the behaviour of the Crown corporation for which he is responsible, and also to bring the matter to the attention of the Minister of Consumer and Corporate Affairs (Mr. Smith) so that his department can investigate the circumstances and the poor business practices which occurred in this instance.

## ORDERS OF THE DAY

### GOVERNMENT BUSINESS

**Hon. Gord Mackintosh (Government House Leader):** Mr. Speaker, would you please call debate on second reading on Bill 14.

### DEBATE ON SECOND READINGS

#### Bill 14—The Public Schools Modernization Act (Public Schools Act Amended)

**Mr. Speaker:** Resume debate on second reading of Bill 14, The Public Schools Modernization Act (Public Schools Act Amended), standing in the name of the honourable Member for Minnedosa.

**Mr. Harold Gilleshammer (Minnedosa):** I am pleased to be able to speak on Bill 14 and look at some of the details of this bill. I note with interest, after informing the Government House Leader on Monday that I would be speaking today, the Minister of Education (Mr. Caldwell) took it upon himself to issue a press release yesterday urging us to start speaking on this bill, and I suspect that he knew full well that we would be doing so. I also note that he really does not want to listen to much debate on it. He wants it to go directly to public hearings. Present

circumstances do not permit him to take full advantage of the things I am going to say, and I would hope that the Minister of Education would be present in the House so that he could hear some of these comments that I am going to make.

First of all, the bill is entitled The Public Schools Modernization Act. When you read the title, you would get the impression that perhaps this modernization act is going to be some announcement about state-of-the-art curriculum that is being brought in or perhaps that it was going to be technology that was going to be made available in the schools of Manitoba. Perhaps it was going to be the fulfillment of that promise that every student would have an e-mail address.

It was with some disappointment that I read the modernization bill and find out that this was a very haphazard attempt to change school division boundaries and a very direct attack on school trustees in this province by scooping away many of the fundamental powers that school trustees have. I can tell you the trustees across this province are rather offended by this bill. I will get into some of those details a little bit later, but I say to the minister and the Government: Your moral authority to arbitrarily change school division boundaries and the authority to take away from duly elected trustees, who were elected by the people of their school divisions—they are elected to make decisions at the local level. They are elected to set tax rates at the local level. These people are offended that the Minister of Education is now taking away more of their rights and putting within his jurisdiction powers that he has never had before. I point that out because this Government, in terms of the amount, the percentage they pay for operating public schools, that percentage is less today than it was during the time we were in government.

\* (14:30)

Teachers and trustees are asking this Government to contribute a higher percentage of funding for the operation of public schools. If you listen to the Premier and the Minister of Education and ministers opposite, you would think that they had made some large contribution

to public education in terms of the percentage of dollars they give to operating expenses. I would call members' attention to a bar graph put in the *Manitoba Teacher* this spring. It shows in the graph that, at one time, governments of Manitoba contributed more than 80 percent of the operating funds. Today, and the Deputy Premier (Ms. Friesen) should know this, her Government contributes 59.2 percent of the operating costs of school divisions. This graph, I think, is very instructional. I would urge members of the Government to have a look at it, particularly the Deputy Premier, who was once the Education critic and had lots to say about school funding and had lots to say about school division boundaries. I would think she would be embarrassed to know that this Government today is contributing the lowest amount, the lowest percentage of the operating funds of school divisions at 59.2 percent. That was confirmed in a letter written by the Minister of Education (Mr. Caldwell) April 19 of this year, where he acknowledged that the provincial contribution in terms of percentages to the operating of school divisions is 59.2 percent, the lowest it has ever been.

While they are making this paltry contribution to school divisions, they are, by this bill, attempting to take away more of the authority and more of the powers of duly elected trustees. I think members opposite should be ashamed of themselves. This is an attack on trustees under the guise of modernizing the public education system, truly a misnomer.

Now, Mr. Speaker, members opposite should not be surprised that they are getting this kind of reaction from the public and from trustees because this Government today had said consistently that they believe in voluntary amalgamation. They said it when they were in opposition. In fact, they said it when they were in government. The Minister of Education, after his appointment to that post, in an interview with the *Russell Banner* indicated that they will not force amalgamations. In fact, there was a rather large headline in the *Russell Banner* that the minister had been in Russell meeting with school division officials and said: We will not force amalgamation.

That was said throughout the province by many members of the Government, and then

suddenly they had a change of policy where now they are going to force these amalgamations and not even do it well. I think that is what is most offensive to Manitobans that the plan that they came up with is so, so unacceptable to Manitobans.

The Minister of Education—I hope that he is able to hear this and perhaps join us—has as his deputy, Benjamin Levin, PhD, associate professor. Mr. Levin did appear before the Norrie Boundary Commission and, I think, was one of the more influential people that came before the Norrie Boundary Commission. He stated a number of times that changing boundaries will neither save significant amounts of money nor improve students' learning experience but will involve substantial costs in time and energy. This is the Deputy Minister of Education of the province of Manitoba, the man whose office is next to the Minister of Education, the man who draws up the policy in Education for this Government, the man who is influential—I perhaps should not blame him—for putting words in the mouth of the Minister of Education because while he does need the help, nobody should have to take responsibility for that.

*Mr. Conrad Santos, Deputy Speaker, in the Chair*

But Mr. Levin, in a document that was presented on March 15, 1994, says that changing boundaries will neither save significant amounts of money nor improve students' learning experience but will involve substantial cost in time and energy. He had it right.

Now this Minister of Education is trying to tell us that there is going to be a saving of \$10 million. He has never, ever tried to quantify that. Later on I will get into some of the costs of amalgamation. But the man who today is his deputy knew this five, six, eight years ago. I understand that he has repeated this recently to school boards. So where is the Minister of Education getting his advice?

Mr. Levin goes on to say: The concept of savings through economies of scale is an old one in education. However we believe there are good reasons for rejecting this concept. Now,

certainly, the minister has the right to override his deputy, to ignore his deputy and not accept the advice of his deputy, but this is a man who has his doctorate in education, a man who has been hired to give advice to the minister, and he says very clearly throughout this that consolidation could be costly. He said there are significant costs associated with changing school division boundaries, and later on, I will get into some of the detail of that, but, again, this is the Deputy Minister of Education in this province. He has said it over and over again. This Government has rejected good advice from the Deputy Minister of Education. I am surprised that they would do this.

I am pleased that the Deputy Premier is here, because in 1996 she put out a press release. In very, very bold language she says, boundary revisions will not save money, Friesen. She had it right in those days. I have gone through Hansard. Many of her remarks that she made in debate on this bill, I give her credit for being very thorough, that she read through the Norrie report, she read through the people who presented from small communities, and she trashed the Norrie report. She trashed the idea that this was going to save money. I think that she was right then. I think Mr. Levin was right then. I am surprised that she has not had more influence on the Minister of Education (Mr. Caldwell).

She goes on in some detail to describe what amalgamation was going to do to small communities. You know, she was right, and she is being proven right. She talks about the lack of evidence that the Norrie Commission had that was going to show us that they could save money. As a result she put out this press release. I am pleased that she still stands by it today. I thought maybe she had a little more influence in Cabinet, but obviously the Minister of Education and other Cabinet ministers have overruled her.

She goes into great detail to talk about reading about villages like Cartwright and divisions like Pelly Trail and Turtle Mountain. These are proud communities who took the time to present to the Norrie Commission and put this evidence on the record. Of course what has been lacking here is a process. This minister did not follow his own act and have any consultation or

get any advice from Manitobans, from trustees, from anybody. In fact, in the middle of the night, probably on a weekend he took out his crayon and started drawing lines on the map. I think he fell asleep at his desk that night because he did not finish the job. It was sort of a partial amalgamation.

I can tell you that people are questioning this across the province. Why were some areas left out? Why did some divisions escape the scrutiny of this minister when he had his crayon out and was making these changes? I am surprised that the Deputy Premier would not have looked more closely at these drawings, would not have seen the lack of depth and the lack of knowledge and the lack of preparation before this was foisted on Manitobans.

The Deputy Premier goes on to talk about finding the best practices and how important this was and that this was more important than changing boundaries. She talks about the lack of savings, the lack of evidence, and the fact that this did not really, really consider the children in the classroom.

So, again, why are Manitobans surprised by this Government, this autocratic way of forcing these amalgamations? It can be found in the speeches of the Member for Wolseley (Ms. Friesen), the Deputy Premier. I can tell you that she had many things right then that we would agree with. I know her and the minister of the day had a pretty good relationship and they agreed on many things and chose to disagree on a few. In fact, when she put out that press release, I thought, good for her. She understands the situation. She understands the cost analysis of this. I am sorry that she will not be here to hear the rest of my remarks.

\* (14:40)

There were many other members opposite who spoke about the Boundary Commission at that time and what they saw as the right way to go. Certainly they were always in favour of consultation. In fact, the Member for Wolseley, even after the Norrie Commission had met for almost a year, said, you know, there was not enough consultation. There should have been more consultation. In fact, the contrast is, today

there was zero consultation. Nobody went out and talked to school divisions. Nobody went out and talked to the public. Nobody talked to teachers. This was done in the minister's office without a lot of concern for people.

Now, the Minister of Education (Mr. Caldwell) wrote a number of letters. I already mentioned that he was in Russell in the fall of 1999 and that he said there would be no forced amalgamations. He wrote a letter to, what he calls, stakeholders in July of 2000. He said: My preference would be to continue the existing voluntary process of amalgamation over the next 12 months. He thought that this was the way to go, and I could tell you that we agree with that.

He continued this in September of 2000, where he is suggesting that voluntary amalgamations is the way to go. At this time, he even set out some criteria, criteria that he seems to have forgotten about along the way. I can tell you that I asked him on a number of occasions, the trustees have asked him: What criteria did you use when you drew these boundaries? He sort of shrugged his shoulders and sort of said, well, trustees are supposed to consult amongst themselves, and this criteria, well, we do not have any criteria. He did lay it out at one time, and he just, perhaps, forgot about it.

He talked, particularly, about current and projected enrolments in rural Manitoba. He put a number out there, but that number was 2000 students. In fact, in that same letter, he listed the school divisions by name and number and by enrolment. I will come back to this a little later. But there were many divisions. There were many trustees and many people who took that letter and that advice as being the gospel. That was one of the criteria. Well, that criteria was not met in any way, shape or form when he did the final boundaries. He did not listen to the people. He did not look at the criteria. He did not look at the numbers. As I say, I will come back to that a little later.

As late as January of 2001, he talks about him and the Premier being genuinely committed to a voluntary process in these deliberations. So, all through the latter part of 1999, all of the year 2000 and into the year 2001, all he was talking about was voluntary amalgamations, and people

agreed with that. We agreed with that, and trustees agreed with that, that this was the way to go. We thought that was the way this Government wanted to move on this particular issue.

The last piece of evidence that I will use is when the Premier of Manitoba spoke to the trustees, and this was in March of 2001. Of course, trustees were very much interested in this issue of amalgamation. Those of us who watched the Premier perform in this House, as a member of the Opposition and now as the Premier, if you close your eyes, you can almost visualize the Premier addressing 250 or 300 trustees at their annual meeting. The whole question of amalgamation was on their minds. He said: There will be no forced amalgamations; that is not the Manitoba way. This comment was made at their convention in March of 2001, in front of 300 trustees at an annual meeting.

As I say to you, those of us who have grown to know the slick manner of the Premier can just imagine him saying this: There will be no forced amalgamations; it is not the Manitoba way. You know, he received applause for that, and trustees went back to their school divisions and informed the rest of the board. They informed their superintendents. They informed their public. The Premier of Manitoba has stated that there will be no forced amalgamations because it is not the Manitoba way.

So, if members opposite are surprised, they have a right to be surprised, because they believe the First Minister when he speaks and, I think, are shocked by the fact that he has now backtracked on that.

Mr. Deputy Speaker, the question is: What was the process that was followed? The current legislation is very straightforward. It says that the minister may, by regulation, add territory to or withdraw territory from any school division or school district established under the act. He may amalgamate any two or more school divisions or school districts established under this act. In other words, he does not need a bill in the Legislature to consummate an amalgamation. He has the authority to do that. In fact, we have seen some amalgamations over the last few years in

Prairie Spirit and with the division of Norwood joining St. Boniface. The legislation allows that to happen. Now there is one additional proviso. There is a prerequisite to offering boundaries by the minister: The minister shall not exercise any of the powers conferred by subsection (1) except after a review by and receipt of a recommendation from the review commission. That is the missing piece. This minister, when he started drawing boundaries, thought he had the authority to do it.

He thought he had the authority to make these changes, that he did not need to consult with people, he did not need to consult with Manitobans, he did not need to consult with trustees. He could just draw those boundaries and that would be it. In fact, I called this to his attention not too long ago, and he says he put the onus for consultation on school divisions in the fall of 1999. Does the minister have the right not to consult when he makes changes? Does he have the right to put this onus on trustees? He thought he did, but he found out that he was wrong then, and as a result, he has to bring in a bill.

**An Honourable Member:** Where is the minister?

**Mr. Gilleshammer:** Well, I am hoping that the minister is interested in this initiative. I hope that he is interested in comments that members on this side have to make. I would hope that he would be able to even talk to his deputy who is so much against this initiative. I tell you, Mr. Deputy Speaker, the reason we have a bill before us today is that this minister refused to consult with the public. He refused to consult with trustees. He thought he had the power to move ahead with changes, and the fact of the matter is he does not. Instead of admitting that, he goes on and is very autocratic towards school board members and school divisions. He has taken a very heavy-handed approach to school divisions. In fact, never before in my memory has a Minister of Education fired a school board. I do not recall before where two different divisions are prepared to go to court against this minister over the issue of boundaries. This is a result of a lack of consultation on behalf of this minister and this Government and the Premier (Mr. Doer) not living up to his word when he said there

would be no forced amalgamations, it is not the Manitoba way.

So the process has been flawed. In fact, the trustees' association recently came out with a statement. The trustees of Manitoba are saying the amalgamation process has been flawed from the outset. There were no public consultations as required by The Public Schools Act. There was a six-month time lag between the amalgamation announcement and enabling legislation, and the regulations preceded legislation. Trustees understand this very well. They feel rather badly about this, and I would say they feel rather abused by this.

\* (14:50)

I would ask that the minister take another look at this act. In fact, I asked him in the House in December of 2001, and I said: What were the criteria for these changes? Did the criteria have anything to do with the size of a school division? He said no. Did the criteria have anything to do with the number of students in the school division? The minister said no. Well, Mr. Deputy Speaker, this is unbelievable. This is a minister who had sent out a letter telling rural school divisions that the criteria should be that they have at least 2000 students. When he was asked about the criteria, he stumbled and fumbled and bumbled his way through this, and I can tell you that he did not use any criteria in drawing these boundaries, other than perhaps some political criteria.

Well, people are trying to figure out the criteria. Some maps have been produced by the department, and the criteria seemed to have been followed in Pelly Trail, Birdtail River, where now they will have over 2000 students. It was followed in Souris Valley and Antler River, where they will now have over 2000 students. Why was it not applied to Turtle Mountain? Why was it not applied to Turtle River? The Minister of Agriculture (Ms. Wowchuk) will know Turtle River well, because I think it is an area that she travels through from time to time. Turtle River is a school division of about 700 students. It is locked between Lake Manitoba on one side, the national park on the other side and other school divisions north and south, 700 students. If the minister lived up to the criteria

that he put in that letter, surely it would have been considered for amalgamation.

In fact, and I will maybe get into that later, too, I remember the reeve from Alonsa saying: What is going on here? We have a school division of 700 or 800 students, and it was not part of this amalgamation plan. Where were the criteria, and where was the minister's head when he made these changes? I am surprised that the Minister of Agriculture sitting at the Cabinet table, knowing Turtle River School Division very well, would not have spoken up and said, listen, Mr. Minister of Education (Mr. Caldwell), this must meet the criteria.

In fact, she and the Member for Dauphin (Mr. Struthers) were busy rejigging the Duck Mountain School Division, because it was a mess, too, after the minister's announcement. It was split three ways, and they sent a team of ministers in there to try and find a solution. To their credit, they made a bad situation better, but that bad situation exists other places.

You know, if the Minister of Agriculture is going to take some pride in doing that, maybe she would go back to Cabinet and say, listen, we have got to look at some other areas, too. The area of the Interlake, where there are three school divisions, does not seem to be on the radar screen of the Minister of Education or the Government when it comes to amalgamation. The school divisions of Western and Garden Valley in southern Manitoba, who have lots of students, a good tax base, very small area and, in fact, if geographic area was one of his criteria and considerations, certainly he overlooked it in that area.

Then there is the city of Winnipeg, and the minister is fond of using the term "symmetry." If he would look at the Norrie Commission map, where four school divisions were created, there indeed was some symmetry to that, and I am surprised, with his unusual interest in that term, that he would not look for some symmetry in the Winnipeg school divisions. He amalgamates Assiniboine South and Fort Garry. He amalgamates St. Vital and St. Boniface. He takes part of Transcona-Springfield and adds it to the second-largest school division in the province,

River East. *[interjection]* Well, it is a better division since you left.

Why did he not look at Seven Oaks? I would ask you why did he not look at the division of Seven Oaks. Now, we see in the paper today, of course, that Seven Oaks trustees have a very, very special relationship with the Premier and the Minister of Education. If funding was inadequate for Seven Oaks, the board says we just call up the Premier (Mr. Doer) and the minister, and summon them over, and we get more money, almost \$1 million more. So is there a reason why Seven Oaks was not part of this amalgamation? Well, they do have a special relationship with the Premier and the minister, and I suppose it was documented in the paper today. I suppose they said, well, we are quite fine on our own, and they are fine. They got \$1 million more through this special relationship with the minister and the Premier.

St. James-Assiniboia, again, is a division that has a smaller enrolment than River East, and it was not amalgamated. I suspect that it was through the hard work of two MLAs who were hanging on to their seats there by their fingernails and who probably will not be with us after the next election. They decided that they would not amalgamate the St. James-Assiniboia. So there is a distinct lack of symmetry in the decisions that the Minister of Education made and Manitobans notice that, trustees notice that.

Well, Mr. Deputy Speaker, I would like to just talk about what some of the members of the public are saying about this. The Assiniboine South Council of Presidents is extremely upset that they were not given the opportunity to be involved in this decision-making process. Their trust in the democratic process has been eroded. Mr. Caldwell, you have stated repeatedly in a variety of forums that you value this organization and its way of doing business.

They felt that they had an opportunity to make a contribution, but the minister would not listen to them. Rather than have a process where you listen to people, he went ahead without it. The Council of Presidents in that area feels that their ability to preserve their unique way of working with the board and the community has

been destroyed. These are volunteers within the community.

The minister has talked about various outcomes, about better education and saving money. The board in Assiniboine South says they find it difficult to envision the outcomes of which you speak. They are challenging the minister. They are saying what you have said to us does not make sense. Your process does not make sense, and we are offended by it.

There are many, many people who have written letters to the Premier and the minister and have registered their discontent with the process and with the outcome that has been presented by this Government. There are people from the Rural Municipality of Alonsa, I believe it was the reeve who wrote and asked the question, who says: With much larger divisions amalgamating across the province, leaving a small division such as Turtle River seems to be going against what the taxpayers and people in this province were hoping might be achieved by amalgamation of school divisions. These people not only were expecting amalgamation, they were wanting it because they are such a small school division, the reeve is writing, and to my knowledge there has not been a response to this. The minister, of course, is reaping the anger of people out there because he did not follow a process.

I would like to move next to the cost. The minister has repeatedly said that there would be a \$10-million savings, but nowhere has he ever quantified this. Nowhere has he been able to state these are where the savings will be achieved. I can tell you even a person like Alex Krawec, who was hand-picked by the Minister of Education to go and represent the people of Morris-Macdonald after the board was fired, when he appeared, he said that reducing the number of school divisions will not result in any significant financial savings. He is consistent with what Mr. Levin has told the minister, again, people close to the minister that he does not listen to, and the Deputy Premier, too, who spoke so eloquently on this issue in the past and put out that press release and talks about the lack of savings.

In a document from St. Boniface, it says the total first-year amalgamation costs have been set

at \$2.1 million. This is for St. Boniface and St. Vital. I mean, the Minister of Finance (Mr. Selinger), even with the gymnastics that he does in finance, would have trouble understanding how the Minister of Education (Mr. Caldwell) can find \$10 million of savings where people who are in charge of those divisions, the trustees are saying there is going to be a horrendous cost here, \$2.1 million this year, and they are going to have to raise that on the special levy, particularly since this Government is funding only 59.2 percent of the operating costs of school divisions.

\* (15:00)

The Assiniboine South School Division is talking about annual cost increases of \$488,000. This is the cost of amalgamation. In fact, I mentioned this to one of the members the other day and he says, well, it does not matter. It is just the first-year costs. But these costs get built into the base of the Budget and they are there every year. In fact, they get expanded, and as they get into harmonizing the contracts between divisions, all of those costs and benefits will go up. Rather than saving money, there is going to be a tremendous cost. The spokesperson for River East School Division expects a hit of up to \$2 million. I can see why the Member for Brandon West is happy that Brandon School Division was not affected.

Rather than saving money, money that the Minister of Education, and I wish he were here, promised that there would be this savings that he has not been able to find, has to know that there is going to be an additional cost. I would think the Deputy Chair of Treasury Board would understand that mergers like this are going to cost money. When there is a harmonization of contracts, they do not harmonize them to the lowest level, they harmonize them to the highest level. There is going to be a tremendous cost across this province in terms of salaries and benefits.

I would like to reflect briefly on the legislation that is before us. This legislation has within it very, very unusual language, calling on this House to validate the minister and declare that this act has been lawfully made and everything done pursuant to that regulation is

validated and declared to have been lawfully done. This is an admission that the process laid down in legislation has not been followed. I know that members across the way who have a little more experience as parliamentarians know that this was a bad mistake made by the Minister of Education when he started drawing those boundaries. I do not know whether we should be fortunate that he only got them half done, because there would have been increased cost if he had looked at the entire province. The partial amalgamation is going to be expensive enough.

To have to bring legislation to validate what he is doing and ask us to pass the legislation to admit that it has been lawfully done, I think, is shameful.

Also, within this, because members of the public are concerned, they wanted to use the board of reference. They were going to ask the board of reference to intercede. They are trying to go to court to be heard. These are the people that the Minister of Education, with his head down, listened to a barrage from out in Springfield. A thousand people, on very short notice, came forward to complain about this amalgamation. They thought that through the board of reference they could have an opportunity to make some changes. The minister is frustrating them in having government lawyers go to court and remand this and remand this and remand this.

In fact, built into the legislation is an article here saying that any decision by a court on appeal from an award of a board specified in clause (b) is of no force and effect as of the day of the decision. This Government is not prepared to listen to grassroots democracy. It is forcing them to go to the courts. Then they are going to pass legislation which makes this effort null and void in the courts. This is shameful. This is legislation like I have not seen in a long, long time. I think it is to bring the hammer of government down on this process. I can understand why the Government and the Minister of Education do not want to have debate in this House, because this is badly, badly flawed.

I have much more material that I would like to present. The Norrie report, and the minister is

proud of his autographed copy, anticipated that legislation was not necessary. The Norrie report said this should take three years. The first year you do the regulations; the second year you do the urban amalgamation; and the third year you do the rural ones.

This minister is trying to do this in a matter of weeks with a flawed process, in fact, no criteria, a map that does not make sense, one that has incensed two groups of people to want to go to court to fight this. It has offended the trustees association. Every time the minister brings out the Norrie report, I think it is shameful that he would try and use this particular document to justify what he is doing because he has not followed any part of it.

**Mr. Chairperson:** The honourable member's time is up.

**Mrs. Joy Smith (Fort Garry):** I move, seconded by the Member for Pembina (Mr. Dyck), that debate be adjourned.

*Motion agreed to.*

#### Point of Order

**Mr. Marcel Laurendeau (Official Opposition House Leader):** Mr. Deputy Speaker, on a point of order. Could you make sure that the Hansard is rushed to the minister's office so that he would have an opportunity to see such a terrific speech?

**Mr. Mackintosh:** The member knows full well that that kind of statement is out of order, Mr. Deputy Speaker.

**Mr. Deputy Speaker:** There is no point of order. Let us proceed.

\* \* \*

**Mr. Mackintosh:** Mr. Deputy Speaker, would you please call second readings Bills 11, 27 and 30?

*Mr. Speaker in the Chair*

#### SECOND READINGS

**Bill 11—The Animal Diseases Amendment Act**

**Hon. Rosann Wowchuk (Minister of Agriculture and Food):** Mr. Speaker, I move,

seconded by the Minister of Labour and Immigration (Ms. Barrett), that Bill 11, The Animal Diseases Amendment Act, be now read a second time and be referred to a committee of this House.

***Motion presented.***

**Ms. Wowchuk:** Mr. Speaker, Manitoba livestock producers have the enviable track record, both nationally and internationally, for producing superior quality high-health livestock. The province has always had excellent disease control programs in place, supported by a strong veterinary infrastructure.

The outbreak of foot and mouth disease in the United Kingdom in 2001 stimulated Manitoba Agriculture and Food to re-assess its animal disease status and regulations, as well as its disease preparedness capacity. As part of the re-assessment, we looked at our Foreign Animal Disease Eradication support program, better known as FADE, in conjunction with CFIA, the Canadian Food Inspection Agency.

\* (15:10)

My staff has devoted a great deal of time in the past year to upgrade our foreign disease preparedness. A major part of this re-assessment was the review of our provincial statutes and regulations relating to animal diseases. The Animal Diseases Act is our major piece of legislation in this area.

The Animal Diseases Act, last reviewed in 1987, is an excellent statute. However, some areas needed to be amended to facilitate Manitoba Agriculture and Food's approach to dealing with disease emergencies. Consequently, I am pleased to bring forward this bill, The Animal Diseases Amendment Act. It should be noted that CFIA has the regulatory authority to deal with federally reported diseases.

The Animal Diseases Amendment Act is intended to provide a response to a broad range of animal disease issues in Manitoba where there is no federal program, or where the federal program is inadequate for local needs. The disease control component of the bill will allow Manitoba Agriculture and Food to control and

eliminate endemic diseases in Manitoba and to investigate the impact of serious exotic diseases in the province. Diseases are identified as requiring a public intervention when they have a real or potential negative impact on agricultural production and marketing or where they affect public health.

The proposed amendments introduced have the following intention: First, Mr. Speaker, to assist provincial and federal partners in emergency management of diseases of trade concern in animals; as well, to enhance biosecurity measures to reduce the opportunity for diseases to be introduced; to provide flexible regulatory support in the development of industry-led disease control programs in animal agriculture; as well, to improve government's flexibility in addressing public health risks from disease and human pathogens in animals; and to name and list reportable diseases.

The reportable disease list will include the current list A and B reportable diseases under the federal Health of Animals Act. It will also include diseases that may have significant economic impact on the livestock industry or diseases that may have significant public health concerns.

An example of an economically significant disease is Johne's disease or paratuberculosis in cattle, cervids, bison, sheep or goats. An example of a disease with a public health concern is salmonellosis, particularly salmonella DT104 in poultry and in pigs.

In the area of human health and safety, there is increasing public interest in developments in animal agriculture and the possible human health risks via the food chain or through the environment. Changes in the act recognize the threats to public health or to the public interest from diseased animals as well as food products derived from these animals. These changes that I mentioned will allow for better communication between veterinarians and human health officers in the event of such an occurrence.

The Animal Diseases Amendment Act provides an avenue for the rapid disclosure of information about reportable diseases. Such information exchange is crucial for prompt and

effective disease management and control. Sharing information with CFIA, public health officers and emergency measures agencies will enable Manitoba Agriculture and Food to deal more effectively with animal disease emergencies and will assist us in protecting the public's interest.

Regarding emergency management of diseases, the amendments will enable the Province to more rapidly initiate animal disease movement control and quarantines to reduce the spread of the diseases. The Province will also be able to institute disease control programs with the components of preparedness, prevention, response and recovery. These amendments will assist the Province in its role as a partner with CFIA in foreign animal disease preparedness and management.

The ability to stop all animal movement very early in the course of a suspected disease outbreak is extremely important for preventing further disease spread. The cease movement amendment to this bill provides that authority to our veterinary staff. This rapid response time is crucial when dealing with diseases that may have a major financial impact on farmers or pose a potential danger to human health.

The amendments that have been introduced allow the ministerial appointment of inspectors to carry out the activities outlined in the act. The powers of these inspectors are clearly defined to facilitate inspection, quarantine, seizure and possible destruction of diseased animals. The inspectors cannot enter a dwelling without the permission of the occupant without a warrant, Mr. Speaker. However, the inspectors do have the authority to examine and copy any or all records pertinent to the animal acquisition or movement.

The offence and penalty areas of the act have also been upgraded to reflect the economic realities of the impact of animal disease in the livestock industry and in society at large. So, Mr. Speaker, the proposed maximum fine is \$10,000 or imprisonment for a term of up to one year or both.

To assist with the administration of the act, the regulatory powers are being put in place to

authorize the collection of information about the location and ownership of farms where animals are kept as well as the types and numbers of animals on these premises. GIS mapping of livestock farms coupled with statistical data in these farms is a key component to rapid response and the control of these outbreaks should we have one, Mr. Speaker. The regulatory power is also structured to establish structural biosecurity protocols to restrict the movement of animals, vectors and, for mites, to designate health status for flocks and herds, to initiate disease control programs, and to designate areas of the province as a disease control area.

Mr. Speaker, The Animal Diseases Amendment Act will position Manitoba as a leader in dealing with domestic and foreign diseases. Manitoba Agriculture and Food is not assuming any role presently covered by CFIA. We are simply solidifying and clarifying our role in the provincial disease control and management area.

Animal disease can have a serious financial and social impact on animal owners, on the industry and the community, Mr. Speaker. The amendments we are proposing are designed to mitigate the risk of introduction of such diseases, to promote the rapid investigation and diagnosis of such diseases, and to control and eradicate such diseases as quickly as is possible. A commitment to good government requires that Manitoba Agriculture and Food has this ability to respond to new and emerging issues regarding animal diseases, especially where there is risk to human health and safety or considerable risk of financial loss to producers.

Mr. Speaker, I believe that this is a very important bill that we are bringing forward, given the outbreaks of disease that we have seen in other parts of the world. There has been a tremendous amount of work done by my department in this area. A tremendous amount of work is being done in other jurisdictions. I have to say to members opposite that there is work that is being done in conjunction with other provinces, with our trading partners in the U.S. to ensure there is a good plan in place should there be a serious outbreak of disease on this continent. These amendments that are brought forward clarify and solidify our position as a

province should this unfortunate situation ever occur here.

**Mr. Peter Dyck (Pembina):** I move, seconded by the honourable Member for Gimli (Mr. Helwer), that we adjourn debate.

*Motion agreed to.*

\* (15:20)

**Bill 27—The Safer Workplaces Act  
(Workplace Safety and Health Act Amended)**

**Hon. Becky Barrett (Minister of Labour and Immigration):** Mr. Speaker, I move, seconded by the Minister of Transportation and Government Services (Mr. Ashton), that Bill 27, The Safer Workplaces Act, be now read a second time and be referred to a committee of this House.

*Motion presented.*

**Ms. Barrett:** I am very pleased to introduce Bill 27, the provisions of which come from the recommendations contained in the report of the Workplace Safety and Health Review Committee as well as the public comments received in the weeks following the report's release.

At the public hearings of the committee in 2001, Manitobans clearly called for measures to reduce injury rates in Manitoba workplaces. Five of every 100 Manitoba workers are away from work each year as the result of occupational injury or disease. Manitobans made it clear that this is an unacceptable level of suffering.

The review committee's consensus report set out a reasonable, balanced, and practical agenda for improving safety and health in Manitoba workplaces. The review committee particularly emphasized the heightened risks faced by young workers.

A key committee recommendation was that government lead a sustained provincial initiative to create a strong workplace safety and health culture in Manitoba. That initiative would be based on action in four priority areas: public awareness and education; training for employers, supervisors and workers; prevention measures

and standards; and improved internal and external responsibility systems.

This is the foundation on which the Government has built a long-term plan to implement the review committee recommendations and improve safety and health in Manitoba workplaces. This plan includes the proposed amendments contained in Bill 27.

The amendments in this bill are a result of the first comprehensive review of the legislation in 25 years. It is critical that workplace safety and health legislation reflect the evolving workplace. The amendments will modernize the act and are consistent with more recent legislative initiatives in other Canadian jurisdictions. Many of the amendments are similar to legislation that has existed in other jurisdictions for a number of years.

The bill creates new duties for employers and clarifies existing ones. In addition, amendments place new duties on contractors, owners and suppliers. In recent years legislation in other Canadian jurisdictions has recognized that the organization of workplaces has changed and the role of these parties in protecting the safety and health of workers must be recognized.

The need to provide specific information and training to ensure worker safety and health has been identified as a significant part of protecting workers, in particular young and new workers. A provision will specifically require that an employer must train a worker in all matters that are necessary to protect the safety and health of the worker before the worker begins performing a work activity at the workplace, before beginning different work, or before beginning work in a different area that has new hazards.

An amendment will allow a worker to perform work while being trained if the worker is under the direction of a supervisor or another person who is fully trained and has sufficient experience to ensure the safety of the trainee. A new provision would require all employers with 20 or more workers to establish, maintain and make available a written workplace safety and health program at the workplace. The program will outline the basic steps that must be taken to

provide a safe and healthy workplace. The program must be prepared in consultation with the workplace safety and health committee at a workplace.

Employers who operate in several locations will be able to apply to the director to develop one safety and health program for the entire operation. This provision is designed to reduce paper burden and allow for the application of the requirement to suit the specific requirements of a workplace where circumstances warrant a variation. The contents of the safety and health program are consistent with what is currently recommended in international guidelines for safety and health management systems. The provisions help to codify what is reasonable and practicable for an employer to address.

Two additional general duties have been proposed for employers, to designate a supervisor for workers, and, where workers are involved in a construction project, to provide the prime contractor with the name of that supervisor. These proposed additional duties identify that supervisors play an important role in ensuring that worker safety and health are protected.

It is proposed that the act be specifically amended to recognize the role of supervisors in maintaining a safe workplace. Supervisors will be responsible to advise workers of the existence of danger to their safety and health of which the supervisor is aware or that was reasonably foreseeable, to ensure that workers use all personal protective equipment provided by the employer, and to ensure that workers work in accordance with the act and its regulations.

An amendment will provide that a prime contractor is required at a construction project where more than one employer or self-employed is involved.

The act currently provides that a principal contractor at a workplace must ensure that all employers, workers and others comply with their duties under the act. This provision will be replaced with one that will further clarify the duties of a prime contractor.

The prime contractor will be required to ensure that all persons involved in work at the project comply with the act to co-ordinate the

work at a project in a manner that will ensure the safety and health of all persons at the project, to form a workplace safety and health committee for major building projects and to co-ordinate the written safety and health programs of employers involved in the project.

An amendment will clarify that all contractors who are persons directing the activities of one or more employers or self-employed persons at a workplace will be responsible for ensuring the overall protection of the safety and health of workers related to the workplace. Contractors will be required to ensure that all matters that are in their control do not create a risk to the safety and health of all persons at the workplace.

It is proposed that the act provide that the owner of land or premises used as a workplace be required to ensure that the land or premises not create a risk to the safety and health of persons at the workplace. In recent years workers have been placed at risk in buildings, not as a result of the actions of their employers but by the actions or lack of action on the part of the building owner.

Specific examples of this would include situations where workers are placed at risk from the presence of deteriorating asbestos insulation or the growth of mold. In these cases the owner of the building, not the employer, is responsible for the remedy to remove the risk. The act will clearly specify that this provision will not apply to homeowners unless the owner is running a business out of the home.

A new provision will require persons who supplied biological or chemical substances or any machine, device, tool or equipment to a workplace shall ensure that the substance, machine, device, tool or equipment is safe.

A key component of an effective safety and health system is the flow of information between the workplace parties. New provisions will provide suppliers, owners, prime contractors and contractors to provide information about safety and health risks in the workplace to other parties. This duty to provide information to other workplace parties corresponds to workers' rights to know about the hazards that are present in

their workplace and is consistent with industry practices to control workplace hazards.

As new duties have been added for owners, contractors, prime contractors, supervisors and suppliers, it is possible that a person may now have multiple functions under the act. For example, an employer may also be the supervisor or contractor. An amendment clarifies that where a person has more than one function, the duties of both functions must be satisfied.

The multiple functions provision codifies the law with respect to the treatment of persons with multiple duties under safety and health legislation. In all provinces, parties with multiple duties must generally fulfill the requirements of each. An amendment however will make it clear that where there are a number of persons with similar duties, to protect workers in a specific case, compliance by one party relieves the others of their duties as long as the safety and health of workers is not put at risk.

The wording of the regulation-making provision in the act has been modernized and made consistent with the drafting style of newer acts. New provisions have been added relating to workplace harassment, violence and pregnant workers. The director will be able to exempt persons, an employer or contractor from a provision of a regulation where technical requirements do not apply to a specific workplace. This amendment will allow for some flexibility in applying the provisions of the regulations to workplaces. This exemption would only be available on the condition that safety and health is not compromised and only after consultation with the workers and employer.

\* (15:30)

One amendment will be made to the inspection powers of safety and health officers that will enable officers to require any machinery, equipment, appliance or thing located at a workplace to be demonstrated to assist in an inspection or an investigation. This amendment is needed to allow safety and health officers to inspect and monitor the operation of equipment during their workplace inspections.

In addition, the responsibility of removing a stop work order has been transferred to safety

and health officers. This amendment will allow the officer who issued the stop work order to remove it. This is intended to improve efficiency and reduce delays in the lifting of stop work orders. The lifting of the stop work order by the officer who issued the order is procedurally appropriate in that it is the officer who is aware of when the conditions which warranted the order have been addressed. An amendment updates and simplifies the existing provisions for communicating improvement orders or stop work orders against an employer, worker, owner, supplier, self-employed person, contractor, or prime contractor.

Currently, under the act, the appeal process varies for different orders made under the act. This inconsistency has led to confusion on the part of persons subject to the act. An amendment will streamline and improve the process by providing for a single-appeal process for all orders issued by safety and health officers. Orders and decisions of a safety and health officer relating to improvement orders, stop work orders, discriminatory actions, or right to refuse dangerous work, will be appealable to the director. Decisions of the director may be further appealed to the Manitoba Labour Board. Instead of deciding an appeal, the director may refer it to the board. This provision is intended to expedite appeals directly to the Labour Board where, in the opinion of the director, such action is warranted.

A number of amendments relate to the requirements for workplace safety and health committees at workplaces and the duties of their members. The criteria for formation of safety and health committees on construction projects will be simplified. The current criteria for the establishment of these committees for a construction project are based on a list of construction activities contained in The Construction Industry Wages Act. These criteria have no consideration for the number of workers or the duration of a project. The proposed amendment redefines what is considered as a major construction project.

The proposed amendment will require a safety and health committee to be formed when more than 20 workers will be present at a construction project for more than 90 days. A

further amendment will allow the director to require more than one committee for a workplace or allow one committee for more than one workplace. The issue of the order will depend on the organizational structure of the workplace and take into consideration the level of risk to health and safety of workers and will allow the number of committees to be consistent with the risk associated with the workplace. In making the determination, the director will consider both the nature of the work and the frequency of injury or illness at the workplace.

Provisions will be added to the duties of the committee to make it clear that the committee has the duty to make the recommendations to the employer respecting the safety and health of workers in the workplace; inspect the condition of the workplace at regular intervals; participate in investigations of accidents and dangerous occurrences. This is consistent with the duties of committees in other Canadian jurisdictions.

The act will be amended to clarify that members of a workplace safety and health committee are entitled to take time from their regular duties to carry out their safety and health duties, and this time is recognized as work time without loss of pay.

Currently, the workplace safety and health committee regulation under the act states that members of the committee cannot be discriminated against for participating in the activities of the committee. This provision is consistent with the current application of the regulation and is being carried forward from the regulation.

An amendment will formalize the process for employers to respond to recommendations made by a safety and health committee or representative. If the employer does not take action to address a recommendation, he or she must provide the committee with a response within 30 days. The employer's response must contain a timetable for implementing the recommendations or give reasons why the employer disagrees with any recommendations. Where the parties cannot resolve a problem, the matter may be referred to a safety and health officer, and, where required, the officer may then issue an order or a decision in accordance with the act.

A provision will clarify that a representative of the workers may accompany the safety and health officer on an inspection at the request of the officer. This requirement is currently contained in regulation. The amendment also clarifies that the employer must allow the worker to accompany the officer. Currently, under the act, where a worker alleges that an employer or union has discriminated against the worker for exercising a right or duty under the act, the worker must apply to the Labour Board for a remedy. It is proposed that safety and health officers deal with the matter. The officer would investigate the allegation and issue an order if the claim is substantiated. The order could require an employer, or, where applicable, the union to cease the discriminatory action, reinstate the worker to their former employment status, pay to the worker any lost wages, and/or remove any reprimand or other reference to the matter from any employment records. The officer's decision may be appealed to the director and the director's decision further appealed to the Labour Board.

An amendment will provide that a worker cannot be discriminated against where the worker takes reasonable actions to protect the safety and health of another person at the workplace. Another change will allow the worker co-chairperson, or, where there is not a safety and health committee, the worker representative to be involved in the inspection relating to the right to refuse unsafe work.

Another amendment will clarify that where workers exercise their right to refuse to perform dangerous work under the act or are involved in stop-work situations, they are to be provided with a temporary reassignment to alternate work or pay in lieu. The amount of time a safety and health committee member or safety and health representative is allowed to take for the purpose of safety and health training will be clarified.

Under the existing provisions, those who work 10-hour shifts could lose pay, as they would be limited to receiving eight hours of pay each day. The bill provides that the director may stipulate that tests must be performed at a workplace by a technically qualified person. This provision will ensure that in specific cases the director has necessary information for the effective administration of the act.

A number of amendments are being proposed that will assist in ensuring that the safety and health requirements of the act are complied with. The Workplace Safety and Health Review Committee noted that non-compliance with improvement orders is a significant problem. When safety and health officers identify a contravention of the act or regulations, they issue an improvement order which requires corrective action by a certain date. If circumstances are such that the time line for compliance cannot be met, employers may obtain an extension. If they believe the improvement order is improper, they may also appeal it. Despite that, approximately 30 percent of improvement orders are not complied with by the required date.

Because of this very significant problem with compliance, amendments are being proposed that will allow for the issuance of an administrative monetary penalty under the act. The amount of the penalty to be assessed will be set by regulation. We intend to consult with stakeholders in determining the amounts of these penalties. The amendment provides that the maximum amount of the penalty will be set at \$5,000.

The administrative penalties are a way to level the playing field for all Manitoba businesses and individuals. We must not forget that most businesses are prepared to meet their responsibilities under the act. As a result, there is an unfair advantage to those who do not comply.

Currently, occupational safety and health legislation in British Columbia and the Yukon provide for administrative penalties. In recent years administrative penalties have also been implemented in the legislation of a number of jurisdictions, including British Columbia and Ontario employment standards legislation; Ontario and Alberta environment legislation; and federal pesticides legislation.

To assist with the enforcement of the act, the time limit for initiating a prosecution under the act is proposed to be changed from one year to two years. A two-year limit on prosecution is standard in most Manitoba legislation and similar legislation in other Canadian jurisdictions. A further amendment will allow judges to consider additional fines on

prosecutions. In such cases the penalty assessed would be used to conduct public education activities. The total value of fines would not exceed the maximum amount of \$150,000 already provided for in the act.

Finally, an amendment will ensure that The Workplace Safety and Health Act is reviewed at least once every five years by the Advisory Council on Workplace Safety and Health provided for in the act. This will ensure that the act will keep pace with changes in Manitoba workplaces and ensure that the safety and health of workers is safeguarded.

I would like once again to take this opportunity to thank the review committee members for their advice and guidance and all Manitobans who participated in the public review process. The input that was provided was invaluable. These amendments will bring Manitoba into the mainstream of Canadian safety and health legislation. They will not undermine Manitoba's competitive position with other jurisdictions.

\* (15:40)

Safer, healthier workplaces and safer, healthier workers will, in fact, strengthen Manitoba's competitive abilities because we know safety and health are vital components of productivity in any sector.

In closing, I feel that our proposed amendments are a balanced and practical approach to safer and healthier workplaces, an important goal for employees, employers, and Manitoba families. The changes will promote clarity and consistency in application and enforcement. The Government accepts its responsibility to build a strong safety and health culture in Manitoba. We are taking action now that will save lives in the future.

Mr. Speaker, I heartily commend this bill for approval by this House.

**Mr. Ron Schuler (Springfield):** I move, seconded by the honourable Member for Fort Garry (Mrs. Smith), that debate now be adjourned.

*Motion agreed to.*

### Bill 30—The Architects Amendment Act

**Hon. Becky Barrett (Minister of Labour):** Mr. Speaker, I move, seconded by the Minister of Agriculture and Food (Ms. Wowchuk), that Bill 30, The Architects Amendment Act, be now read a second time and be referred to a committee of this House.

#### *Motion presented.*

**Ms. Barrett:** I am pleased to introduce Bill 30 which proposes to amend The Architects Act for purposes of updating the legislation to bring it into line with other statutes regulating professions and to enhance the enforcement provisions of the act. These amendments were developed in response to recommendations made by the Manitoba Association of Architects, a professional standards body that is responsible for governing the profession and the conduct of its members.

The current act allows for the practice of architecture by a corporation in its own name provided that the corporation obtains a certificate of approval from the Architects Association and meets certain other specified requirements. For example, one requirement is for the corporation to have professional liability insurance coverage.

The proposed amendments to the act would allow for the practice of architecture by partnerships or corporations in their own name as well as by other types of groups such as consortiums, joint ventures, partnerships or other legal entities provided that specified requirements were complied with. This would also authorize the association to officially regulate the practice of architecture by these groups. These amendments are consistent with provisions in other statutes that govern professions.

It is also proposed that provision be made for the issuance of temporary licences to persons, corporations or partnerships of corporations who are entitled to practise architecture in other jurisdictions so as to allow them to collaborate on projects with architects or architectural corporations registered in Manitoba.

In addition, the proposed bill provides for enhanced penalties for contraventions of the

legislation. For breach of the act, the maximum fine will increase from \$500 to \$10,000 for a first offence and from \$1,000 to \$20,000 for a subsequent offence. This is consistent with provisions in the engineering and geoscience legislation and is also generally in line with fine levels in other legislation respecting professions.

The bill allows the Manitoba Association of Architects to institute civil proceedings as an alternative to prosecutions for unauthorized practice. This would take the form of injunctions being sought against persons practising architecture without an appropriate licence or certificate or against employers of such persons. Provisions to apply for injunctions in similar circumstances currently exist in virtually all other statutes in Manitoba that govern professions including The Engineering and Geoscientific Professions Act.

Finally, the bill streamlines the appeals process for discipline hearings. Currently, the Manitoba Association of Architects can conduct discipline hearings with an aggrieved person being able to appeal to the Court of Queen's Bench. It is proposed that appeals from discipline hearings be made directly to the Manitoba Court of Appeal. This would eliminate the need for a full retrial of the facts of the case and would be consistent with a number of other statutes that govern members of various professions such as lawyers, doctors and engineers.

In developing the recommendations that are incorporated in Bill 30, the Manitoba Association of Architects consulted with a number of organizations, including the Association of Professional Engineers and Geoscientists of Manitoba, the Association of Manitoba Land Surveyors, the Manitoba Association of Landscape Architects, the Winnipeg Construction Association, the Professional Interior Designers Institute of Manitoba, the Architectural and Building Technologists Association of Manitoba and the Certified Technicians and Technologists Association of Manitoba.

In addition, the proposed amendments have been reviewed by the Government's Legal Services personnel. In our view, the amendments set out in this bill have the full support of the

stakeholders and are in the public interest. I therefore commend it for the approval of the Assembly.

**Mr. Ron Schuler (Springfield):** I move, seconded by the honourable Member for Fort Garry (Mrs. Smith), that debate be now adjourned.

*Motion agreed to.*

**Hon. Gord Mackintosh (Government House Leader):** Mr. Speaker, would you please call debate on second readings, Bill 22.

### DEBATE ON SECOND READINGS

#### Bill 22—The Public Schools Amendment Act (Francophone School Division Governance Structure)

**Mr. Speaker:** Resume debate on second readings of Bill 22, The Public Schools Amendment Act (Francophone School Division Governance Structure), standing in the name of the honourable Member for Carman (Mr. Rocan).

Is it the will of the House for the bill to remain standing in the name of the honourable Member for Carman? [*Agreed*]

**Ms. Linda Asper (Riel):** Le ministre de l'Éducation du Manitoba (M. Caldwell) a annoncé le 15 mai 2002 un projet de loi n° 22 modifiant la Loi sur les écoles publiques (structure de gestion de la division scolaire de langue française). Ce projet de loi vise la modernisation de la gestion de la Division scolaire franco-manitobaine, la DSFM.

La modification principale propose que les commissaires soient dorénavant élus directement par les parents et non plus au sein des comités régionaux. Le projet de loi propose également à la DSFM de créer un groupe consultatif sur les règlements pour chacune des quatre régions qu'elle dessert. Ces groupes auraient pour mandat de transmettre à l'organisme les commentaires des membres de la communauté sur diverses questions. Ce projet de loi fait suite aux recommandations contenues dans le rapport

Cenerini en 2001. Norbert Cenerini, éducateur franco-manitobain à la retraite, a étudié la structure de gestion à la demande de la DSFM et il a soumis son rapport en mai 2001. La DSFM voulait une étude afin d'améliorer sa structure, la rendre plus efficace et la rapprocher des parents.

\* (15:50)

Regardons la chronologie sommaire des événements menant à la création de la Division scolaire franco-manitobaine. En 1982 la loi constitutionnelle enchâsse la Charte canadienne des droits et libertés, laquelle renferme des garanties au chapitre des langues officielles. L'article 23 de la Charte porte précisément sur les droits de la minorité linguistique en matière d'enseignement. Le 15 mars 1990, le jugement de la Cour suprême du Canada, dans le cas *Mahé-Alberta*, confirme le droit des minorités de langue officielle de gérer et de contrôler leurs propres écoles, là où le nombre le justifie. La Cour indique également que chaque province devrait concevoir pour la minorité un système de gestion scolaire qui convient aux besoins et à la situation particulière de sa province. Le jugement de la Cour suprême renverse le jugement de la Cour d'appel du Manitoba.

Le 2 août 1990, la Commission Gallant a été établie par le gouvernement. Ce Groupe de travail manitobain sur la gestion des écoles franco-manitobaines, avait le mandat de conseiller le gouvernement du Manitoba sur l'établissement d'un système de gestion scolaire pour la minorité francophone.

Le 27 juin 1991, le Rapport Gallant a été rendu public. Le 26 mars 1992 le gouvernement a annoncé la politique gouvernementale en matière de gestion scolaire. Le 22 septembre 1992 le gouvernement a annoncé la nomination de M. Alfred Monnin comme président du Groupe de mise en oeuvre. Le 27 juillet 1993 le Projet de loi 34 a été adopté par l'Assemblée législative du Manitoba. Le 27 octobre 1993 la Commission Monnin a présenté son rapport final au gouvernement, et c'est le 12 janvier 1994 qu'ont eu lieu l'élection des comités régionaux et l'élection du conseil scolaire de la Division scolaire franco-manitobaine n° 49, la DSFM. Enfin le 1<sup>er</sup> juillet 1994, 20 écoles sont prises en charge par la DSFM et en septembre 1994 l'enseignement est livré sous l'autorité de la DSFM.

Voici un petit sommaire. La situation actuelle est que 22 écoles sont sous la DSFM. Y sont inscrits 4430 élèves. Il y a une Entente spéciale Canada-Manitoba sur des mesures d'investissement relatives à la qualité de l'éducation dans la langue de la minorité.

Quant à la structure de gestion aujourd'hui, la DSFM est formée des quatre régions suivantes: la région urbaine, la région de l'est, la région du sud et la région de l'ouest. La DSFM se compose de trois éléments clés: des comités d'école locaux, des comités régionaux, et la commission scolaire.

Les parents élisent les comités régionaux et les comités régionaux élisent 11 commissaires, dont quatre proviennent de la région urbaine, trois de la région de l'est, deux de la région du sud et deux de la région de l'ouest.

### **Translation**

*On May 15, 2002, the Minister of Education of Manitoba (Mr. Caldwell) announced Bill 22, The Public Schools Amendment Act (Francophone school division governance structure). This bill is intended to modernize the governance of the Francophone school division, the DSFM. The principal amendment proposes that trustees now be directly elected by the parents and no longer by the regional communities.*

*The bill also proposes that the DSFM create a by-law advisory group for each of the four regions served. The mandate of these groups would be to provide community input on various matters. This bill reflects recommendations contained in the 2001 Cenerini report. Norbert Cenerini, a retired Franco-Manitoban educator, examined the governance structure at the request of the DSFM and submitted his report in May 2001. The DSFM wanted to have a study conducted in order to improve its structure, make it more effective and bring it closer to the parents.*

*Let us look briefly at the chronology of events that led to the creation of the Francophone school division. In 1982, the Constitution Act enshrined the Canadian Charter of Rights and Freedoms which contained guarantees*

*concerning the official languages. Section 23 of the Charter deals specifically with the educational rights of the linguistic minority. On March 15, 1990, the decision of the Supreme Court of Canada in Mahé vs. Alberta confirmed the right of official language minorities to manage and control their own schools where numbers warrant.*

*The Court also indicated that each province must establish a schools governance system for its minority that would meet the needs and specific situations in the province. The Supreme Court decision overturned a decision of the Manitoba Court of Appeal.*

*On August 2, 1990, the Gallant Commission was established by the government. This Manitoba task force on Francophone schools governance had as its mandate to advise the Manitoba government on the establishment of a governance system for the Francophone minority's schools.*

*On June 27, 1991, the Gallant report was made public. On March 26, 1992, the government announced the government's policy on schools governance. On September 22, 1992, the government announced the appointment of Mr. Alfred Monnin as the chair of the implementation group. On July 27, 1993, Bill 34 was adopted by the Legislative Assembly of Manitoba. On October 27, 1993, the Monnin commission presented its final report to the government, and it was on January 12, 1994, that elections took place for the regional committees and the school board of the Francophone school division No. 49, the DSFM.*

*Finally, on July 1, 1994, 20 schools were placed under the authority of the DSFM. In September 1994, instruction began under the authority of the DSFM.*

*Here is a brief summary. The current situation is that 22 schools are under the authority of the DSFM. Enrolment is 4430 pupils. There is a Canada-Manitoba Special Agreement on Investment Measures for Quality Education in the Language of the Minority.*

*As for the governance structure today, the DSFM is composed of the following four*

*regions: the urban, eastern, southern and western regions. The DSFM has three key elements: local school committees, regional committees and the school board.*

*Parents elect the regional committees and the regional committees elect 11 trustees: 4 from the urban region, 3 from the eastern, 2 from the southern and 2 from the western regions.*

### **English**

Mr. Speaker, I would like to comment on the process leading up to Bill 22. Norbert Cenerini was given a specific mandate to consult with the Francophone community, to receive feedback on the governance structure and the electoral process and to report back with recommendations to the Minister of Education and Training. Consultations in the Francophone community included the 22 school communities, the four regions, the Francophone organizations and the DSFM school board and its administration.

I would like to commend our Government for the process of communication involved leading up to Bill 22 and resulting in the different aspects of Bill 22 that I referred to earlier.

As I mentioned, Bill 22 enables trustees to be elected directly to the Francophone school board, 11 in total, by the parents in the Francophone school communities. The regional committee structure, with its 34 elected representatives, is removed. I would like to commend our Government on taking this step. When I was working as a staff officer for the Manitoba Teachers' Society with Francophone teachers, students, and in the different structures, it was found that this regional committee structure was extremely cumbersome.

The bill enables the DSFM to establish by by-law advisory committees in each of its four regions. It eliminates provisions specific to the initial establishment of the DSFM as such provisions are now outdated in light of the experience over the last eight years.

Further and as specified in the regulations trustees will be elected at large from each of the four regions.

Je suis confiante que le Projet de loi n° 22 reflète les désirs de la communauté francophone.

La présidente de la DSFM, Yolande Dupuis, a déclaré, et je cite: Les comités seraient plus redevables envers les parents de cette manière.

J'aimerais féliciter Yolande Dupuis et les autres comités de la DSFM et les 22 communautés des écoles d'avoir participé à l'étude de M. Cenerini. Je leur souhaite beaucoup de succès avec la nouvelle loi. Je crois que les changements à la structure de gestion contribueront à l'amélioration de la qualité d'éducation de nos jeunes Franco-Manitobains et Franco-Manitobaines.

### **Translation**

*I am confident that Bill 22 reflects the wishes of the Francophone community. The president of the DSFM, Yolande Dupuis, has stated, and I quote: Trustees would be more accountable to parents this way.*

*I would like to congratulate Yolande Dupuis and the other trustees of the DSFM and the 22 school communities for having participated in Mr. Cenerini's study. I wish them great success with the new law. I believe the changes to the governance structure will contribute to the improvement of the quality of education provided to our young Franco-Manitobans.*

**Hon. Greg Selinger (Minister responsible for French Language Services):** Monsieur le président, merci pour l'occasion de vous parler aujourd'hui. Permettez-moi de dire quelques mots au sujet des modifications que mon collègue, le ministre de l'Éducation (M. Caldwell), veut faire apporter à la Loi sur les écoles publiques.

Le but du Projet de loi 22 est de moderniser la gestion de la Division scolaire franco-manitobaine. Le plus important changement qui serait apporté c'est celui de l'élection des conseillers scolaires directement par les parents, un droit que les parents ont dit vouloir exercer.

Depuis que l'Assemblée législative du Manitoba a adopté le Projet de loi 34 en juillet 1993, il y a une évolution de la division scolaire francophone qui demandait un examen de la structure de sa gestion. Cet examen qui a été confié à M. Norbert Cenerini a été mené en

étroite collaboration avec la communauté francophone. Depuis plus d'un siècle, les parents francophones ont été très actifs concernant le droit de faire instruire leurs enfants en français et le droit de gérer leurs propres écoles.

\* (16:00)

Si vous me le permettez, j'aimerais faire un peu l'historique qui a été rédigé par le Conseiller spécial du Secrétariat des services en langue française, M. Guy Jourdain. Les droits scolaires des Francophones au Manitoba: au moment de l'entrée du Manitoba dans la fédération canadienne en 1870, les habitants et les habitantes de la colonie de la rivière Rouge obtiennent des garanties concernant les écoles confessionnelles. Ces garanties figurent à l'article 22 de la Loi de 1870 sur le Manitoba, qui reprend le libellé de l'article 93 de la Loi constitutionnelle de 1867.

En 1871, l'Assemblée législative du Manitoba adopte la première loi scolaire de la province et instaure un système confessionnel fondé sur la séparation complète du réseau catholique et du réseau protestant.

En 1890, le gouvernement Greenway décide de déconfessionnaliser et d'angliciser le système scolaire. Il établit donc un seul réseau d'écoles non confessionnelles et il interdit l'enseignement en français de même que l'enseignement du français et de la religion. Les Catholiques décident de porter l'affaire devant les tribunaux et ils se rendent à deux reprises devant le Comité judiciaire du Conseil privé à Londres. Il s'agissait alors du tribunal de dernier ressort en droit canadien et il était possible d'y interjeter appel des décisions rendues par la Cour suprême du Canada. À la suite le gouvernement fédéral adopte en 1895 un décret qui enjoint le gouvernement et la Législature du Manitoba de rétablir les droits et les privilèges des personnes des confessions catholique et protestante.

Le gouvernement et la Législature du Manitoba refusent de donner suite au décret, ce qui force le gouvernement fédéral à déposer un projet de loi réparatrice. Ce projet de loi donne lieu à un débat agité en chambre et n'est jamais adopté.

Peu après l'élection du nouveau gouvernement Laurier en 1896, le compromis

Laurier-Greenway est conclu. Il permet l'enseignement dans des langues autres que l'anglais et l'enseignement d'un cours de religion après les heures normales d'école.

En 1916, le compromis Laurier-Greenway est carrément aboli. La question de la confessionnalité des écoles ne fait pas l'objet de débats judiciaires par la suite.

Il est important de noter qu'à peu près en même temps que l'abolition du compromis Laurier-Greenway, le comité judiciaire du Conseil privé rend sa décision dans l'affaire *Mackell* provenant de l'Ontario. Il statue que les droits prévus par l'article 93 de la Loi constitutionnelle de 1867 ne comportent aucune garantie en ce qui a trait à la langue de l'enseignement. Ainsi, sur le plan de la langue, la protection de la confessionnalité des écoles est demeurée sans aucun lendemain.

Après son abolition officielle en 1916, l'enseignement en français continue de façon clandestine et recommence à être reconnu graduellement à partir des années 1950. En 1970, le Projet de loi 113 modifie la loi scolaire en déclarant que le français et l'anglais sont sur un pied d'égalité en tant que langues d'instruction dans les écoles publiques du Manitoba. C'est le gouvernement Schreyer qui a fait cette démarche.

En 1982, la Charte canadienne des droits et libertés vient reconnaître de façon constitutionnelle le droit des Franco-Manitobains et Franco-Manitobaines de faire instruire leurs enfants en français au Manitoba. En 1990, la Cour suprême du Canada rend son jugement dans l'affaire *Mahé* et reconnaît aux minorités de langue officielle le droit de gérer leur propres écoles. Le gouvernement du Manitoba établit quelques mois plus tard un groupe de travail présidé par M. Edgar Gallant. Le Comité Gallant a pour mandat de recommander un modèle de gestion qui réponde aux exigences de l'article 23 de la Charte, de même qu'aux besoins de la population manitobaine.

Le groupe de travail remet son rapport unanime en 1991 et le gouvernement du Manitoba s'engage peu de temps après à appliquer les recommandations qui y figurent.

Le groupe de travail recommande la création d'une seule commission scolaire francophone qui aurait le mandat de gérer l'ensemble des écoles offrant des programmes de français langue première à l'échelle de la province.

En mars 1992, le gouvernement annonce le modèle de gestion qu'il entend mettre en oeuvre. Les parents francophones dénoncent ce modèle, du fait que les commissions scolaires anglophones continueraient à pouvoir gérer les programmes de français langue première. Les parents décident donc de réactiver l'appel qu'ils avaient interjeté à la Cour suprême du Canada par rapport à la décision rendue par la Cour d'appel du Manitoba en février 1990.

Après avoir entendu les parties en décembre 1992, la Cour suprême du Canada rend sa décision le 4 mars 1993. La Cour suprême souligne l'obligation du gouvernement du Manitoba de mettre en place, sans retard, un régime scolaire qui permet à la minorité francophone d'exercer pleinement ses droits, y compris en matière de gestion.

En juillet 1993, l'Assemblée législative du Manitoba adopte le Projet de loi 34 intitulé Loi modifiant la loi sur les écoles publiques (gestion des écoles françaises). Ainsi, plus de 100 ans après l'abolition de leurs droits confessionnels et plus de 10 ans après l'entrée en vigueur de la Charte, les parents francophones sont sur le point de récupérer les outils dont ils ont bénéficié durant le bref intervalle de 1870 à 1890.

Le Projet de loi 22 actuellement à l'étude en cette chambre a pour but d'apporter certaines modifications au modèle de gestion scolaire instauré au début des années 1990. De cette façon il colle de plus près à la réalité et aux besoins présents de la minorité de langue officielle. Ce projet de loi est fondé sur le principe que le régime scolaire à l'intention de la communauté francophone ne peut être statique. Dans ce domaine important, le gouvernement doit toujours rester à l'écoute de la minorité et être ouvert au changement.

### **Translation**

*Mr. Speaker, thank you for the opportunity to speak today. Allow me to say a few words about*

*the amendments that my colleague, the Minister of Education (Mr. Caldwell), wishes to make to The Public Schools Act.*

*The objective of Bill 22 is to modernize the governance of the Francophone school division. The most important change that would be made is that of the election of school trustees directly by parents, a right that parents have stated they wish to exercise.*

*Since the Legislative Assembly of Manitoba adopted Bill 34 in July 1993, there has been an evolution of the Francophone school division, which necessitated an examination of its governance structure. This examination, which was entrusted to Mr. Norbert Cenerini, was carried out in close co-operation with the Francophone community. For over a century Francophone parents have been very active with regard to the right to have their children instructed in French and the right to manage their own schools.*

*With your permission, I would like to present a brief history which was compiled by the senior advisor on French Language Services, Mr. Guy Jourdain. Francophone educational rights in Manitoba: at the time of Manitoba's entry into the Canadian Confederation in 1870, the inhabitants of the Red River settlement obtained guarantees concerning denominational schools. These guarantees are set out in section 22 of the Manitoba Act, 1870, which reproduces word for word section 93 of the Constitution Act, 1867.*

*In 1871, the Legislative Assembly of Manitoba adopted its first education act and established a denominational system based on full separation of the Catholic and Protestant systems. In 1890 the Greenway government decided to eliminate this denominational character and to anglicize the educational system. So it established a single non-denominational school system and prohibited instruction in French, as well as the teaching of French and religion.*

*The Catholics decided to take this matter to the courts and on two occasions went before the judicial committee of the Privy Council in London. This, at the time, was the highest court under Canadian law, and decisions of the Supreme Court of Canada could be appealed to it.*

*After that, the federal government, in 1895, adopted an Order-in-Council enjoining the government and the Legislature of Manitoba to restore the rights and privileges of persons of the Catholic faith and of the Protestant faith. The government and Legislature of Manitoba refused to respect this Order-in-Council, which forced the federal government to table remedial legislation. This bill gave rise to intense debate in the House and was never adopted.*

*Shortly after the election of the new Laurier government in 1896, the Laurier-Greenway compromise was reached. It permitted instruction in languages other than English and the teaching of a religion course after normal school hours.*

*In 1916, the Laurier-Greenway compromise was abolished outright and the issue of denominational schools was no longer debated thereafter.*

*It is important to note that approximately at the same time as the abolition of the Laurier-Greenway compromise, the Judicial Committee of Privy Council delivered its decision in the Mackell case originating in Ontario and ruled that the rights set out in section 93 of the Constitution Act, 1867, did not include any guarantee with regard to language of instruction. Thus, in terms of language, the protection of denominational schools disappeared.*

*After its official abolition in 1916 French instruction continued in a clandestine fashion and gradually began to be recognized again in the 1950s. In 1970, Bill 113 amended education and legislation by placing French and English on an equal footing as languages of instruction in the public schools of Manitoba. It was the Schreyer government that took this step.*

*In 1982 the Canadian Charter of Rights and Freedoms constitutionally recognized the right of Franco-Manitobans to have their children instructed in French in Manitoba. In 1990, the Supreme Court of Canada delivered its judgment in the Mahé case and recognized the right of official language minorities to manage and control their own schools. Some months later, the Manitoba government set up a task force*

*chaired by Mr. Edgar Gallant. The mandate of this group was to recommend a governance model that would meet the requirements of section 23 of the Charter and that would also meet the needs of the Manitoba population.*

*The task force presented its unanimous report in 1991 and the Manitoba government committed itself shortly after to implementing its recommendations. The task force recommended the creation of a single Francophone school board which would be given the mandate of managing all schools providing programs in French as a first language throughout the province.*

*In March 1992, the Government announced the governance model that it intended to implement. Francophone parents protested against this model because the Anglophone school boards would have continued to have the power of managing French first language programs. The parents therefore decided to reactivate their appeal to the Supreme Court of Canada concerning the decision of the Manitoba Court of Appeal in February 1990.*

*Having heard the parties in December 1992, the Supreme Court of Canada handed down its decision on March 4, 1993, emphasizing the obligation of the Manitoba government to put into place without delay a school system that would enable the Francophone minority fully to exercise its rights, including those in the area of governance.*

*In July 1993, the Legislative Assembly of Manitoba adopted Bill 34 entitled: *An Act to Amend the Public Schools Act (Francophone Schools Governance)*. Thus, more than 100 years after the abolition of their denominational rights and more than 10 years after the Charter became law, Francophone parents were on the point of recovering the tools from which they had benefited during the brief interval between 1870 and 1890.*

*Bill 22 currently being examined in this Chamber is intended to make certain changes to the initial governance model that was established at the beginning of the 1990s, so that it will more closely fit the current reality and needs of the official language minority. This bill is based on the principle that the school system*

*of the Francophone community cannot be static and that in this area of fundamental importance the government must always remain attuned to the minority and be open to change.*

**English**

Monsieur le président, this law is another step in the evolution of the ability of the Francophone community to manage their affairs with respect to their public schools. It allows direct election of the trustees and will allow for the first time direct election of trustees to manage their own school division here in Manitoba.

As I have indicated previously in this speech I have given to you, it has been a long, hard struggle for the Franco-Manitobans to regain their rights to manage their own schools, rights which were originally envisioned in the Manitoba Act of 1870, brought forward by the then-Louis Riel who headed the provisional government of that time. We can be proud today that we have taken another step in this direction and hope we never return to those dark days when official languages were repressed and had to be taught illegally. Everybody should be able to have an education in the language of their choice according to the Charter of Rights and Freedoms and the Constitution of Canada. We hope this legislation is another step in fulfilling that promise and that requirement of the Constitution.

We do it in the spirit of wanting the minority Franco-Manitoban community to flourish here in Manitoba and to continue to make the strong representation and strong contribution it does to this community.

**Mr. Speaker:** Any other speakers? When this matter is again before the House, Bill 22, The Public Schools Amendment Act, will stay standing in the name of the honourable Member for Carman (Mr. Rocan).

\* \* \*

**Hon. Gord Mackintosh (Government House Leader):** I move, seconded by the Minister of Finance (Mr. Selinger), that the House resolve into Committee of Supply.

*Motion agreed to.*

**COMMITTEE OF SUPPLY  
(Concurrent Sections)**

**LABOUR AND IMMIGRATION**

\* (16:10)

**Mr. Chairperson (Harry Schellenberg):** Good afternoon. This section of the Committee of Supply meeting in Room 254 will resume consideration of the Estimates of the Department of Labour and Immigration.

2. Labour Programs (k) Worker Advisor Office (1) Salaries and Employee Benefits \$613,200—pass; (2) Other Expenditures \$152,400—pass

2.(m) Office of the Fire Commissioner.

Resolution 11.2: RESOLVED that there be granted to Her Majesty a sum not exceeding \$14,799,200 for Labour and Immigration, Labour Programs, for the fiscal year ending the 31st day of March, 2003.

*Resolution agreed to.*

**Point of Order**

**Hon. Becky Barrett (Minister of Labour and Immigration):** In the information that we just passed, did we pass the Office of the Fire Commissioner? If we wish to discuss the Office of the Fire Commissioner, we can do that at a later time in the Estimates process. There is nothing to preclude us from discussing that, is there?

**Mr. Chairperson:** Leave would be required to discuss it but already it has been passed.

**Mr. Ron Schuler (Springfield):** Mr. Chairman, I actually had raised my hand because I was going to question that. I guess you did not see me. That was not, I do not think, the intent of the committee. I would like to have leave that we can at a later time come back to the Office of the Fire Commissioner. I am wondering if we could have leave of the committee to do that?

**Mr. Chairperson:** Is there leave to discuss that at a later time? [*Agreed*]

**Mr. Schuler:** Just for clarification, we can discuss the various issues of the Fire Commissioner Office in the Budget, that kind of stuff, as a special operating agency, and we will do that later on when the staff is here. Is that the understanding? We will come back to it.

**Mr. Chairperson:** Agreed. There is an understanding that we will come back to the line of Office of the Fire Commissioner at a later time, even though the line has been passed.

\* \* \*

**Mr. Chairperson:** 11.3. Immigration and Multiculturalism.

**Mr. Schuler:** Mr. Chairman, as per agreement yesterday, we would like to discuss Multiculturalism first, those issues, and then deal with Immigration. The reason that was done is so that the minister could advise the appropriate departmental staff to be here. If that is the agreement of the committee then the critic for Multiculturalism would be prepared to begin the questioning.

**Mr. Chairperson:** Is there leave to do the questions on Multiculturalism before we go on to Immigration? *[Agreed]*

**Mr. Jack Reimer (Southdale):** I was waiting for naturally the wisdom of the minister and her expositions and espousals of multiculturalism and how things are progressing in multiculturalism. But, on a more serious note, the Ministry of Multiculturalism is a very, very important function within this Government. I think that our side and ourselves, we were very strong proponents of multiculturalism when we were in government. I know that there was a fair amount of always banter between myself and the Member for Inkster, at that time Member for Wellington, who was the critic for Multiculturalism, in the way that various areas should be transpired and which way the Government should be going in regard to multiculturalism and the whole aspect of programming and events in regard to multiculturalism.

Manitoba is fortunate. We have, I think, one of the most unique provinces in Canada in the sense that we have such a very, very vast majority of people from various countries, ethnic backgrounds, that contribute so much to

Winnipeg and to Manitoba in the quality of life and the things that we take for granted in the sense that possibly when these people, a lot of these people come to our country have not experienced those liberties. They recognize that Canada, Winnipeg and Manitoba is a great place to live and work and raise a family.

Multiculturalism is something that should be celebrated, and we do celebrate it. I commend the minister and the Government for continuing the commitment to multiculturalism by having a minister that is designated to this area. It shows a respect and an understanding that this is a very, very important part of Government and the direction that it takes. It gives the minister the opportunity to bring to forefront, not only to her caucus but to Cabinet, the various aspects of how legislation or rules or regulations or interpretations, in effect, are transpired into the community. Multiculturalism is one area that is always brought into perspective of consultation.

\* (16:20)

It is for this reason, I believe it was almost, well, just over a year ago that the minister brought in the new multiculturalism council act. I believe it is called The Manitoba Ethnocultural Advisory and Advocacy Council that was created. In fact, it was April 9 that the announcement was made, and it was shortly after that, I believe, that the minister brought in the bill that was introduced, Bill 21. It was introduced on May 14 of last year.

One of the areas that the minister expounded on was the right for representation for advocacy, for listening to the various groups. There was the request sent out into the community, and she mentioned over 300 letters were sent out for representatives to be appointed to the board. That board also was going to be made up of nominations, appointees by the Government to sit on this board. One of the aspects of the whole formation was the fact that reports would be made available. I was wondering whether the minister, at this time, has any reports that she would be able to table because, in her comments she was making that, on a regular basis, reports of their activities will be made available annually through the departmental annual report. I wonder whether those reports are available right now.

**Ms. Barrett:** Before I begin my response, I would like to introduce Gerry Clement, the Assistant Deputy Minister for Citizenship and Immigration. *[interjection]* Immigration and Multiculturalism, wrong level of government here.

We are very pleased with the introduction of the bill that established MEAAC, as I call it. We had an election process which was quite complex trying to get literally hundreds of community groups advised of the request for nominations for the council. We received a number of, over 50, I believe, nominations. Then we sent out all of the nominees with small biographies to all of the ethnocultural communities, organizations in the province, and they selected 16 members. Then the Government selected five additional members. So there is a full complement of 21 members.

They have begun their work and are working very hard. They spent a bit of time at the beginning talking about how the council wanted to be structured, how they wanted to go about their work. We debated whether we should put that into the legislation or the minister should direct what the council would look like, how it would be structured and decided, I think, accurately and properly, that the council itself should decide its make-up and how it functioned, would it have an executive format, et cetera. So they spent a fair bit of time learning about each other, talking with each other. Then they established a series of subcommittees that are working away, and they have selected an executive. So they are busy working.

I am required to make a report which will form part of the annual report of the Department of Labour and Immigration. It will be tabled before September 30 of this year. So, if we are still sitting in the House, it will be tabled. If we are not sitting in the House, it will be tabled intersessionally.

**Mr. Reimer:** I wonder whether the minister could inform me as to how many times the council has met in the first year.

**Ms. Barrett:** Yes. Since January, the full council has met approximately six times, and then there are committee meetings, as well, that

each council member is on at least one of the committees.

**Mr. Reimer:** Has the council met with the minister also during this time?

**Ms. Barrett:** I have attended, I believe, a portion of two council meetings, not in an official meeting capacity in the context of the legislation, but I think I was there for part of their first meeting and then met with them after they had established their executive structure. But I have not yet had one of the meetings that is required in the legislation. As I said, they have spent some time getting themselves organized. They are beginning their work, and I expect that meeting will not take place fairly soon.

**Mr. Reimer:** Could the minister supply a breakdown as to the names of the people on the committee plus the five, I guess, that are appointed by the Government?

**Ms. Barrett:** Yes. The elected council is Shirley Mar, Alfina Grande, Glen McIvor, Chris Reddy, Zofia deWitt, Beatrice Watson, Dr. Madhukar Gupta, Christina Semaniuk, Valerie Hoshizaki-Nordin, Rose Tilbrook, Michael Barry Lazar, Randolph Gorvie, Graham Buckingham, Jackie Dolynchuk and Dr. K.C. Asagwara. Those were the elected.

Then the members appointed by the minister are Dr. Romulo F. Magsino, Youssef Bezzahou, Harjeet Kahlon, Kana Mahadavan and John Cardoso. Those five were also members of the communities who had been nominated by their own communities. So they were a part of the list that was voted on, but we picked those five additional names.

**Mr. Reimer:** I wonder if those names could be made available to Hansard. I did not mark them or write them down because of the spelling difficulty on some of the names. If Hansard could get them in their correct spelling, it would make it easy for me, also, to just check Hansard as to this.

Further to the minister, pardon me, through the Chair, I wonder whether the minister could indicate what the per diem or what the rates are that are recuperated by the members in regard to

their meetings on a per diem basis or on a meeting basis.

**Ms. Barrett:** There is no per diem available. They are reimbursed for their travel expenses and hotel and meeting, you know, the reasonable rates for food, et cetera, but there is no per diem as such.

\* (16:30)

**Mr. Reimer:** Yes. I worded that wrong. Yes, I should have asked for the expenses that were associated with it. Has there been any budgeted amount, if they have been getting together the six times through the year, so far?

**Ms. Barrett:** Yes, the total budget for Other Expenditures is \$37,800 and that is the line that the expenses for the council come from.

**Mr. Reimer:** Am I right in assuming, then, that there is a line item in the Budget that pertains to that?

**Ms. Barrett:** There is a line under sub-appropriation 11.3. Immigration and Multiculturalism (b) Multiculturalism. The total under (2) Other Expenditures is \$37,800. Within that line will be found the support for travel and accommodation and food for the council members and any other supplies that they would need for their work.

**Mr. Reimer:** The meetings that the minister has mentioned that they have got together at least six times over the last year, has there been any type of direction or any type of indication of recommendations to the Government through these meetings?

**Ms. Barrett:** I am sorry, the member was asking me if there was any direction given to the council?

**Mr. Reimer:** No, what I was asking the minister is: The minister has indicated the council has got together at least six times over the last year. From those six meetings, has there been any direction, advice or advocacy come forth from these meetings to the minister in a form of recommendations or directions that they feel that the Government should be taking in regards to their mandate?

**Ms. Barrett:** As I stated, the council spent some time determining its structure, determining what its executive positions would be, determining what committees would be there and then choosing the membership for those committees. So they have now begun the work on the areas in their various committees but they have not yet given me a report or any recommendations.

Frankly, I would not have anticipated that that would have happened at this point in the process since we did not establish in the legislation a structure. I figured that with 21 people coming from all parts of the province and learning about each other and talking to each other, this was part of the process of them becoming comfortable with each other. So I expect that there will be some recommendations coming forward, but at this point they have done a very good job and have done the work that they needed to do to establish themselves as a council.

**Mr. Reimer:** The participation of the 21 members: Has the minister been made aware of the participation? Has the council enjoyed full membership of 21 people coming out for all of their meetings?

**Ms. Barrett:** My understanding is that every council meeting has had the full membership. I must remind the member that they have only really begun to meet since January, and it is only the beginning of June, so they have actually done quite a bit of work in just six months. But, yes, my understanding is that their attendance has been full.

**Mr. Reimer:** Yes. I would wonder then, with the announcement that was originally made back in April of 2001 and then the bill being introduced in May and passed, I guess it was in July, July 5 or 6, I believe, was the final royal proclamation. Then there were no meetings at all, I guess, in 2001. Is this correct?

**Ms. Barrett:** The member is correct that the bill was proclaimed July 6. We then had to set up the election process. As I stated earlier, we sent out letters to several hundred organizations asking them for nominations, recognizing that it was summer when the bill was passed, many of them are very small. They certainly do not meet

during the summer. They meet monthly, getting their group together to talk about and think about putting forward a nomination. So we gave them a fair bit of time to actually come up with their nominations.

We had over 50 nominees. We then had to put together a very small biography for each of these people because some of them came in with very thick biographies. So we put together the ballot and sent it back out to the organizations and gave them again another bit of time to put in place to have their election of the 16.

\* (16:40)

**Mr. Chairperson:** Order, please. *[interjection]* Would the minister please continue. Sorry.

**Ms. Barrett:** I am informed that actually that whole process from July on, which is very complicated, was actually concluded quite expeditiously when you think about all the steps. The council members themselves were appointed at the end of November of last year.

What the Government had to do is get the balance back from the community, then do the count, then take a look at the 16 that had been elected and figure out where we needed to fill in to make a full council of 21 and then make a determination as to who those other 5 people would be. So, from July to November of last year, that process was undertaken. Then, at the end of November, the council was finally put together. Then, of course, Christmas, the holiday season, so they started their work in January. They started meeting as official council in January. So I think actually they have done very well. It may seem like an extended period of time, but, really, in order to put together this council, we felt we needed to take the right time, and we have got an excellent, excellent council that literally reflects virtually every corner of the province. They are working together very well.

**Mr. Schuler:** First of all, I would like to welcome the ADM for Multiculturalism and Immigration. Good to see you. We were able to speak a little bit earlier on.

To the minister, through you, Mr. Chairman, a good friend of the minister's and a good friend

of mine, Sam Koshy, during the process, corresponded with the minister and sent some correspondence to us. He had some concerns, and I think some legitimate concerns, about the process of the election in that he felt, and I will just mention one as a case in point, the fact that the candidates had really no way to correspond with each other. It did not have a real open, democratic feel to it. There was controversy about it. We are pleased to hear from the minister, and we have heard it from the communities, as well, that good people got in, and things are working well. Is the minister looking at some kind of administrative changes to the way that the election was held for the next time round, that it could be less controversial and more open, more democratic?

**Ms. Barrett:** I would not classify the election process as controversial. I think the election process was very open and above board. There is a lot of detail about the issues that were raised by Mr. Koshy and some suggestions and possible avenues of dealing with his concerns that were shared with him that he chose not to take advantage of. I think that what I will do, as we work through and think about the next election process, is ask for feedback from organizations and any suggestions they might have. Perhaps, the council, itself, would have some thoughts on this matter as we get to that point.

**Mr. Schuler:** So the minister does not feel that Mr. Koshy's concerns were legitimate?

**Ms. Barrett:** I did not say that his concerns were not legitimate. I said I did not think the election process was controversial. I received absolutely no other, and I do not believe anybody else received any other concerns from any of the organizations that were asked to bring forward nominations.

We did discuss with Mr. Koshy his concerns and some possible remedies for them that he chose not to avail himself of. He was one of the members who was on the list, he was a nominee. He was not selected, but he was a nominee.

**Mr. Schuler:** Is the minister open to the idea of sitting down with Mr. Koshy ahead of time and

perhaps discussing the concerns he had with the process?

Again, I know the minister is looking out for the best interests of the community, and I know the minister wants to leave the impression, as any minister would want to leave the impression, that there was no controversy, that it was smooth sailing. Frankly, the minister is not 100 percent correct there. There is room for improvement, perhaps that is better terminology, and is that something that the minister would like to work towards?

**Ms. Barrett:** We are in this Government always looking to improve, I think particularly in a process that is the first of its kind. This was a very different process from the Manitoba Intercultural Council, and the electoral process was challenging.

I think, all in all, it worked out very well. As I said, we got a wonderful council. We have representatives from a wide range, as much as you can in a council of 21, representing many of the major cultural communities in our province, certainly geographical representation. It was interesting, because out of the 16 names that were chosen, and the groups all voted individually, no one knew. It worked out that there was gender balance, which out of those 16 who were elected was a very positive statement.

So I am very pleased with the process, by and large. I am always willing to sit down or to chat with anyone who has constructive suggestions to make or concerns to raise.

**Mr. Schuler:** As a former chairman of the Manitoba Intercultural Council, I do want to wish the new council well. It is a new creation, so it will have new dynamics with it. Certainly, we in this House look forward to seeing the kinds of things that they will be coming forward with, the kind of advice, and we certainly wish them well.

I would like to pass on the rest of it to my colleague from Southdale.

**Mr. Reimer:** Mr. Chairperson, I just wanted to maybe go back a bit to the chronology of events that the minister has referred to in regard to getting the council up and going and everything.

She may correct me, but from what I understand, it was not until about November that everything got sort of—with the final votes and council members in place, the 21 members in place. So from that, I can surmise by previous answers that since then, since November, we have November, December, January, February, March, April, May, seven months. The council still met six times. Is that right?

\* (16:50)

**Ms. Barrett:** Working back through the chronology, they were elected and selected and appointed at the end of November last year. No meeting was held in December.

In January, there was the first meeting. It was actually in the legislative dining room here, and I welcomed them. Then they met for several hours getting to know each other and talking, et cetera.

They met again in February. I will have to check with the staffperson, but either at that January meeting or the February meeting, I think at the end of the January meeting, there was a subcommittee that was selected from the 21 to go away and come back with proposals on what the structure should look like, what kind of executive members should there be, how should it function. It was either that first meeting or the February meeting, and then they held a February meeting and then in the March meeting, March 2, they held their elections.

So they had, in a sense, two organizational meetings, the January meeting and the February meeting. They held their elections on March 2, and then they have met in April and May.

So I stand corrected, five meetings, five meetings basically in the five months since the beginning of the year which would be the official, kind of effective start date.

**Mr. Reimer:** Could the minister give me an indication as to how many committees have been struck through this group of 21?

**Ms. Barrett:** Yes, there are five committees, and they reflect the issues that were raised in the public hearings that we held prior to the establishment of MEAAC. They are anti-racism, education, immigration and labour, cultural and linguistic diversity, and outreach.

**Mr. Reimer:** Has the council come back to the minister with any type of schedule of meetings or what their plans are for the next six to nine months in regard to meeting schedules?

**Ms. Barrett:** No, they have not at this point. As I said, they have had basically two, April and May, where they have actually started the real work of the council, not that it is not important to get the process underway, but since then they have started the work.

**Mr. Reimer:** Maybe the minister would like to comment on one of the things that has always been quite prevalent during the holiday season here in the Legislature, and that is the tree that goes up in the middle of the rotunda. Over the years it has been referred to as the multicultural tree.

In fact, in the Estimates that was just provided to the Legislature, in here there is even reference on page 50, the Expected Results of the department where it says: "Coordination and/or participation in events such as citizenship courts, the multicultural tree and display, . . ." and so on and so forth.

I was just wondering whether this is maybe a misprint because I believe it was the Premier (Mr. Doer) himself who said if it looks like a tree, smells like a tree, it is a Christmas tree. I was wondering whether that is possibly just a misprint or whether it will be called a multicultural tree again this year.

**Ms. Barrett:** The Department and the Minister of Government Services (Mr. Ashton) who is responsible for all the events and the accoutrements of the Legislative Building are working on, as I believe they do regularly, how we will celebrate the holiday season.

**Mr. Reimer:** Is the minister then saying that there will not be a tree? I will not even say the word "multicultural." Will there be a tree in the rotunda?

**Ms. Barrett:** I believe I made a very quick count last year of the number of trees inside the Legislative Building, and I believe that there were somewhere in between 40 and 50 trees, to say nothing of uncounted poinsettia plants and

various other festive adornments. Those are decisions that happen every year.

**Mr. Reimer:** Well, I am referring specifically to the Estimates in the Multicultural portfolio here, and it says multicultural tree and display. I was just wondering whether this multicultural tree and display will be out again this year during the festive season.

**Ms. Barrett:** We have a number of things that have happened in the past. Sometimes there are changes in the process, sometimes there are changes in the activities. We are interested always in celebrating multiculturalism.

We had just recently the celebration of the Canada Day poster that was held in the rotunda that was a wonderful sharing of very talented young people and their ideas about Canada and what Canada meant to them, and we will continue to have a range of activities that celebrate what Manitoba is all about throughout the year.

**Mr. Reimer:** The minister is correct in what she says in regard to the celebration of the various communities here in Manitoba, but I guess my question is more direct as to the tree. Will there be, as indicated in the Estimate book on page 50, the co-ordination and/or participation in events such as Citizenship Court and the multicultural tree and display, whether the multicultural tree will be up again this year or not?

**Ms. Barrett:** Well, as the member knows, this Estimates book is prepared early in the year, and it is based on what has happened in the past. So we are planning for a range of events and there will be a whole number of events that will take place throughout the year.

So this is "such as," if you will take a look at the phrase "such as." I had sort of an interesting discussion yesterday with the Member for Portage (Mr. Fauschou) about the word "if" and what that meant. It is my English teacher training coming back. The phrase "such as" means examples of, but it does not mean that there will not be changes as we plan throughout the year.

**Mr. Reimer:** One of the things that is quite evident in the celebration during this festive

season is young children coming into the rotunda. In fact, a lot of times, the young children—

**Mr. Chairperson:** Order, please. The hour being 5 p.m., the committee rise.

### AGRICULTURE AND FOOD

\* (16:10)

**Madam Chairperson (Bonnie Korzeniowski):** Will the Committee of Supply please come to order. This section of the Committee of Supply meeting in Room 255 will now resume consideration of the Estimates for the Department of Agriculture and Food.

We are currently considering items under Resolution 3.3: 3. Manitoba Agricultural Credit Corporation, Net Interest Cost and Loan Guarantees \$372,900—pass; Provision for Impaired Loans \$800,000—pass; Special Farm Assistance \$100,000—pass; Flood Proofing Loan Assistance \$156,000—pass.

**Mr. Jack Penner (Emerson):** What are we passing? MACC?

**An Honourable Member:** Yes.

**Mr. Jack Penner:** I think we had indicated yesterday that we would pass the lines dealing directly with MACC, right?

**Madam Chairperson:** That is right. That is what we are doing.

**Mr. Jack Penner:** And so now we are—

**An Honourable Member:** She is not finished yet. Let her finish passing the MACC, Jack.

**Mr. Jack Penner:** Just a minute. Just do not rush it. We have lots of time.

**Madam Chairperson:** Page 33 in the main Estimates book.

**Mr. Jack Penner:** Which line are you at now?

**Madam Chairperson:** We are on 3.3. Manitoba Producer Recovery Program. We have this line and the next one to pass before passing a resolution.

**Mr. Jack Penner:** Madam Chairperson, there are a number of questions that I had on this section regarding the amounts allocated. The question I have is on the Flood Proofing Loan Assistance program. Why is there a reduction of \$31,000 on that line?

**Madam Chairperson:** We just passed that line, so we will have to ask for leave before we can go back to that because it has been passed. Is there leave to go back to Flood Proofing Loan Assistance? *[Agreed]*

Flood Proofing Loan Assistance.

**Mr. Jack Penner:** Madam Chairperson, I would ask why there has been a reduction of \$31,000 on that line.

**Ms. Wowchuk:** The member is aware that this program was brought in, in 1997, at the time of the flood. There were many projects then that were funded through this program. Basically, there is a decline in projects, and the program is winding down. That is why the member will see that there is not the requirement that there was in the program when it was being used to full capacity.

**Mr. Jack Penner:** Has there been a significant reduction in the cost of the administration of the loans that were issued for floodproofing in this respect, and what were the actual total amounts that were loaned through this program for floodproofing in the valley since 1997? Can you tell me that?

**Ms. Wowchuk:** Yes, there is a reduction in administration on this particular program because it is winding down and there are not as many applications.

Madam Chairperson, in 2000-2001 there were 790 loans out. In 2001-2002 there are 698. The member asks for previous years, and I do not have that information here as to the number of loans that were there previously, but that is the amount for the last two years, the number of loans.

**Mr. Jack Penner:** Can the minister tell this committee what the total amount of money was extended through MACC for the floodproofing initiative in the Red River Valley, and were any

loans extended to other areas in the Red River Valley for floodproofing?

\* (16:20)

**Ms. Wowchuk:** Madam Chairperson, the program was open to farms and non-farm property owners with homes and farm businesses in the Red River Valley areas who were affected by the 1997 flood event. There were varying levels of loans available. I can tell the member that the loans in 2001-2002 were slightly over \$4 million, but I do not have the numbers of the total amount that was let with me. If the member is interested in the total amount of money that was made available through that loan program from the time that it began in 1997 until final applications were taken in September of 1999, I can get the member that information.

**Mr. Jack Penner:** I appreciate that very much. Yes, I would like the total amount of money that had been extended through this program. The reason I ask these questions is I just want to express my appreciation to the Manitoba Agricultural Credit Corporation for having been involved in the floodproofing program. I think the department deserves recognition for making life much easier for many people because this kind of program was initiated. It has certainly lent I believe a measure of consistency through the application of the diking or floodproofing program. I think it afforded both the property owner and the administration a level of comfort that has not always been there. I think this accommodated much of that. So I want to just pass on my thanks to the administration and the corporation and staff for the services that they rendered to people through this program when there was a need. I think you will find most people that participated in this program have a great deal of appreciation for how they were dealt with through this program.

I might ask just one other consideration, that we go back to Special Farm Assistance, to that line if there is leave.

**Madam Chairperson:** Is there leave of the committee? *[Agreed]*

**Mr. Jack Penner:** The Special Farm Assistance program, what is that program designed for? I

see that that has been cut by 50 percent this year. Could the minister give me a bit of a response as to why that has been cut in half?

**Ms. Wowchuk:** Madam Chairperson, this is the funds that are available for use under the Farm Mediation Board, and what has happened is there has been a realignment of the actual amounts that are needed, the actual amounts of payments that have been made. It has been reduced to what is actually needed. The amount we had there previously was not being expended, so we have realigned the numbers at a level that we feel is appropriate for this portion of the budget.

If you look at it, for the guaranteed amounts and claims paid in 1997-98, it was \$58,271. In 1998-99, \$56,069; '99-2000, \$58,481; 2000-2001, \$63,748; 2001-2002 was \$82,558. So it is bringing it in line as to what is actually needed to meet the demands of this portion.

\* (16:30)

**Mr. Jack Penner:** How many applications for mediation did we have this year? Madam Chairperson, I could say to the minister, if she can provide that for me for tomorrow some time, that is fine. I understand that they will not have all the information at their fingertips.

**Ms. Wowchuk:** Again, we do not have the Credit Corporation staff who would have that right at their fingertips. I can provide the numbers for the member. When we get to vote six, that is where we have the Mediation Board. Perhaps, the member could ask those questions at that time, and the appropriate staff will be here at that time. Again, I think I can provide the member with the information. The board had active guarantees with 57 farmers in 2000-2001 and 53 farmers in 2001-02.

**Mr. Jack Penner:** Madam Chairperson, Bridging Generations, you have a line item there of \$549,000. Is that the total cost that the minister expects the Bridging Generations program to come to for the year, Project 2000, Bridging Generations Initiative?

**Ms. Wowchuk:** Yes, Madam Chairperson, we anticipate that the \$549,400 will cover the Salaries and Benefits and other financial costs of Bridging Generations as well.

We have had an increase of \$200,000 under the Young Farmer Rebate because this is what is anticipated as additional benefits to young farmers under Bridging Generations.

**Mr. Jack Penner:** Does that, Madam Chairperson, include the amount for the mentoring program as well?

**Ms. Wowchuk:** No, it does not. That is under 6.(a) in another section of the Budget.

The cost of the mentoring project—we are budgeted for \$114,500

**Mr. Jack Penner:** That is under 6.(a) Economics?

**Ms. Wowchuk:** Yes, that is right.

**Mr. Jack Penner:** That is under Other Expenditures, or how is that listed?

**Ms. Wowchuk:** Yes, it is under Other Expenditures.

**An Honourable Member:** That is why I could not find it.

**Ms. Wowchuk:** That is true, and he asked the question under the Agricultural Credit Corporation. I could have given him an answer out of there, but I was kind enough to the member to tell him which part of the Budget it was in and where to find it.

**Mr. Jack Penner:** Thank you very much, Madam Chairperson.

**Ms. Wowchuk:** I think I should clarify. It is not the intent to hide that anywhere, but that program is run through the departments. It is departmental staff that staff it, and this is where that appropriation comes from under the Economics portion under 6.(a), which is the Economics portion of the department, under Mr. Lee's division of the department.

**Mr. Jack Penner:** I did not mean to imply that I thought the minister was sneaky or anything like that, tongue-in-cheek.

The reason I ask is: Are the mentors paid a salary for the work they do?

**Madam Chairperson:** Since we are discussing something under 3.6, is it the leave of the committee to continue this discussion at this point?

**Ms. Wowchuk:** I think we just have a few questions that the member is tying back to the Agricultural Credit Corporation, and I am sure he will be complete with those in a few moments. Then we can proceed to pass the MACC.

**Madam Chairperson:** Is it the will of the committee? *[Agreed]*

**Mr. Jack Penner:** The minister reads my mind well. Maybe she should seek new employment.

**Ms. Wowchuk:** The mentoring program is what I believe is a very important program. It matches experienced farm mentors with a group of approximately five or more young and beginning farmers and the mentors receive a per diem for the work that they do with these young farmers and also have their travel expenses covered.

**Mr. Jack Penner:** Could the minister tell us what the per diem is that is paid to the mentors?

\* (16:40)

**Ms. Wowchuk:** It is a modest per diem. The travel expenses, I can indicate to the member that there is a total of \$72,000 that is allocated for the total of the mentoring program, all of their travel expenses and other costs that they may have. So it is not a substantial budget that is put in place, but it is a very important service that is provided with each participant participating in the range from 10 to 12 hours on one-to-one counselling focussing on business planning. As well, each participant participates in 10 to 12 hours in small group information and training sessions.

**Mr. Jack Penner:** Could I ask then of the minister what the per diem is to the mentors?

**Ms. Wowchuk:** Yes. I can provide the rate of per diem to the member when we return tomorrow.

**Mr. Jack Penner:** One final question on this, two questions actually, how many mentors have

you registered and how many of those mentored have we registered?

Maybe what I could suggest is that, when we get back to that portion of the Estimates, you might have the answer by then for me, and we will just leave it at that. The reason I ask the question, I was talking to one of the people who is a mentor in the province, and he said he had eight mentoring people registered with him I think initially. He only had one left. He said the first six had dropped out the first time I think that they had had a session, and then there had been two left and one had dropped out since, and he said the last one he had only talked to once or twice on the phone. So I am wondering whether that is normal in the province. Is that the kind of process? Is that how receptive people have been to this kind of program? What are you finding in the department?

**Ms. Wowchuk:** Madam Chairperson, I can get the member specific details as to the number of participants, what kind of success rate there has been, whether there has been a high dropout, but what I can tell the member, in 2001 there were five groups with a total of 41 young, beginning farmers in that. The existing groups carrying on and six additional groups have been formed. As of March 31, 2002, the program involves eleven groups, with 126 young and beginning farmers and 30 approved mentors. That is what we have.

When we get to this part of the program in the budget, I will have additional information for the member as to the dropout rate, as to the completion of the program. To me, that is understandable. You might get some people then who want to try the program, and they find that maybe they do not exactly match with the mentor or sometimes they have more expertise or are looking for a different kind of training that can be provided by the mentor. So I think there is a skill development portion of it, but it may not work for everyone. I can report back to the member at another time as to the participation and completion of the program, or whether there is a high rate of dropout.

**Mr. Jack Penner:** We can, as far as I am concerned, approve the balance of the lines in MACC, and then move on to the Executive Support.

**Madam Chairperson:** 3.3. Manitoba Agricultural Credit Corporation, Manitoba Producer Recovery Program \$123,800—pass; Project 2000-Bridging Generations Initiative \$549,400—pass.

Resolution 3.3: RESOLVED that there be granted to Her Majesty a sum not exceeding \$6,592,500 for Agriculture and Food, Manitoba Agricultural Credit Corporation, for the fiscal year ending the 31st day of March, 2003.

*Resolution agreed to.*

**Madam Chairperson:** 3.1. Administration and Finance (b) Executive Support. The floor is open for questions.

**Mr. Jack Penner:** Madam Chairperson, I see that under Executive Support—I suppose we are going to leave the Minister's Salary, as has been indicated, till the last, or do you want to deal with that up front?

**Madam Chairperson:** Traditionally, we leave the Minister's Salary till the end.

**Mr. Jack Penner:** Well, I thought maybe the minister might want to break tradition and deal with her salary right up front. Then we could go on in comfort, knowing that she would either be paid or not be paid. No, I am just kidding.

I see the Executive Support for the minister has increased by \$11,200. Can the minister explain why that might have increased?

**Ms. Wowchuk:** This increase is just the general salary increases and adjustments that take place normally in a year with staff in all departments of government.

**Mr. Jack Penner:** How many Executive Support staff? Are there nine Executive Support staff?

**Ms. Wowchuk:** Yes. There are nine Executive Support staff in my office.

**Mr. Jack Penner:** In the supplemental information that the minister provided, there is 3.1.(b) Executive Support. There are nine staffpersons there and salaries of \$513,050. On page 19, there is Executive Support of \$647,300. That is under Administration and Finance.

**Ms. Wowchuk:** That is the salaries and the operating of Executive Support. *[interjection]* Maybe the member could repeat his question.

**Mr. Jack Penner:** Basically, what I asked is on page 12, Department of Agriculture and Food Position Summary by Appropriation, Expenditures or Estimates of Expenditure, Division/Branch, Executive Support, 3.1.(b) nine staff positions and \$513,500. Those are all salaries.

**Ms. Wowchuk:** Those are all salaries.

\* (16:50)

**Mr. Jack Penner:** Okay. Then, on page 19 of the same document, Agriculture and Food, Details of Appropriation, that is a different branch. Is that correct? That is under Administration and Finance. There is Executive Support of \$647,300.

**Ms. Wowchuk:** I would ask the member to turn to page 23 in the book. Then he will be able to see that the \$513,500 is Total Salaries and Employee Benefits. Then there are Grants and Transfer Payments, Transportation, Communication, Supplies and Services and Other Operating for a total of \$133,800, bringing the total of those two numbers to \$647,300 that the member was referring to on page 19.

**Mr. Jack Penner:** How does that apply then to page 12 under the Division/Branch? How do we reconcile this? Under both these pages, you have Minister's Salary identified and Executive Support. Then, on page 19, you have Minister's Salary and Executive Support. That is under Administration and Finance. One is under Part 1 of the Appropriations, and the other one is under Part 2, Program and Financial Information.

**Ms. Wowchuk:** Madam Chairperson, if you look at it, they are all under 3.1. If you look at page 12, you see the 3.1.(b) Executive Support, nine staff for a total of \$513,500. Then you look at page 23, and you have the same number carrying through of Executive Support and outlining the nine positions and coming to the same number of \$513,500.

Then below, that is Other Expenditures, Transportation and all of the other costs that go

to operate Executive Support that make up the total of \$647,300.

On page 19, it is still under 3.1.(b), but it spells it out as a total. Part 1 and Part 2 are just titles. One is a summary and one is program in more detail.

**Mr. Jack Penner:** There is on page 23, Managerial, 1. Is that the Deputy Minister's salary?

**Ms. Wowchuk:** That managerial position is the Deputy Minister, yes.

**Mr. Jack Penner:** The Deputy Minister's salary then is \$129,400.

**Ms. Wowchuk:** That is right. That is the Deputy Minister's salary and benefits.

**Mr. Jack Penner:** Is that in line with other provincial salaries for deputy ministers?

**Ms. Wowchuk:** It is consistent with deputies across government. They are bracketed, and they fit into three categories. That is the salaries of deputies in this province.

**Mr. Jack Penner:** That is not the question I asked. Is that consistent with salaries across Canada of the various provincial deputy ministers of Agriculture? How does this one stack up, in other words, to other deputy ministers of Agriculture in Canada, in other provinces?

**Ms. Wowchuk:** Does the member have a specific other province that he is wanting to compare to or just any province?

**Mr. Jack Penner:** The reason I ask the question is I am just curious to see whether the minister has given any consideration as to how her staff is compensated for the work they do, compared to other ministers and/or other staff in other provinces.

The reason I am asking the question is I think it is important that our upper-level managerial staff be at least compensated fairly with other provinces. That is why I asked the question. How does our upper-level managerial

staff compare, or their salaries compare, to other provinces? I think it is important that we make sure that we keep good staff in place and that we pay them, at least in comparison, well enough with other provinces that we can be assured of good managerial capabilities within our departments. That is why I ask the question.

**Ms. Wowchuk:** I think that the member is lobbying for an increase in my budget, because if you compare the salaries of government staff across the country in all departments, I think that you would find that in Manitoba the management is paid at a lower level. There is a variation of levels, but Manitoba is not at the head of the pack in this one.

I have to give a lot of credit for our managerial staff right across government, that they are committed enough to Manitoba that they are staying. I am sure that they recognize the advantages of Manitoba. There are many of them that we have in this province. But certainly the member asks a good question. Manitoba is not at the top level. In the level of compensation for managerial staff, Manitoba is at the lower end of the scale.

**Mr. Jack Penner:** I do not ask the question lightly and I certainly do not want to leave the impression that I am questioning the validity of the amounts that are paid. I am very serious when I say that governments far too often look at the areas of upper management as cost-cutting measures. I think that is the wrong place to cut costs. This is certainly not a lobby for more money for the Minister of Agriculture's budget. It is simply, I want to impress upon the minister the recognition for need for good, professional staff at the upper level of the department, especially in Agriculture, because Agriculture is becoming such a diverse industry.

**Madam Chairperson:** The time being 5 p.m., committee rise.

## JUSTICE

\* (16:20)

**Mr. Chairperson (Conrad Santos):** Will the Committee of Supply come to order, please.

This section of the Committee of Supply has been dealing with the Estimates of the

Department of Justice. Would the minister's staff please enter the Chamber.

We are on page 117 of the Estimates book, Resolution 4.1.

**Mrs. Joy Smith (Fort Garry):** First off, I had asked for the travel expenses particularly for the time period October 1, 2001, to March 31, 2002, as well as some other things. Could the Attorney General inform this House as to when that would be forthcoming? I know it does take a little time. I just wanted to put a time line down on my paper.

**Hon. Gord Mackintosh (Minister of Justice and Attorney General):** I cannot give a time line because I do not think the collection of that information is entirely within my control. I know, as a result of the request yesterday, that the information gathering process has begun, recognizing that out-of-province travel will be much easier to identify than in-province travel, particularly recognizing that there is a lot of travel involved for the minister to communities in or near Winnipeg, for which I can only perhaps identify by going through the calendar, or having someone go through my daily calendar.

I do not know if the member is interested in that kind of travel or not, but I gave examples yesterday of going to communities around Winnipeg. I remember four of them where it is not overnight and for which there may not be a record in the outside office except by referencing old calendars. So that is the challenge that we have. As well, the in-province travel expenditures I know will be difficult to put together, although it would probably be only nominal amounts for any amounts in Manitoba in terms of overnight stays. So I cannot give a definite time line, but the process has begun now.

**Mrs. Smith:** Thank you so much. Could I request, first of all, the travel expenses claimed for October 1, 2001, to March 31, 2002, for out of province? That could be obtained, I think, very easily, very quickly. We could start with that and then just proceed with the others in a timely fashion if that is possible.

**Mr. Mackintosh:** Yes, I will direct staff to that request. If there is a particular travel that the

member is interested in, perhaps she might want to ask me about it today. I will hopefully have a recollection of that, although I would not have a recollection of any amounts, of course, because that is tabulated centrally, but in terms of any of the purposes of visits or issues dealt with.

**Mrs. Smith:** As I say, if the travel expenses claimed for the deputy minister and the Justice Minister could be forthcoming quite soon for October 1, 2001, to March 31, 2002, that is out-of-province travel, that would be the first request which could come quite quickly, I am sure, because that is quite easy to obtain. So, rather than going through other means, Freedom of Information or things like that, I would appreciate it so much if the Justice Minister could bring that forward, and the rest of it if it could come forward in a timely fashion as that kind of information could be obtained.

**Mr. Mackintosh:** So the member wants, is it October 1, '01? To what date is it in '02? Is it October '02?

**Mrs. Smith:** October 1, 2001, and, if I could have it—I am sorry, I said March 31, 2002—if I could extend that to May 31, 2002, if that would be possible. I did ask for March 31, 2002, but there are a couple of questions I will be asking and I might not even have to ask them. So if we could extend that to the end of May, that would be great. Thank you.

To go on with the questions, I noticed that the minister had made some reference to putting forth the new initiative for neighbourhood notification for auto theft. Could the minister please give us details on that particular initiative in terms of time lines, when it is going to be implemented, and how it is going to occur, the process, and who is going to be involved in implementing this throughout the province?

**Mr. Mackintosh:** I believe this will be the subject of a resolution coming up later in the sitting, in a half an hour or so. I can advise the member that this idea was based on some unique Manitoba successes, the first one being the CAPTAIN program operated by Winnipeg Police Service, and, second of all, the community-driven programs of Neighborhood Watch and citizen patrols.

In looking at how we can usher in a multifaceted and a different approach to dealing with auto theft, it was questioned why, first off, only break-and-enters were passed on to block captains in the Neighborhood Watch program in the city of Winnipeg. I know first-hand, because my spouse and I are block captains, that the Neighborhood Watch program is wholly backed up by Winnipeg Police Service. There have been statistics, I know, garnered from time to time to show that Neighborhood Watch can make a difference in reducing levels of break-and-enters in particular neighbourhoods when the neighbourhoods are advised of the recent incidents.

The CAPTAIN program, I understand, was developed uniquely in Winnipeg. I had recently heard, I think just as late as last week, that Carl Shier had an instrumental role in devising this program. The CAPTAIN system, which is an acronym for computer automated phone tracking and information network, is a computerized notification system whereby information about break-and-enters are passed on by police to a civilian official in the Winnipeg Police Service, and there is a recorded announcement that then is disseminated by way of a computerized telephone system to the block captains. Then the block captains are to pass on that information, either by phone calls or by fanning out, as it is called, or, as we do, by passing on written information on the street, more specifically to the homes in the Neighborhood Watch area, which usually is both sides of the street, one block each side.

This enables preventative action to take place. It reminds citizens of the need to take preventative action, in this case about break-and-enters, and can provide, I think, eyes and ears for the police. A lot of the concept around Neighborhood Watch is simply a tuning to the need to keep an eye out. It is based on the relatively simple notion that, if we turn our mind to break-and-enters and signs of risk, we can reduce the incidence of break and enter. Now, break-and-enters, I understand, have been on the decline generally over the last decade in the city of Winnipeg, which I hope, at least in part, if not in large part, may be due to the Neighborhood Watch network out there. I recall figures that indicated there were about 100 Neighborhood

Watches. I know, in the Luxton community where I live, there is a current initiative to have block captains, hopefully, on every street and to revitalize some Neighborhood Watches that have fallen into disuse.

\* (16:30)

The second concern was around the citizen patrols, and I have had some direct involvement myself locally with that. Unfortunately, there was a missing link in that, while block captains were being advised to break-and-enters, citizen patrols were not. In other words, crime trends in a particular neighbourhood were not being relayed to citizen patrols when it came to break and enter.

So we looked at the possibilities of changing the CAPTAIN system, and approaches were made to the Winnipeg Police Service to see if they were interested in changing the scope of the CAPTAIN system. The Winnipeg Police Service had advised that there was an interest in changing the program, and that was dependent, however, on someone recognizing the need for then more resourcing to hire another person. I believe the one person there now is doing the job by herself in terms of the notification itself, but I think entering the data and notification justifiably required another person.

So, as a result of that and issues around system changes, because the system, I think, had posed some serious challenges to changes because it was a system that is relatively old now, I understand, and around the need to do the posting for the position and secure the partnership generally and get MPI consideration of this and board approval, there was ongoing discussions over the last—perhaps even a year or so.

There was a request to MPI as to whether they may be interested in partnering on this, and MPI, of course, can bring to the challenge of auto theft the cost benefit analysis, an investment analysis of any expenditures. In other words, if it can be shown that there is a reduction or a likely reduction in claims costs, MPI is making a strategic investment as opposed to merely providing a social service, a public safety service. So I am very concerned that there be an

evaluation component in these matters that MPI gets involved in because it has to be a business case for those kinds of investments.

So it was decided then that with a cost of \$80,000 over two years, there could be an enhancement of the CAPTAIN system in Winnipeg on a pilot basis. I say on a pilot basis because it is important that there be the evaluation component to determine the likelihood of a positive benefit from this enhancement.

The Winnipeg Police Service has been extremely supportive, helpful, and I commend the work of MPI in pursuing this. I think, quite frankly, it provides some hope as well for other jurisdictions looking at other ways of providing notification to communities of crime trends, in particular auto theft or break and enter.

I understand that the Winnipeg Police Service posted this position and then proceeded to hiring I think in early April. System changes have been worked on. I have been eager to see this unfold, but, of course, we rely on our partners to do things right and pursue this in a sure-footed way which they have done, and as a result of this work and investment, \$40,000 a year, breaking it down, which really I understand is paying for the staff position—I could be wrong there. There may be a split. There may be WPS investment in some of this, and I do not know if there is a split between staffing costs and system costs.

But, as a result, it is my understanding that there was a run of this program over the weekend to the block captains and that citizen patrols are going to be added in the next week or so. They just have completed, or are in the process of completing, the contact list of the citizen patrols in Winnipeg. It will not be every patrol member at all, of course. It will be a representative from each patrol, whether it is a patrol captain or some other designate.

The criteria have been worked on by Winnipeg Police Service. I believe that notification is made when it is determined that there has indeed been a theft. I look forward to having a review of the first month or so of operation to determine if the criteria in the

system is working for the benefit of proper information. I do not believe the intention was to provide information to communities on every auto theft. The intention was to provide information on outbreaks of auto theft, in other words to identify hot spots.

The notion that knowledge is power, law enforcement power, I think can be borne out. Again, this is only a part. You could, perhaps, argue that it may be even a small part, a very small part of a strategy against auto theft. But it may be a very significant part. I am particularly interested in seeing how this is received by the citizen patrols. The timing is really important.

The timing of this coincides with a new training regime that is being rolled out starting in the last few weeks alone to citizen patrols on how to enhance their potential. One of the key reasons for MPI's partnership in assisting citizen patrols was not only because of their background with citizen patrols, with the speed watch program, with the parking lot audits and with auto theft initiatives in the past, but because they do see in the future a greater role for citizen patrols to provide a preventative mechanism and an apprehension or information mechanism on suspects to police with respect to auto theft.

It is just based on the notion that if we can deploy more eyes and ears out there to assist police, we can make a real difference in terms of public safety around the issue of auto theft, not only auto theft, but certainly the other issues.

Of particular concern to MPI is impaired driving. When we look at statistics from certain citizen patrol groups in Manitoba where those statistics have been diligently kept, there have been so many successful dealings with impaired drivers, where there is an impaired driver noticed by citizen patrol, there is a phone call made to police, and an apprehension.

Given that, we can also say that there is just a broader public interest being served, I think, by being able to reduce incidents of vandalism or graffiti and indeed many other kinds of crimes, but the program does need that boost that the partnership can provide.

So that is the background to the notification program. I think what it also recognizes is that in

a large urban area like Winnipeg we have to make villages, smaller communities out of a large city. What we have seen outside of Winnipeg in the towns and villages of Manitoba is a fairly effective community notification system just by virtue of size and connectedness.

I can think of one city outside of Winnipeg where there has been established a very effective community notification by way of an RCMP detachment advising the citizen patrol of exactly what the CAPTAIN system does, but it is done by way of a phone call, of course. As well, word of mouth spreads very quickly in a smaller community, and hot spots are just known by way not only of local newspapers, but radio and coffee shops and just people talking to each other.

\* (16:40)

So, I think this way of breaking down the barriers to community awareness of crime trends in a particular neighbourhood is very, very important. I think, in the future, there could be other enhancements of that one, but I will save my remarks on that until such time as we sit down with our partners and look to see how we can make further enhancements, but this is a first of its kind, so we will see over the next month or so and look forward to having further discussions with the member in the future on how this program is faring.

I know that Carl Shier is back and has some connection to this program. I am very pleased to see that. He is just a wonderful individual, a wonderful officer and a great person to have as a person representing one of our partners on this initiative. So that is the latest, up-to-date information on the Community Notification program.

**Mrs. Smith:** So, just to clarify, as the Justice Minister knows, Neighbourhood Watch and Citizens on Patrol have been in place for a long time, and they are very, very, just great organizations.

Traditionally, there has been community awareness and, traditionally, what has happened is whenever there has been a problem, historically, since Citizens on Patrol and

Neighbourhood Watch were in place, there was someone to notify police if there was something that they noticed, like a break-in, or a car theft, or whatever. That has always been the case.

Could the Attorney General please explain what is different about this first-of-its-kind program in the province? What makes it the first of its kind?

**Mr. Mackintosh:** First, the citizen patrols in Winnipeg have not been relayed information about break-and-enters in their particular districts, nor have they been given information about auto thefts in the areas they patrol.

Second of all, and I should say, on a systematic basis, there, of course, is nothing to prevent that sharing of information. Certain citizen patrols may have a relationship with a local division of Winnipeg Police Services to have that information provided, but I am not aware that has happened on any systematic basis.

This provides an administratively convenient state-of-the-art system to have that information relayed, but, aside from that, as I said earlier, the block CAPTAIN system should be recognized for its potential, and that is why there is a tie-in to that and the addition of citizen patrol representatives to the phone tree of the CAPTAIN system. So that is very different. It can provide information to a lot of Winnipeggers. What is important here is to guard against too much information so that the information does not just become routine but does note that there are hot spots and trends in particular neighbourhoods.

I know that, when a notice goes out about a break and enter in our neighbourhood, we, for one, and I assume and hope that others in the block CAPTAIN area respond accordingly, keep a particular eye out. If there is a description that is provided with the CAPTAIN system of a suspect, that can be very helpful.

As well, the method of entry that is described in the CAPTAIN system draws your attention to how your own house is protected. In fact, I just heard, we had a call a day or two ago from CAPTAIN, and there was a break and enter

a few streets over outside our area, but, nonetheless, there was a particular way—it was a basement window, so it reminds you of the need to take preventative action, to take precautions by way of bars or otherwise or looking at where your shrubs are located.

So I think it is very useful, not even with regard to the particular matter but just to raise awareness on an ongoing basis. I think it is an educational tool, and along with the report of incidents, may be reminders of how to take preventative action with regard to auto theft. That kind of preventative information can be very useful.

I know MPI has put a lot of effort into how information is communicated to Manitobans on how to prevent auto theft. I think there has been some success in getting that information out and getting the message that your vehicle can be protected. There is certainly more to be done; there is no doubt about that.

**Mrs. Smith:** In all due respect, the Attorney General must be aware that Neighbourhood Watch and Citizens on Patrol have indeed been in existence and operating extremely well. I know I can give a case scenario where in our area, where I live, we had a Neighbourhood Watch and whenever we had anything suspicious or when there was a break and enter, there would be the captain who phoned around and there was a phone tree there.

I guess, with all due respect, could I just clarify what is different? Is what is different, is the captain informed of the Neighbourhood Watch or the Citizens on Patrol. I understand what is new and different is the Citizens on Patrol apparently are included in this as well. In all due respect, I thought that was part of what Citizens on Patrol did anyway. In fact, the ones that operated that I knew about operated exactly in the same way.

So I think that Neighbourhood Watch and Citizens on Patrol both of them have been outstanding organizations. The Attorney General has said quite clearly: This is the first of its kind. I am trying to clarify. I think that these two initiatives should be expanded. I think that neighbourhood notification is something that

Neighbourhood Watch and Citizens on Patrol have been known for. That is how they prevent a lot of things from happening.

What is different now? Is there another aspect to it where perhaps if there is a car stolen in a certain area, is someone from MPI or wherever mandated to inform the captain of Citizens on Patrol or the Neighbourhood Watch that this has happened in the area, and they are supposed to inform the rest of the neighbourhood? I am just trying to clarify what is so unique about this program because I think the concept could be very, very good. I would like to see it a little bit more than a photo op and another press release. I would like to see something substantial behind it where Neighbourhood Watch and Citizens on Patrol are enhanced and are supported.

\* (16:50)

**Mr. Mackintosh:** Yes, this is new. I do not know what photo op or press release the member is talking about, but this is a partnership deal, and if I have not made myself clear, I will try and rephrase the description of the program.

There may be some confusion around the use of the word "captain." The CAPTAIN, as I said earlier, is the acronym for the computerized initiative of Winnipeg Police Service. It stands for computer-aided phone tracking and information network.

Then, of course, there is also what are called block captains and there may also be patrol captains, so, perhaps, that is where the confusion lies. But what this does is it provides block captains with recorded telephone information about auto thefts in addition to break and enters. It also now will provide citizen patrol representatives, a designated representative, with the information that the block captains are receiving. The computer program is called CAPTAIN, so there are a lot of captains in this whole deal. I can understand why that might have been unclear.

So it is an enhancement of a proven initiative that is in place with the Winnipeg Police Service and builds on the positive experience in the grassroots movement that the

Neighbourhood Watch network and citizen patrols are in the city. It recognizes that with the continuing epidemic of auto theft, we have to provide more information, more knowledge, more tools to the citizens of the province to be able to partner with the other agencies that are determined to ratchet down our rate of auto theft in Manitoba.

We recognize, as well, that with 85 percent of the auto thefts in the province occurring in the city of Winnipeg and, as well, given the other observation that we have to make better communications in Winnipeg of crime trends, that we can use this as one other enhancement of an auto theft strategy.

The criteria, as I say, will be looked at over the next month or so, but the way the system operates in terms of when the calls are made, how long after the report a call is made and how many auto thefts will lead to a call are issues that are determined by the City of Winnipeg Police Service based on their understanding of how the CAPTAIN system has worked and how information can best be utilized by communities.

I commend the Winnipeg Police Service for working with MPI on this, and I commend MPI for embracing this initiative. I think the cost is certainly not a large amount in terms of even amounts that have been invested in auto theft strategies, but it, I think, as well, though, has been an initiative that has taken a fair amount of time and organizational effort on the part of MPI.

I think particularly of John Douglas there who is just a great person to work with and who has been pursuing this doggedly for some time and building this partnership with our local police service in Winnipeg.

**Mrs. Smith:** I do applaud the Winnipeg Police Service, as well, and MPI for the initiative. I think the concept is extremely good. I think the possibilities here are very exciting. I think, using the Justice Minister's words, that the potential to ratchet down car thefts certainly is there, providing there are enough Neighbourhood Watch organizations and enough Citizens on Patrol organizations there.

Could the Justice Minister inform this House when this will be actually up and running and if it will be running 24 hours a day?

**Mr. Mackintosh:** We, as captains at our home, received information that this was coming in the last 10 days. So I know all the block captains have been notified of this. My understanding is that over this weekend, there had been calls to block captains, either with the first round of information or confirmation. I do not know. I did not receive a call myself on this one. My understanding from Winnipeg Police Service is that there was a dry run of this program. It was tested this past weekend. Then, I understand that the citizen patrol delegates, the designated contacts for the citizen patrols, of which there are about 14, I think, in Winnipeg, are to be put on in the next week or two.

So, in other words, it is a stepped, a phased process. They wanted to work with the block captains first, and then the citizen patrols are now being added. I think that there had been requests going out to all the patrols to send in the name of their delegate. I think they were still waiting for some of them to come back in. That may be why they wanted to phase it that way. I do not involve myself in those operational issues. I leave that to the people that best know how to run this kind of a program, those people down at CAPTAIN, that friendly voice I get from Gloria for the block captains.

The member is right that the number of block captains is really important to the success of the Neighbourhood Watch initiative overall. I know MLAs from time to time have had booster initiatives for local neighbourhood watches. Our local residents association, which I was pleased to provide a helping hand for, is taking the leadership in trying to get a reinvigoration of the Neighbourhood Watch program. I think that is really a worthwhile initiative for residents organizations.

I know the Winnipeg Police Service has allocated staff resources at differing levels over the years. I know when we had a break-in, this was just before I was elected. My wife was at home at eleven in the morning and on a bus route having to deal with someone breaking down the front door. It was a terribly traumatic experience for her and to a lesser extent, though, for all of us. What she did was provided real leadership in the neighbourhood by helping to establish five neighbourhood watches. In fact

she was the only person in north Winnipeg that got a crime prevention award that year.

She saw the potential of the Neighbourhood Watch initiative. I think some of those watches have not maintained their vitality. That is why I am really pleased to see the Luxton Residents Association actively promote the establishment of more block captains.

You know, it is a grassroots movement. Perhaps there is a greater role for city councilors, MLAs or MPs, residents associations and others, and Citizens for Crime Awareness, of course, which provides a backbone for this initiative in expanding the block captain initiative. Given now that block captains will have information not only about break-and-enter, I think there is an added attraction to this program operating on a city block.

So we will see what lies ahead in terms of this initiative. I think it is another example of where a partnership can make a difference, and not a lot of money. We are talking about volunteers in here, by and large, another example too where the police are an integral part of a partnership and engaging citizenry as eyes and ears in support for the objectives of a safer community.

**Mr. Chairperson:** The time being 5 p.m., time for private members' hour. Committee rise.

Call in the Speaker.

\* (17:00)

## IN SESSION

**Mr. Speaker:** The hour being 5 p.m., we will move to private members' hour and Resolution 11, Auto Theft.

## PRIVATE MEMBERS' BUSINESS

### PROPOSED RESOLUTIONS

#### Res. 11—Auto Theft

**Mrs. Louise Dacquay (Seine River):** I move, seconded by the honourable Member for Fort Garry (Mrs. Smith), Resolution 11

WHEREAS the rate of auto thefts in Manitoba rose by 9.5 percent in 2000, giving the

province the highest rate among all Canadian provinces and territories; and

WHEREAS the number of auto thefts in Manitoba have risen steadily since the New Democratic Party (NDP) came to power; and

WHEREAS, while in opposition, the NDP was extremely critical of the former government on the issue of auto theft; and

WHEREAS, during the 1999 election campaign, the NDP promised to take measures to halt the increasing numbers of auto thefts in the province; and

WHEREAS one such promise was the implementation of a program whereby communities would be notified about thefts in their neighbourhood; and

WHEREAS no neighborhood notification plan has been introduced to date; and

WHEREAS there were 139 auto thefts reported in Winnipeg over a period of four days near the end of October 2001.

THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba urge the Minister of Justice to reveal his plan for neighborhood notification and to consider taking meaningful action to curb the number of auto thefts in Manitoba.

*Motion presented.*

**Mrs. Dacquay:** We are really pleased on this side of the House that the Minister of Justice took very seriously this resolution and, surprisingly enough, on Monday of this week, announced that he would be implementing the plan. However, he did not provide a lot of specific details.

I want to put a few words on the record, however, regarding the seriousness and some statistics that reveal how serious this problem is.

Manitoba is definitely amongst, at one point in time, it was the highest. I understand now that it is ranked second among all the Canadian provinces and territories. The number of thefts,

as I indicated, has risen steadily and continues to rise. In 2001, Manitoba Public Insurance car thefts rose 9.5 percent. Last year, there were 10 791 vehicles stolen in Manitoba which cost Manitoba premium payers \$23 million in insurance claims. There was also a 21.5% rise in auto thefts in rural Manitoba, and this is a trend that continues even as I speak. This year, 2002, to date, car theft is up a staggering 61 percent in Selkirk. The RCMP also report that Portage la Prairie is another problem area that has seen a steady rise in the number of auto thefts. This is not a problem that needs to continue unchecked.

During the 1999 election campaign, as the resolution states, the NDP promised to implement a neighbourhood notification program. Manitobans certainly have the right to know if there have been car thefts in their community.

The majority of auto thefts are for the purpose of joy riding, and generally the stolen car is found within 48 hours. I want to speak specifically in a few moments to the minister's announcement which stated that he would be notifying the captains of the Citizens on Patrol committees as well as the Neighborhood Watch captains 48 hours after the car had been stolen, so I am questioning the time line.

The Winnipeg Police also report that on the average one car is stolen in Winnipeg every single hour. Every area of the city is vulnerable, and there is no safe place to leave a car. During the last weekend in October, 139 cars were stolen in one four-day period. It is definitely a growing concern among Manitoba's youth, and this car theft has other very strong and serious implications. In February, a high-speed police chase with a stolen car involved three youths, one of whom was of the age of 12. The Winnipeg Police reported after the incident that they get young kids driving stolen cars everyday. These are not even legal or licensed youth. A recent MPI auto theft profile study revealed that auto theft is a precursor crime. Stealing a car is quite often the very first step in a crime spree.

A particularly disturbing example also is the fact that stolen vehicles are often involved in other more serious criminal activity. In two incidents that involved the shootings of

Manitoba RCMP constables Dennis Strongquill and Mike Templeton, both the vehicles that were being driven when these two police officers were attacked were stolen vehicles. Allowing auto thefts to continue unchecked in the province has a greater impact than simply inconveniencing individual car owners. Auto theft creates lawlessness among Manitoba's youth and is very often the first step in the commission of even more disturbing and violent crimes.

\* (17:10)

I would like to thank the minister for agreeing with this side of the House and particularly the resolve clause of this motion by finally announcing after two and a half years—even though it was a 1999 election promise—his plan for neighbourhood notification.

Mr. Speaker, based on that action, I assume that the government members on that side of the House will then definitely be, indeed, supporting this resolution. Thank you.

**Hon. Gord Mackintosh (Minister of Justice and Attorney General):** Mr. Speaker, I know the members of the Opposition have to say that there was the implementation of this promise as a result of their resolution, but that is only humour. The commitment has been outstanding, and of course the work began on this before there was any resolution put into the lottery in the fall. Well, we are pleased to see that the community notification initiative in Winnipeg is operational so far as information going to block captains by way of what is called the CAPTAIN system, a computerized notification system that has been operating under the auspices and as a result of the invention of the Winnipeg Police Service, by adding to the information disseminated by way of the telephone system notification on outbreaks of auto theft. As well, I understand that, over the next week or two, the citizen patrol groups will be advised of outbreaks and given the same information available to block captains once the system has been advised of all of the representatives of the citizen patrol groups who are to be called.

Auto theft indeed is a serious crime and a serious challenge facing every community, but Manitoba has since 1993 and not just recently

been dealing with a higher than average auto theft rate. Indeed, I think beginning in the year 1993 and for every year since, as I recall, and I do not know if there has been an exception to that, perhaps until recently Manitoba has had the highest rate of auto theft of all the provinces in Canada. What happened actually in the early 1990s is regrettable in that there was an outbreak of auto theft in the year 1993. In fact, the figures for Manitoba indicate that in 1992 there were 3758 auto thefts and by the same time the next year the number had risen to 7932. It continued to increase to 9555 by 1994 and reached levels as high as over 11 000 auto thefts in a year, which is triple digit increases.

Now I am certainly aware of what promises and commitments were made by the former government as it headed into the 1995 election, recognizing that this outbreak occurred in 1993 and around which they really did nothing. In the 1995 election campaign the Progressive Conservative Party made a number of promises that I will not dwell on too much because I am more concerned about the future, but just to put it into context and just to put on record that the Conservative Party had their chance and walked away from the challenge. They made several promises. They promised an auto theft surveillance task force. I do not know whatever happened to that idea. They promised an auto theft prosecutor. Actually, it was up to the new Government to bring in an auto theft prosecution team by way of two persons to provide oversight to the prosecution of auto theft to ensure consistency and the rallying of the best arguments and evidence. Mr. Speaker, they promised a young offender auto theft work program so that young auto thieves would be required to go to work and pay restitution. Interesting concept but never saw any of that.

There were some other commitments made that I do not know what happened to, but they did do one thing, and this is a real interesting little anecdote that I want to share with members in the House. What the Conservative government did, given this tremendous challenge of auto theft in the 1990s, was they had some signs printed up, at a cost of hundreds of hundreds of dollars. They had parking lot signs printed and they said something to the effect: It will secure your vehicle, and they had a picture

of The Club on there, which was, at that time, the state-of-the-art, anti-theft device. So they had these hundreds of signs done at a cost to the taxpayers and, lo and behold, after I was in office here for a while, it was mentioned to me that, in the bowels of the Woodsworth Building, were all of these signs piled up, and not one of them had ever been distributed.

The Government went and had the thought of this kind of information being disseminated to people through the parking lots, but they never put them up. Now, since that sign was created, Mr. Speaker, The Club is no longer the state of the art and the best prevention technique. Now we are looking at how to use parking lot signs. MPI is, as I understand, working on that issue, but that was the response of the former government to auto theft, which I think is unfortunate.

They did bring in, however, a licence suspension scheme for auto theft of one year. We, in the election, made a commitment on auto theft, and it was to increase that to four years. We eventually decided it would go to five years. So we now have in Manitoba, of course, a very strict administrative sanction on top of any criminal sanctions on conviction for auto theft.

When it comes to statistics, I am heartened by some of the recent statistics, but I remain very concerned. I do not think there can be any complacency, because the numbers are still way too high, but there appears to be a consistent pattern of reduced auto theft in Manitoba in the first five months of the year. That could change, but I do hope that the combination of responses, the involvement of citizens taking better precautionary methods, the involvement of the suspension scheme, the You Lose campaign, the role of the immobilizer, I would like to talk about that, the role of the bait vehicles deployed by Winnipeg Police Service, the new component in the driver education program focussing on auto theft, the assistance by MPI for Winnipeg Police Service and its auto theft work, the prosecution team, the role of the auto theft task force headed by Rick Linden, drawing together partners hopefully will continue to ensure that there is a decline in the rate of auto theft in Manitoba.

The message that has to be delivered continually is that this is not simply a crime

against property. It is not just a matter of inconvenience for someone who has their vehicle stolen. This is not merely a cost to premium payers at MPI. This is very often a crime against persons. It is a crime which can result in death and very serious permanent disability and is often a prerequisite crime to the commission of other offences.

At this time, I think it is important to recognize, for example, two recent tragedies, in particular, regarding law enforcement officers in this province. The tragic death of Constable Dennis Strongquill, Mr. Speaker, was a consequence of auto theft. We had another tragedy following that when an officer pulled over a vehicle believing it to have been stolen. I know that there are many, many other incidents as well where there has been tragedy. I can think, indeed, of a woman, a health care worker on Selkirk Avenue, being killed as a result of auto theft. I believe, in the last year, there were 11 deaths or permanent injuries as a result of auto theft. So we have to keep reminding ourselves of the seriousness of this challenge.

\* (17:20)

I note the Opposition critic had stated, I believe in this House, that this is a trend that has blossomed under this Government's watch. It is important, of course, to put in context the challenge and the stats. This did not blossom under this Government's watch. It blossomed in 1993-1994 under the former government's watch while they sat idly by and did nothing. They did not nip the problem in the bud, and what happened was this subculture, if you will, this sharing of information on how to do auto theft grew in this province to the point where we have had to bear this continuing epidemic, which, hopefully, will be ratcheted down.

I just want to conclude by noting the critical role of the crime prevention technique or mechanism called the immobilizer on how we can further deal with this challenge. The immobilizer was invented fairly recently, I believe, in the late 1990s when it went on the market and what this does is, at least certain models of it, ensures that a vehicle cannot be hot-wired. A vehicle can still be towed, and indeed, in eastern Canada the towing of vehicles is more common than here because the auto theft

challenge is directed more at export and chop shops.

In Manitoba, where what is unfortunately mislabelled as joy riding has meant that the vehicles in Manitoba, by and large, are stolen by way of hot-wiring. But the immobilizer, and those that are approved by the VICC immobilize three different parts of the vehicle: the starter, the ignition and the fuel system. The immobilizer has been identified as the effective auto theft prevention technique.

Now how do you get immobilizers installed in the Manitoba fleet. Well, first of all, it is absolutely imperative that all of the vehicle manufacturers in this country, or all the vehicle manufacturers who sell to Manitobans and Canadians generally, install the approved immobilizer at the factory. The cost of an immobilizer at factory, I understand, is around \$75, and the cost is significantly higher to have it installed after market.

So that is why Manitoba has taken a strong position and has been working with the other provinces to do what it can to ensure that there is both an encouragement and a role for Transport Canada in requiring the installation of immobilizers at factory. The remaining challenge is to provide an effective incentive, information and education to Manitobans so that immobilizers are installed in the vehicles that are in the driveways of Manitobans. It is then, Mr. Speaker, that indeed I am confident we will see a very, very rapid reduction in auto theft way in excess of the successes that we have so far witnessed, successes which, by the way, we are still only cautiously optimistic about.

**Mr. Daryl Reid (Transcona):** I am pleased to rise to add my comments of today as we debate this resolution brought forward by the member opposite. I know that the issue dealing with stolen automobiles is obviously a very serious one.

It is not just the fact that the vehicle was stolen and the hardships that that creates for the families or the individuals that own those particular vehicles, but also there is a serious risk of disabling injuries or, in fact, fatalities that can occur as a result of someone that can steal an auto and then perhaps try to flee the police forces that would be trying to apprehend an individual.

Of course, as the member opposite has indicated, stolen autos are quite often recovered within a 48-hour period and they would then be forwarded to the Manitoba Public Insurance Corporation's operations on Plessis Road in my community for fingerprinting and other activities relating to the recovery of the stolen vehicle.

Now I do know that there are some programs that have been commenced by Manitoba Public Insurance in conjunction with the Ministry of Justice and with the police forces of Manitoba, and I think that we are moving in the right direction. The Minister of Justice (Mr. Mackintosh) has quite rightly stated here in the House today, that, for the first four or five months of this year, the number of stolen vehicles in this province are down. If that trend continues, we are moving in the right direction. Now, we can all keep our fingers crossed because there are certain times of the year, I am sure members opposite are well aware of, that there is a spike in the number of stolen vehicles, and that happens to trend around the warmer months of the year.

**An Honourable Member:** It never happened in Tory times.

**Mr. Reid:** Well, I can say to the Member for Lakeside (Mr. Enns) that during his term of office the automobile theft actually increased 431 percent under his time in office. So you can see there was a significant increase.

**An Honourable Member:** That is propaganda coming from you.

**Mr. Reid:** No, this is an independent evaluation that was undertaken not by this Government but by an independent body. So those are other numbers that are out there.

So the auto theft issue is a very important issue to anyone that would have been affected, and I know there are members in this Chamber that unfortunately had to deal with those types of situations. I know my office has received calls on that over the course of the years that I have been fortunate to serve my community. It is a very important issue, and we want to take all the reasonable steps and precautions to prevent auto thefts in our province, not only for the loss of the

property and the inconvenience it causes for those individuals but also for the resulting injuries and deaths that occasionally occur as a result of actions by those that are stealing the vehicles.

It does have an impact on the insurance rates, too, as members opposite will know. There is a cost associated with that. But I do know, in looking through some of the notes that I have been aware of, Manitoba is not the only jurisdiction that has had problems with auto theft over the past years. I just look back, and I am sure that members opposite must get this information, the Thompson's World Insurance News, a widely circulated document, talks about auto theft rates.

I will just give you one example. We see this coming across my desk anyway on a regular basis, different jurisdictions across the country. In British Columbia, for example, the stolen vehicles in that province during the year had a 17% jump in stolen autos in the province of British Columbia. Not all of it was located in the city of Vancouver. It was all around the province where they had significant increases in their stolen autos. So it is a problem in other jurisdictions, and it does affect the insurance rates for individuals.

If you take a look at Manitoba, we have been quite fortunate in our province where we have had stable Manitoba Public Insurance rates. We have had, in fact, flat. There has been no increase. In fact, we had a 16.6% premium rebate that went out to all the premium holders of this province just a year ago. That put the money that was saved as a result of our public insurance system back into the pockets of the premium payers in this province.

But I do know, through the Thompson's World Insurance News and other sources of information we have been able to glean, that the insurance rates across Canada are not stable. In the private insurance system, for example, and it is in part driven by their auto theft rates in other jurisdictions, the companies now are terminating insurance for individuals. I have heard seniors are having their insurance terminated by private insurance companies in Atlantic Canada, in part, I think, due to the age of individuals, but the insurance companies are taking those steps.

\* (17:30)

I do know that the insurance rates in Atlantic Canada and Ontario have gone up in double digit range. I am just looking at this one article by Kingsway and it says here, the headline: Kingsway Threatens Ontario with Auto Withdrawal. The Kingsway General has told the Financial Services Commission of Ontario the company intends to stop writing private passenger auto in the province if its latest rate increase is not approved within 30 days. The request by that private insurance company? A 15% base increase is what they want on their insurance rates in that private insurance system in Ontario. I saw the same information that was provided by other insurance companies in Atlantic Canada where their rates are going up in the range of 15 to 20 percent. Yet, in Manitoba's public insurance system, our rates are flat. They are frozen, and they have been for quite a number of years. We are quite proud of our public insurance system and what they have been able to accomplish for the people of Manitoba by way of stable insurance rates.

**An Honourable Member:** Another Tory program.

**Mr. Reid:** It is interesting that the Member for Lakeside (Mr. Enns) says it is another Tory program. I seem to recall when I was a person in my twenties which is just a short time ago, we were under the private insurance system at that time. I can remember Manitoba Public Insurance Corporation being brought in under the Ed Schreyer government, and I remember my insurance rates were cut in half when we moved from a private insurance system to the Manitoba Public Insurance system. So it was a significant savings for a young person in those days. From my perspective, every day I drive, I thank Ed Schreyer for what he was able to do for the people of the province of Manitoba.

**An Honourable Member:** Big contrast.

**Mr. Reid:** Big contrast to the private insurance system that we are seeing in their rates across Canada right now that are seeing double-digit increases. I want to say, too, that, with respect to the activities relating to the prevention of auto theft, Manitoba Public Insurance Corporation

has been actively engaged in a multi-pronged approach to preventing auto theft. We have been involved in partnership with the RCMP, with the Winnipeg Police Service and with the Justice Department to educate, to provide incentives and to provide for greater enforcement in prevention of auto theft. So, through Manitoba Public Insurance, and its partners through the Ministry of Justice have played a significant role, we hope, towards what appears to be a trend in the reduction of automobile thefts in our province.

Now, members opposite will know that there has been, in the beginning, a process where The Club seemed to be the item to purchase to prevent automobile thefts. Now, Manitoba Public Insurance Corporation, through its recovered auto unit, stolen auto unit, found that quite often the stolen autos would go to the compound over on Plessis Road and that they would find the clubs on the floor in the backseat of the vehicle, so they were not being utilized to prevent automobile thefts. Had they been, we would think—

**An Honourable Member:** They look good.

**Mr. Reid:** Yes, they look good in the vehicle on the floor. They had nice paint on them, but that is still a problem that we have. So we can see that, if we can make a process, an anti-theft device more friendly to the owners of the vehicle or the people that are using those vehicles, then we think that we can significantly reduce the automobile thefts.

I want to congratulate our Minister of Justice (Mr. Mackintosh) who has taken, I think, a leadership role in Canada, in encouraging the automobile manufacturers in Canada, to encourage them to install immobilizers on all of the new vehicles constructed for sale within Canada. I think that is the way to go. In fact, Manitoba Public Insurance Corporation has put in place an incentive program that will encourage the vehicles that currently do not have immobilizers, due to their age, to encourage Manitobans to install these immobilizers on these vehicles, and we have offered an incentive of about \$40 a vehicle.

There has been some talk about the program itself, but I think that the incentive that is in

place will encourage Manitobans that, over a two- or two-and-a-half-year period, I think it is, three-year period maybe, they can recover the price of the immobilizer installation, and then their vehicles would be protected during that period of time and then into the future, as long as those individuals have those vehicles in their possession.

Manitoba Public Insurance Corporation is actively involved in the recovery of stolen automobiles through our Stolen Automobile Unit. We do fingerprinting at the Plessis Road compound for the stolen vehicles. It does help the Ministry of Justice through the identification and prosecution of individuals that have stolen those automobiles and to make sure that they are held accountable for their actions so that Manitoba Public Insurance assists police with the identification of those individuals that are involved in the stealing of automobiles.

MPI is also involved in partnership with the Ministry of Justice, involved in what we call the education side. Members of the House may have seen the advertisements that have occurred on the electronic media over the course of the last two or three years, where we tried to educate the public to make sure that their vehicles are secure, that the immobilizers, the clubs are used, the doors are locked, the windows are rolled up, the keys are taken out of the ignition and not stored on the sun visors inside the vehicle or under the floor mat, to take those common-sense precautions against the loss of your automobile.

We have also commenced a program whereby we would have audits undertaken of parking lots. So, if you would go to a Goldeyes game, for example, Manitoba Public Insurance Corporation would have an audit team going through the parking lot and looking at automobiles to see first that the doors are locked and the windows are rolled up but also that there are no visible items in an automobile that would encourage someone to want to break into that automobile, not just for the purpose of theft but to steal that vehicle. We would then place the appropriate notices under the windshield wiper of the vehicle advising of what the findings were. Of course, those items are reported back to MPI board on what some of the findings were. We think that it has had a significant incentive,

or advantage, in educating the public on what precautions they should take to prevent automobile theft. We think that it is not only the Goldeyes' games, but the Blue Bombers' games and any other large public event, whether it be a shopping centre on a busy day, those types of audits are undertaken to educate the public.

There are many things that MPI, the Justice Department, and the police do in partnership to try and prevent automobile theft. The trend that we have seen for the first four months, I hope, will continue into the remainder of this year and into the future, because I think that the strategic plan that the Ministry of Justice has undertaken, in conjunction with the other partners, is starting to pay some dividends. Even as much as those partners play in the process of trying to prevent automobile thefts, it is still incumbent on each and every one of us that owns and operates an automobile to take the necessary precautions to protect our property and to assist the police where we know or see situations occurring, to prevent thefts from occurring and to identify those that are involved, to assist our justice system on their enforcement side.

So, with those comments, Mr. Speaker, I am prepared to allow other members of the Chamber the opportunity to speak about automobile theft and to place their comments on the record as well. Thank you.

**Mr. Jim Maloway (Elmwood):** Mr. Speaker, I am very happy today to be able to put some comments on the record regarding this particular resolution.

I do want to note, at the outset, that I find it interesting that the member opposite who introduced this resolution was, in fact, the only member on the opposition caucus who chose to speak on the resolution. I would have thought that, considering that this is such a big issue in that caucus over there, they would have put up more than one speaker to speak in favour of the resolution.

You know, if you read the resolution, it sort of makes it sound as though, somehow, the car thefts just started when this Government got elected, that somehow this problem did not exist before. But you know that is just not true. This problem has existed for a number of years now.

It is a national problem. Indeed, it is an international problem.

A few weeks ago, the Member for Springfield (Mr. Schuler) stood in the House accusing the member of Selkirk for spawning a huge amount of car thefts in Selkirk, as if that was some big revelation that, somehow, these car thefts were all starting in Selkirk and that they had not existed anywhere else before. You know, where has this member been living in the last 10 years? Do these people not listen to TV? Do they not read the newspapers? Do they not know what is happening in their own backyards? *[interjection]*

The Member for Lakeside (Mr. Enns) talks about no car thefts in the Conservative years. Of course, they did not have cars in the Conservative years. There were still thefts of horses and buggies, though, in the days of the Conservatives.

\* (17:40)

You know, Mr. Speaker, this really is a worldwide problem, and there are a couple of elements to it as well. I mean, we do have teenagers and young people stealing cars for the purpose of joy riding, for the purposes of commission of other crimes. But there are organized rings operating even in this province. Certainly, in other centres usually associated with the mob or types of mobs in which vehicles are stolen and taken out of the country and sold for huge profits in other places, those are professional-type rings. I do not imagine any amount of clubs or immobilizers or any sort of devices that one would try to use to prevent thefts will, in fact, stop those, because if these types of thieves want your expensive car, they will simply put it on a flatbed truck and drive away with it, and that will be the last time you will see your car.

Those kinds of thefts, I think, are going to increase over the next few years because of the wealth of the economy and of the society. As long as there is a demand for high-end vehicles and as long as people are buying more and more of these vehicles, then, of course, we can expect in the future to see increasing numbers of thefts of that type of vehicle.

As far as the regular types of cars are concerned and the younger people that are stealing cars, I do agree with the Justice Minister that, in fact, we may be rounding the corner on that one in the next couple of years, and for a number of reasons. Number one, car thieves are getting older. I have never heard of any car thieves in their forties. Most of these car thieves are teenagers. As the teenagers get older, I think that we are going to see a reduction in the amount of car thefts. Number two, the immobilizers are a big issue. The Justice Minister dealt with that. That is a huge issue.

I could recall back when we were in opposition, they were the Government, and this was an issue then. I was trying to recall the figures that we were using at that time, but I think we were suggesting, the Minister of Justice suggests, it is a figure of \$75-installation at the factory. I thought in those days that we were told that, if the car manufacturers were to put these immobilizers in all new vehicles, the effective cost could be reduced to around \$30 a vehicle on an industry-wide basis. I, certainly, would not want to quibble with the minister when he says \$75, because that was, maybe, five years ago and there has been a bit of inflation and probably a lot of technical improvements as well in the technology, because some of the manufacturers, maybe all of the manufacturers, but certainly Ford, I am a little more familiar with them, as early as year 2000 model cars, have installed these immobilizers in all of their new cars of certain types. It is no different than the airbag situation where they get installed in one group of cars, and then they just simply work their way down until they have the whole fleet covered.

This whole initiative has to respond to consumer demand. It is up to consumers to complain to the manufacturers. I do not want to get into blaming the manufacturers because that would be easy to do. I could say, and probably have said in the past, that it is their fault. They look at the market. They look at what their competitors do and, unless the public is prepared to take action and demand action and the politicians are prepared to demand action and the insurance companies, then the manufacturers will continue blithely on their way, trying to get the lowest unit cost they can.

It never made sense to me for people to go out and install after-market products at

enormous cost, after-market products that, I say, rarely work with the vehicle that they are being installed in. There are all kinds of incompatibilities in the electrical and other areas. Any of you who has ever dealt with these command start features that are installed or anything that is installed after market, there seems to be always a problem getting along with the system. I have always argued that we should require, if necessary by legislation, that all vehicles sold within a jurisdiction—California does not seem to have a problem with things like that—must have these requirements. I would say that the immobilizers, as the Justice Minister pointed out, the starter, ignition and fuel system lock-offs essentially, are the key that is going to turn this thing around. But this will take a number of years, because you are probably looking at a 10-year life cycle of a vehicle, and it will take another 10 years before we see huge amounts of cars with these anti-theft devices.

In dealing with The Club, and a few of the previous speakers have mentioned The Club, I never understood the attraction for The Club. I have always said that the day I buy and use a club will be the day I buy a bus pass. I think I am not alone. The Member for Transcona pointed out that the Autopac routinely finds that the clubs are there. They are in the car, all right. They are in the trunk. What good is The Club in the trunk? It does not make any sense.

You have to assume that people are not going to be vigilant. This whole idea that, somehow, we have people still in this day and age who leave their cars running with the keys in the ignition, in the winter time and in the summer—and the Member for Lakeside said: What is wrong with that? There is nothing wrong with that. Mr. Speaker, 20, 30 years ago people routinely did that. He knows that. People did not lock the doors of their houses. They did not lock their cars. They left their cars with keys in them. But that is not reality today. I had a bicycle stolen from the back of my vehicle right in front of the Legislative Building, with the Minister of Health, at the time, standing on the steps and a couple of guards out smoking and with video cameras taping the whole darn thing. And somebody drove off at six o'clock at night in a light rain in a bicycle while my 15-year-old, who was then about 12 years old, was sitting in

the van. This happened in front of the Legislative Building. This would not have happened, I agree, 20, 30 years ago, and there are a whole bunch of reasons why it is.

The whole attitude that kids would be out stealing things and joy riding and so on, I guess, did not occur to people 20, 30 years ago. Mr. Speaker, 20 or 30 years ago the worst thing that happened was that outhouses got tipped over on Halloween night and windows got soaked and things like that. But today there has been a lot of advancements that have sort of passed our generation, I guess. Today excitement dictates that you go out and steal a car to do some joy riding or perhaps use the vehicle in committing some robberies.

Now, I have to also commend the Minister of Justice (Mr. Mackintosh) and the Government, and, in fact, the previous government as well, for efforts that have been made to strengthen the sanctions against underage drivers. When younger people are committing these crimes, I do not think a lot of them think about, well, I may not get my driver's licence until I am 21. I do not really think they think about these issues; I think they just steal the car when they are with their friends. But that is not to say we should not have done something about it. So the Justice Department, the Government have moved, the previous government included, to think about these things and try to change the understanding, the atmosphere towards the problem, change the law so that you will, in fact, not be able to get your driver's licence until you are 21. You will have to pay restitution. That is a big item that I fully support as well. Not that a lot of the people that get caught doing these things are going to be able to pay any restitution, but the idea, I think, is sound and solid, that we should force or at least try to get restitution from people who commit these crimes.

\*(17:50)

This is a big issue, and it is going to be with us for another 10 years. I just do not think we should be taking cheap shots at my good friend the Member for Selkirk (Mr. Dewar) and standing up in the Legislature, grandstanding and saying: What is the MLA doing about it?

We could do the same thing. We could pick statistics in Fort Whyte or Portage la Prairie, and we could stand up and berate the Member for Portage la Prairie (Mr. Faurschou) while he is berating us for eating in the Chamber. I mean, we could do these kinds of things, and that would kind of add to the levity of the afternoon and help us pass the time a little more easily and quickly. But, you know, it would not solve any of the fundamental problems or lead to any better understanding of the problems. I did want to make that comment because that did kind of irritate me a bit when the member did go on that attack. I thought he had grown past that, but I guess he has got a little bit more time to pass before he graduates beyond that.

I do not know how much time I have got left here. I cannot see that far, Mr. Speaker. I think you are saying two minutes. The bait car and the GPS systems, I think the technologies are going to help an awful lot. I am very pleased with the programs of the bait car system. I have seen that profiled two or three times now in the United States where it seems to work quite well. There is a finite number of people, folks, who are stealing these cars. I do not think there is anybody in this Legislative Building right now who is out stealing cars or would even comprehend that possibility. So there are a very limited number of people. I think whether we catch them by the bait car method, or however we catch them, that is a positive thing. It shows some imagination, I think, to do this.

But I really do think that with the advent of GPS systems, global positioning systems in cars—you are seeing them used now in fleets and rent-a-cars and so on. Sooner or later you are going to see this as automatic issue in new cars. Parents are going to love to know where their kids are driving their cars, believe me.

I think there is a real market for GPS systems. The possibilities of stealing cars with GPS systems are going to be somewhat limited because you are going to be able to tell very quickly where your vehicle is, unless the person can steal the car, use it for a purpose and get rid of it before somebody can track it through the GPS system. But you should actually be able to follow your car through the GPS system; it is no different than the bait car system. It is just that

you would be expanding that program to all new vehicles. Provinces and jurisdictions can legislate that. California has been very quick to legislate. The national government of the United States legislated air bags, and then Reagan got elected and proceeded to give the car makers an extra 10 or 15 years to phase the program in. Otherwise, the airbag program would have been 10 years ahead of where it was.

**Mr. Speaker:** Order. The honourable member's time has expired.

**Ms. Marianne Cerilli (Radisson):** Mr. Speaker, I am anxious to join this debate, especially after listening to the Member for Elmwood (Mr. Maloway). You know, listening to the Member for Elmwood reminds me of a movie I recently rented and watched this past weekend.

**An Honourable Member:** *Star Wars?*

**Ms. Cerilli:** No, it was called *Enemy of the State*. I think it was Cuba Gooding, Jr., who was this labour lawyer who ends up getting enmeshed into this mass surveillance system with the FBI and this National Security Agency, where not only are all the video cameras in every 7-11 and doughnut shop linked up to this mass surveillance system, but also all of the police squad car radios are hooked into this mass surveillance system. It ends up that they can use these satellites in outer space to track your licence plate and find you no matter where you go. They use this through the CIA not only to spy on people, but to eventually track down stolen cars because the bad guys are trying to get away.

You know, it is really interesting listening to the member from Elmwood and talking about his—I know how much he loves every technological gizmo and gadget that comes out and tries to link it back into how we can better not only our role here in the Legislature but throughout government. I do not know, GPS installed in all our vehicles so that we can find them? I guess that is one way you could do it.

I think I will leave the speech from the Member for Elmwood and I will talk about—I do not know if anyone else has talked about the young people that are doing most of the car

thieving, most of the joy riding. I am going to stick with the movie theme. We have had the movie that, what was it called—60 seconds or something like that? *Gone in 60 Seconds*. That was teaching young people that they can go out and compete, see who can hijack a car faster and then go off and joy-ride or use this car for whatever other purposes they might have in mind.

There are a whole range of other, I think, video games and movies and other entertainment that are teaching kids to do this kind of stuff. Then we are surprised when they go out and do it in real life, and they have to elevate and escalate the kind of things that they do to get their kicks. When you find out the numbers of cars that these kids can hot-wire and steal, and how quickly they can do it, it really is mind-boggling.

On the one hand, I am pleased to see that our Government is addressing this problem that we inherited.

I mean, the increase in the rate between just from 1993 to 1995, it more than doubled per year during that time, the number of car thefts. I do not know if these young kids—they probably have Web sites.

They go to all these kinds of games where they learn how to do this and they share the information.

**An Honourable Member:** There is a game called *Grand Theft Auto*.

**Ms. Cerilli:** The Member for Elmwood (Mr. Maloway) knows about a game called *Grand Theft Auto*. That is one of the ones that I did not know about.

I am pleased to see that we are actually now starting to do some things that are going to try and address and focus on the young people, who can be as young as 10 or 12 years old, that are, I think, learning how to do this.

I know people have been talking about their own experience here on this, and I had an experience a couple of years ago that we actually had our truck vandalized. It was not stolen, but the window was smashed. They got my

briefcase. They got my new gym bag with my new running shoes, and it was right in front of the Cinema 8 theatre. It was caught on the videotape for the theatre, but it is unfortunate the police could not use that video in trying to clearly see the time it was done and who did it. I had high hopes that they could utilize that.

It was just another example of the kind of thing that is going on. I do not know if that person was under 16 or if they had a driver's licence, but to try and bring in some of the measures that we are that will, I think, give a message to these young people, who now see this as a recreational activity, who now see this as something that they do to become part of a group.

That there are going to be some consequences for them, to try and get them to think about their criminal record, their future in being able to drive a vehicle and own a vehicle and have it licensed and registered.

So I think that we can only encourage the Government to continue on in this direction and looking at and understanding what the young people and perhaps not so young people that continue to increase the stats and continue this practice of car theft.

It is good to see the Justice Department, the police, MPI, and other partners working together to try and address this problem, and I want to recognize for the members opposite that it took our Government to implement some of the policies—

**Mr. Speaker:** Order. When this matter is again before the House, the honourable member will have nine minutes remaining.

The hour being 6 p.m., this House is adjourned and stands adjourned until 10 a.m. tomorrow (Thursday).



**Committee of Supply**  
(Concurrent Sections)

Labour and Immigration	2276
Agriculture and Food	2283
Justice	2288

**PRIVATE MEMBERS' BUSINESS**

**Proposed Resolutions**

Res. 11—Auto Theft

Dacquay	2294
Mackintosh	2296
Reid	2298
Maloway	2301
Cerilli	2304