

First Session - Thirty-Eighth Legislature
of the
Legislative Assembly of Manitoba
DEBATES
and
PROCEEDINGS
Official Report
(Hansard)

*Published under the
authority of
The Honourable George Hickes
Speaker*

Vol. LIV No. 5b – 1:30 p.m., Thursday, September 11, 2003

MANITOBA LEGISLATIVE ASSEMBLY
First Session—Thirty-Eighth Legislature

Member	Constituency	Political Affiliation
AGLUGUB, Cris	The Maples	N.D.P.
ALLAN, Nancy	St. Vital	N.D.P.
ALTEMEYER, Rob	Wolseley	N.D.P.
ASHTON, Steve, Hon.	Thompson	N.D.P.
BJORNSON, Peter	Gimli	N.D.P.
BRICK, Marilyn	St. Norbert	N.D.P.
CALDWELL, Drew, Hon.	Brandon East	N.D.P.
CHOMIAK, Dave, Hon.	Kildonan	N.D.P.
CUMMINGS, Glen	Ste. Rose	P.C.
DERKACH, Leonard	Russell	P.C.
DEWAR, Gregory	Selkirk	N.D.P.
DOER, Gary, Hon.	Concordia	N.D.P.
DRIEDGER, Myrna	Charleswood	P.C.
DYCK, Peter	Pembina	P.C.
EICHLER, Ralph	Lakeside	P.C.
FAURSCHOU, David	Portage la Prairie	P.C.
GERRARD, Jon, Hon.	River Heights	Lib.
GOERTZEN, Kelvin	Steinbach	P.C.
HAWRANIK, Gerald	Lac du Bonnet	P.C.
HICKES, George, Hon.	Point Douglas	N.D.P.
IRVIN-ROSS, Kerri	Fort Garry	N.D.P.
JENNISSEN, Gerard	Flin Flon	N.D.P.
JHA, Bidhu	Radisson	N.D.P.
KORZENIOWSKI, Bonnie	St. James	N.D.P.
LAMOUREUX, Kevin	Inkster	Lib.
LATHLIN, Oscar, Hon.	The Pas	N.D.P.
LEMIEUX, Ron, Hon.	La Verendrye	N.D.P.
LOEWEN, John	Fort Whyte	P.C.
MACKINTOSH, Gord, Hon.	St. Johns	N.D.P.
MAGUIRE, Larry	Arthur-Virden	P.C.
MALOWAY, Jim	Elmwood	N.D.P.
MARTINDALE, Doug	Burrows	N.D.P.
McGIFFORD, Diane, Hon.	Lord Roberts	N.D.P.
MELNICK, Christine	Riel	N.D.P.
MIHYCHUK, MaryAnn, Hon.	Minto	N.D.P.
MITCHELSON, Bonnie	River East	P.C.
MURRAY, Stuart	Kirkfield Park	P.C.
NEVAKSHONOFF, Tom	Interlake	N.D.P.
OSWALD, Theresa	Seine River	N.D.P.
PENNER, Jack	Emerson	P.C.
REID, Daryl	Transcona	N.D.P.
REIMER, Jack	Southdale	P.C.
ROBINSON, Eric, Hon.	Rupertsland	N.D.P.
ROCAN, Denis	Carman	P.C.
RONDEAU, Jim	Assiniboia	N.D.P.
ROWAT, Leanne	Minnedosa	P.C.
SALE, Tim, Hon.	Fort Rouge	N.D.P.
SANTOS, Conrad	Wellington	N.D.P.
SHELLENBERG, Harry	Rossmere	N.D.P.
SCHULER, Ron	Springfield	P.C.
SELINGER, Greg, Hon.	St. Boniface	N.D.P.
SMITH, Scott, Hon.	Brandon West	N.D.P.
STEFANSON, Heather	Tuxedo	P.C.
STRUTHERS, Stan	Dauphin-Roblin	N.D.P.
TAILLIEU, Mavis	Morris	P.C.
TWEED, Mervin	Turtle Mountain	P.C.
WOWCHUK, Rosann, Hon.	Swan River	N.D.P.

LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, September 11, 2003

The House met at 1:30 p.m.

ROUTINE PROCEEDINGS

TABLING OF REPORTS

Hon. Rosann Wowchuk (Minister of Intergovernmental Affairs): Mr. Speaker, I would like to table the report for the Department of Intergovernmental Affairs Supplementary Information for the Department Expenditures 2003-2004.

MINISTERIAL STATEMENTS

September 11 Terrorist Attacks

Hon. Rosann Wowchuk (Deputy Premier): Mr. Speaker, I have a statement for the House.

Today marks the second anniversary of the September 11, 2001 tragic attack that took place in New York, in Washington, D.C., and in Pennsylvania. On this day two years ago, almost 3000 innocent people were taken from us as a result of a terrible act of aggression and cowardice. One of the innocents was a Manitoban, Christine Egan.

No one will forget the horrible images of planes flying into the World Trade Centre tower, the flaming, charring wing of the Pentagon or the shattered debris on the burning field in Pennsylvania. No one will forget these horrible images, but I am proud to note that we will always remember the heroes of that day, the emergency responders, the police, firefighters, military and ordinary citizens who put their lives at risk to save others whom they had never met. I am proud that, in the immediate wake of the tragedy, Manitoba stood side by side with our neighbours by taking in stranded travellers, giving blood and sending a book of condolences to the American people.

This week in Manitoba we mark Emergency Responders Week, partly to honour the sacrifices of all emergency responders but also to outline that serious dangers are an every day reality for them on their job. At this time, I would like to

ask for leave to observe a moment's silence in honour of the sacrifices of those who lost their lives on September 11 and to offer silent thoughts and prayers to the families who grieve for them today.

* (13:35)

Mr. Glen Cummings (Ste. Rose): Mr. Speaker, I want to respond on behalf of this side of the House, on behalf of all Manitobans in respect to the events of that horrible September 11. I do not think ever in history have we seen that kind of horror and tragedy unfold before our eyes as we did that day. While many people believe that the strife around the world can only occur somewhere else, I think we all realized that day how much we all have at stake in terms of peace in this world and caring for our fellow man.

We join with our American neighbours, our friends and our allies to express our condolences. At this time, we join as well to express our friendship and the shared loss that there was around the world to people who suffered and died needlessly that day. It was with great sacrifice and with great pride around the world that everybody saw the police, the firefighters, the military and all of those who responded that day, but it is a reminder that we all must stand together in the name of peace and friendship. I want to join the Government today in respecting and remembering those who lost their lives on September 11.

Mr. Speaker: Please rise for a moment of silence.

A moment of silence was observed.

ORAL QUESTION PERIOD

Bovine Spongiform Encephalopathy Cash Advance for Producers

Mr. Glen Cummings (Ste. Rose): Mr. Speaker, one of the most disappointing actions of this Minister of Agriculture and her Premier (Mr. Doer) is her sad attempt to tell Manitobans the Agricultural Policy Framework may provide some cash relief in the short term to the cattle

producers of this province. She knows, or she ought to know, that it would not happen soon.

The families out in rural Manitoba, the cattlemen in this province, have been brought to their knees by lack of cash. Has she given up entirely on the cattle business in this province, Mr. Speaker, or is she prepared to step up to the plate and provide some cash advance?

Hon. Rosann Wowchuk (Minister of Agriculture and Food): Mr. Speaker, I want to say that I recognize the cattle industry is a very important industry in this province. I recognize that, with the border closure, there is a cash flow problem. That is why we put in place \$100 million of loan authority that will allow producers to borrow \$50,000 at low interest rates. In Manitoba they can borrow that money at 3.25 percent and young farmers can buy it at 2.25 percent. In Alberta they are paying 5 percent.

Under the previous administration when they put a loan program to help producers, Mr. Speaker, it was at the prevailing rate and they were lending money to producers that needed cash badly at 6 percent, at the prevailing rate. They have not recognized—

Mr. Speaker: Order.

Mr. Cummings: It is so obvious that this minister does not understand the problem in rural Manitoba. They are being brought to their knees by lack of cash flow and she wants to play the blame game. Cattle are worth \$300 a head more in Alberta. Deal with that problem if you want to do something.

Mr. Speaker, it is a sad day in this province when the Minister of Agriculture stands up and uses the Policy Framework as a way of misleading Manitobans, I would say deliberately misleading Manitobans, into thinking she is doing something.

* (13:40)

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. All honourable members know that parliamentary language is very important for the smooth function of this House and many, many speakers have ruled

"deliberately misleading" as out of order. I would kindly ask the honourable Member for Ste. Rose to please withdraw that comment.

Mr. Cummings: Mr. Speaker, when you are consumed with anger and disappointment about what this Government is doing, you choose the wrong words and for that I apologize.

Mr. Speaker: That should be the end of the matter and I would like to thank the honourable member for that. Has the honourable member concluded his question?

Mr. Cummings: Mr. Speaker, she has not provided a quick cash flow relief to the cattle producers of this province. She has to do something or we will lose many.

Ms. Wowchuk: Mr. Speaker, this Government has recognized the issue and this Government has taken steps.

We have put in place \$100 million in loaning. I can tell the member that, as of yesterday, 140 people had their loans approved. They are coming in every day. They are filling out their applications and loans are being approved, Mr. Speaker.

As well, we put in \$15 million in the slaughter program and the feed assistance program. We have put in \$2 million into improving the slaughter capacity in this province. We have \$43 million on the table to flow to producers through the APF.

Mr. Speaker, if you total that up, that is about \$160 million that we have on the table. It is time we got the federal government to recognize that they have a part in this and they have to recognize this disaster.

Mr. Cummings: Mr. Speaker, this minister just demonstrated why she must be publicly called on what she is doing. She said she put \$15 million into the feed support program. In fact, she only acknowledged 10. Then she says she has only flowed 2 but she wants to stand up in this House and say she put up 15.

She is misleading the people of this province, Mr. Speaker. The time has come. The cattlemen in my riding met with me in June and they said if ever we need government to be

involved in our business it is now. We have never asked for government involvement directly. We have always been free traders. The time is now. Will she step up to the plate or will she continue to mislead the people of this province?

Ms. Wowchuk: Mr. Speaker, the Province has stepped up to the plate. You know, the Leader of the Opposition (Mr. Murray) said that we should put in a low-interest loan program. We put in a low-interest loan program.

If the people opposite wanted to help farmers, they would encourage them to take the loan program and use it as a bridge until the other money started to flow. There is money that is going to flow out of the \$600 million from the federal government. There is money that is going to flow through the APF. We have agreement from the federal government that an interim payment will flow. When the federal government will come to sign, that money will start to flow. The federal minister has said in his statement, and this is his statement, not mine, that forms will be available in September and payments are expected to reach producers in early October. That his statement—

Mr. Speaker: Order.

Disaster Assistance Drought Areas

Mr. Ralph Eichler (Lakeside): Mr. Speaker, drought has razed many regions of this province including the northern part of my constituency. The drought has compounded the hurt arising from the BSE crisis. As a result, more than 30 municipalities have made application for disaster assistance. Can the Minister of Agriculture tell this House when this Government will come to the table with a disaster relief program for those affected?

Hon. Rosann Wowchuk (Minister of Agriculture and Food): Mr. Speaker, the municipalities have declared disaster. I want to tell this House that we have met with those municipalities, we have talked about the situation and they have made suggestions on how we can deal with this situation. It is

producers, municipalities and the provincial government that are working together to try to resolve this problem. What we need is the federal government at the table. Right now we need another partner at the table with us. We recognize the situation, the drought situation and, as the Premier said yesterday, we are looking at options on how we can address that situation and we will address it. What we need is the federal government to also recognize that this is a national disaster. It is a national disaster that needs national leadership and we have not been able to get the federal government to the table.

Mr. Speaker: Order.

Mr. Eichler: Mr. Speaker, I have received calls from desperate ranchers such as Kris Bigfusson of Lundar, Ross Jermeij of Ashern and many more just like them who live in the drought-affected areas. They cannot buy their hay. They cannot pay their taxes. Even worse, they cannot sell their cattle.

Will the Minister of Agriculture tell farm families like the Bigfussons and the Jermeijs why she is abandoning them and others? Will she meet with them and explain why she refuses to provide them with a sorely needed cash advance program?

* (13:45)

Ms. Wowchuk: Well, in case the member has not noticed, I have been meeting with producers and I have met with producers right across the province. In case he does not know, the people cannot sell their cattle because the border is closed. That is an issue that is very important and one that we should be focussing all our attention on. The member talks about people not being able to buy hay. That is why we put the loan program in. People told us they needed cash. They needed to be able to make a decision. We have put cash—*[interjection]*

Mr. Speaker: Order.

Ms. Wowchuk: We have put a loan program at very low interest rates in place to allow people to have a cash flow in order that they can make those decisions on how to buy, where to buy their hay, what to do, how to pay their bills. This

is a bridge to help them through until other programs come in.

Livestock Industry Feed Transportation Program

Mr. Ralph Eichler (Lakeside): Mr. Speaker, for days the Premier has been promising a transportation program to help drought-stricken producers who have not got the financial resources to transport critically needed feed for their cattle. Promises do not put hay in the bellies of calves. Will the Minister of Agriculture tell this House why her Government has failed to deliver on the transportation program?

Hon. Rosann Wowchuk (Minister of Agriculture and Food): I know what producers are going through. I have met with them. I have talked to them about the situation and that they need cash flow. That is why we put in place \$100 million that producers can access so they can make their decisions as to whether to purchase hay, whether to move hay, whether to move their cattle and the program is working. Mr. Speaker, 140 farmers have accessed the program and many more are making their applications. This is a bridge to get us through until other monies flow from the federal government. The federal government has a responsibility here. The federal government has \$600 million that they are holding back. That money has to flow and money has to flow through the APF as the federal minister promised us.

Farm Land Education Taxes

Mrs. Heather Stefanson (Tuxedo): Mr. Speaker, the BSE and drought crisis in Manitoba today affects the day-to-day lives of thousands of families in our province. More than 30 municipalities have declared themselves disaster zones, and there are constant concerns growing over the ability of affected families to pay their education taxes in their local communities.

My question is for the Minister of Agriculture. How does her Government expect the people to pay for the education portion of their property taxes when they can barely afford to put food on the table for their children?

Hon. Rosann Wowchuk (Minister of Agriculture and Food): We have put money on the table. We have put money in place to help producers bridge until additional money flows, until the border opens, until animals start to go to slaughter. I can tell you, Mr. Speaker, with boxed beef starting to go into the United States, more animals are going to slaughter.

We have addressed the issue. We need the federal government at the table with us, and I would ask the Opposition to think about what role they can play in supporting this Government as we put pressure on the federal government rather than looking for other options. The cash is there. Mr. Speaker, \$160 million is a lot of money, and people are using the \$100 million despite the fact that the Opposition continues to say that it is not a good program. It is better than programs they ever put in place.

* (13:50)

Mrs. Stefanson: Mr. Speaker, it is time for this minister to get the money off her table and in the hands of the farmers who need it.

Mr. Speaker, the R.M. of Albert has gone so far as to pass a resolution to withhold the education taxes on assessed farmlands from their local school division because farmers affected by these crises simply cannot afford to pay these property tax bills. Other municipalities may be forced to follow suit.

My question for the Minister of Agriculture is: Is her Government willing to compensate for the lost revenue for the school boards to ensure that the quality of education does not decline and that our children's education is not jeopardized in our province?

Ms. Wowchuk: Well, Mr. Speaker, it is really interesting that the Opposition is interested in the property taxes that farmers have to pay when it was their government that raised the portioning of the amount of taxes farmers would pay. It was the NDP government that reduced the portioning for farmers so that they would pay less taxes. It was the NDP government that increased the property tax credits. So they cannot say that they are the ones that care about taxes. It is this

Government that reduced the portioning. It is this Government that increased property tax credits to help producers. They raised it to 30 percent. We lowered it to 27 percent and we have put cash on the table. Farmers are taking that cash. They should be encouraging farmers to take that cash.

Bovine Spongiform Encephalopathy Cash Advance for Producers

Mrs. Heather Stefanson (Tuxedo): Mr. Speaker, my question again for the Minister of Agriculture. When will this Government recognize the seriousness of this issue, implement a cash advance program to ensure that the quality of education for our children in these communities is not jeopardized as a result of the incompetence of this Government to deal with this issue for all Manitobans?

Hon. Rosann Wowchuk (Minister of Agriculture and Food): Well, again, Mr. Speaker, there is a split in that caucus. Their leader says put in a cash advance or a low-interest loan. We put in a low-interest loan; now they are saying put in a cash advance. You know, they cannot make up their minds what they want.

We have put in a low-interest loan, lower interest than they have ever put in place. I can list you many actions that our Government has taken that show that we care about rural Manitobans, and we are making a difference in rural Manitoba, Mr. Speaker. This is a national crisis. This is a national disaster. We have made available cash for the producers. We have \$160 million that is there to help our producers, money in the APF Program, money in the slaughter deficiency program, and money in—

Mr. Speaker: Order.

Bovine Spongiform Encephalopathy Interdepartmental Committee

Mrs. Mavis Taillieu (Morris): Mr. Speaker, during the flood of 1997, the Filmon government set up flood recovery information offices to deal with the crisis. Staffed by several departments, these offices provided people in crisis with counselling information and support.

Mr. Speaker, can the Minister of Agriculture tell this House how many times an interdepartmental committee has met, comprised of the departments of Agriculture, Health, Family Services, Education, Emergency Measures to provide support and services to producers dealing with the BSE crisis?

Hon. Rosann Wowchuk (Minister of Agriculture and Food): Mr. Speaker, I can tell all members of this House that on May 20, when the first case of BSE was detected, on that day we started with an interdepartmental team that would look at the issue and that team has been working on an ongoing basis.

I can also tell you, Mr. Speaker, that long before BSE came about, we recognized there was need for services in rural Manitoba. That is why we reinstated the farm and rural stress line that that government took away. We brought services in rural Manitoba. I can tell you that the Department of Agriculture throughout the province is working with other departments to ensure services are available for people across the province.

* (13:55)

Mrs. Taillieu: Mr. Speaker, I find that answer incredible. Neither the Minister of Family Services (Mr. Caldwell) nor the Minister of Education (Mr. Lemieux) could provide answers to the questions posed to them in the last two days.

Can the Minister of Agriculture tell this House: Why, after nearly four months into this crisis, has this Government failed to take the governmental approach to dealing with one of the biggest crises facing Manitoba agriculture in several decades?

Ms. Wowchuk: Mr. Speaker, I will repeat my answer. On May 20, when we found out about that one case of BSE that was detected in Alberta, we knew that there was going to be a very difficult situation for Manitoba farmers. On that day we decided to put together an interdepartmental team. That team has been at work and will continue to be at work and has

met many times to discuss the various issues that arise because of this terrible situation.

Cash Advances for Producers

Mrs. Mavis Taillieu (Morris): Mr. Speaker, agriculture is essential to Manitoba's social and economic well being. The BSE crisis and the drought have put farm families and this industry in jeopardy. One farm family recently wrote that the Doer government is not only destroying agriculture but also many families.

Mr. Speaker, can the Minister of Agriculture tell this House how many more farm families the Doer government is prepared to destroy before they provide real assistance such as cash advances to struggling producers?

Hon. Rosann Wowchuk (Minister of Agriculture and Food): Mr. Speaker, on May 20, when this first case of BSE was detected, we put together an interdepartmental team to work on this issue and they have been working.

Mr. Speaker, right after the election, I was in Kelowna with the Premier and we talked about BSE and the importance of putting support in for families.

Mr. Speaker, our money is on the table. We have \$100 million in cash that is available for producers to use. We have \$43 million that will be available to make payments to producers through the APF. We have put in place the slaughter program and the feed assistance program. We have put money in place to enhance the slaughter capacity. All our money is on the table. We are there.

Bovine Spongiform Encephalopathy Cash Advance for Producers

Mr. Jack Penner (Emerson): This Government's handling of the BSE crisis has been a disaster. The BSE recovery program came up short. The slaughter program did not work. The feeder program was yanked. The loans program is a failure. There is no plan. There is no hope and soon there will be no livestock producers. When will the Minister of Agriculture recognize that her so-called plans to save our livestock industry are not working and

provide producers with a much needed cash advance program?

Hon. Rosann Wowchuk (Minister of Agriculture and Food): Mr. Speaker, this Opposition has a record of changing their minds and just criticizing. They put on the table, in a letter, that they want a loan program or a cash advance. We have put in a loan program. There is a hundred million dollars available. As of today, there are 140 producers who have accessed that money and over \$5 million has flowed. This is a cash flow. This is the money that producers need to help them bridge through until such time as the border opens, until there is more slaughtering happening or the federal government decides to flow the money, the \$600 million that they have or the money through the APF, where the Province's money share of \$42 million is on the table.

Mr. Penner: The Manitoba Cattle Producers Association, the association of municipalities, chambers of commerce, community organizations, farm organizations across this province have asked this minister and have asked this Government to implement a cash advance program. Why will this minister and her Government stubbornly refuse to put a cash advance program in place that will flow money to producers in this province of Manitoba and save the cattle industry?

* (14:00)

Ms. Wowchuk: Producers, municipalities and the Province have been working very hard to come up with solutions for this problem. The federal government must take a share of the burden that producers, municipalities and the Province are carrying right now.

But, Mr. Speaker, what we need is the Opposition to support what we are doing. We are doing what they asked for. The Opposition asked for a low-interest loan. They asked for that. Producers asked for that. Now they have flipped and flopped and they are saying oh, no, a loan program is not good; let us change it to a cash advance.

The money is flowing. Our money, our cash is on the table.

Minister of Agriculture and Food Resignation Request

Mr. Jack Penner (Emerson): Livestock producers do not have any money to feed their families or their cattle. There could be severe starvation of cattle on the farms of Manitoba this winter unless this Government makes some changes to the program and advances money. They cannot pay their utilities or their fuel bills. They have failed the families like the Coulsons and the countless others in this province.

Will the minister now do the right thing and tender her resignation to this Legislative Assembly?

Hon. Rosann Wowchuk (Minister of Agriculture and Food): I guess I would ask the member if he is the one who is promoting a deficit in this province, because that is what I see him doing. Although they introduced balanced budget legislation, it is that member who is promoting a deficit in this province. Shame on him, Mr. Speaker. Contrary to what his leader says he is promoting a deficit.

We are working with the producers, with the municipalities, all working together to come to solutions. The cash is on the table. He talks about people needing money to buy clothes and to pay their Hydro bills. They can apply to MACC as many are, and get \$50,000 in cash to help them bridge through until such time as the border opens, as animals start to sell or other money comes from the federal government.

Mr. Speaker: Order.

Bovine Spongiform Encephalopathy Cash Advance for Producers

Mr. Kelvin Goertzen (Steinbach): Mr. Speaker, it has become clear after a week of questions that this Minister of Agriculture is unwilling to save the cattle industry for the less than \$20 million needed. She is unwilling to save the cattle industry.

Since she refuses to act, and if the border remains closed, what does she expect the cattle producers of Manitoba to do this winter?

Hon. Rosann Wowchuk (Minister of Agriculture and Food): Well, Mr. Speaker, we have been working since May 20 on this issue. The most important issue that we can work on is

to get the border open, and I was very pleased when there was partial opening of the border and some products started to move. That is what producers want, that is what we need is to get back to a normal situation where animals move across the border.

The member asks for \$20 million. We have done far more than that. We have \$160 million on the table. We have programs in place that flow cash to producers and producers are taking advantage of the programs. I want to commend the MACC staff for the way they are handling those applications so quickly.

Cull Strategy

Mr. Kelvin Goertzen (Steinbach): On Tuesday, the Minister of Agriculture stated she would be meeting with her federal counterpart to develop a national cull strategy. Since the minister will not act to save the industry, since she is unwilling to act to save this industry, is the minister now advocating for a mass burial of cattle in Manitoba, or are there other options such as a food aid program that she is going to be bringing forward to her federal counterpart?

Hon. Rosann Wowchuk (Minister of Agriculture and Food): Everyone knows that in the cattle industry there is a certain percentage of cull. About 10 percent of animals are culled every year. Normally these animals go to the United States for slaughter because our slaughter capacity is not large enough in this province. So, Mr. Speaker, there have been discussions. I wrote to the federal minister over a month ago asking him to put a team together, a national team together to look at how we would have a national cull-cow strategy. That issue has not been addressed. We had no response from the federal minister until last week. Last week we finally got a call from the federal minister saying there is a plan, that we are going to have a meeting to talk about cull cows. This is a very serious issue. It has to be addressed on a national basis.

Mr. Goertzen: The minister now has admitted she is presiding over the burial of the industry, so my question now is for the Minister of Conservation. Has the minister's department provided a report on the environmental impact and which land is now being considered, since there are discussions taking place, if the Minister

of Agriculture moves forward on a burial program because she refuses to save the cattle industry in Manitoba?

Hon. Steve Ashton (Minister of Conservation): Mr. Speaker, as Minister of Conservation I think it is important for the member to recognize we are dealing with a series of difficulties. I think we are all aware in this House of the difficulties facing the families that are involved. We are also dealing with ramifications, as the minister pointed out, of an industry in which every year there is a cull of approximately 10 percent of the cattle, the breeder cows. That is normally done by shipping the cattle to the U.S. for processing. Clearly, again, that is caught up in this difficulty because of the BSE situation which is preventing the shipment of cattle generally. I might add it is also proving to be a problem for cervids, for other animals such as elk. Our Department of Conservation has been working very closely with the Department of Agriculture to look at options, and I think it has to be recognized—

Mr. Speaker: Order.

Dominion Tanners Bankruptcy Government Assistance

Mr. Kevin Lamoureux (Inkster): My question is for the Minister of Industry. Dominion Tanners went into bankruptcy on July 25. Dominion Tanners operated in this province for decades. There were over 50 families that were affected by that bankruptcy. When I met with representatives of the union and workers, I was really disappointed to find out that this Government, a government that claims to be there for the working man, a government that claims to be there for the people, was an absolute farce. This Government was nowhere to be seen.

The question that they posed to me was a very good question. Why would a government get involved with Motor Coach but have absolutely nothing to do with Dominion Tanners when it faces bankruptcy, when dozens of families are told the day before not to bother to come in to work?

Hon. MaryAnn Mihychuk (Minister of Industry, Trade and Mines): There are times

when industries go through phases of bankruptcy and there are certain situations—

Mr. Speaker: Order.

Ms. Mihychuk: The procedure that the department and the Government uses is to work with every situation which is facing crisis. At times there are plans to restructure, to find additional capital to infuse the company. Sometimes it is a situation where the businesses can no longer be competitive and we try to transition the workers into more long-term and successful opportunities.

Mr. Lamoureux: Mr. Speaker, let me ask the minister: When was this Government aware of the problems at Dominion Tanners or was it even aware of it? If it was aware, why did this Government not intervene in any fashion whatsoever? Till this date, they still have not met with the workers. Why has this Government given up on the former workers of Dominion Tanners?

Ms. Mihychuk: Any time that a business is reducing in numbers, the Department of Labour is notified. Various procedures are set up for retraining and opportunities for workers to find other employment. If a company is looking for restructuring or for an infusion of capital or if there is a way for us to facilitate its successful continuation, we will do everything we can as we have for other projects in the province from the North to the Interlake to Winnipeg, as members in this House know.

Mr. Lamoureux: Mr. Speaker, what this Government is proving is that if a Manitoban, whether it is in the cattle industry, whether it is in the manufacturing industry, is having a problem during the summertime, you are out of luck. This Government enjoys its summers and believes that it does not have to do anything.

It is shameful that this Government has done absolutely nothing in terms of retraining programs, approached the workers and provided any assistance for an industry that is relied on for many jobs, many contributions, Mr. Speaker. This Government does not even have the courtesy to meet with the workers, does not even have the courtesy to provide alternatives, does

not even have the courtesy to pick up the phone, do some consultation, find out what it is that this Government might be able to do in terms of assisting in retraining and so forth. I find especially that it is a New Democratic government, and it appals me that they would neglect—

* (14:10)

Mr. Speaker: Order.

Hon. Steve Ashton (Minister of Labour and Immigration): I am not sure how to respond to that; I am not sure if it was a question, Mr. Speaker, other than to indicate that the Department of Labour takes very seriously its responsibilities in terms of workplace adjustment.

I would suggest that if the member is concerned about Dominion Tanners, I would be more than pleased to meet with the member in terms of any of the concerns of the employees. In fact, I would be more than willing to set up a meeting at any time with the department. The labour adjustment process can be very successful.

We take very seriously the situation facing any Manitoban in any area of Manitoba in hardship in the farm sector, in the industrial sector. It is not one plant against another or one sector against another. We are a government for all Manitobans.

Auto Insurance Rates Provincial Comparisons

Ms. Marilyn Brick (St. Norbert): Mr. Speaker, yesterday, the Consumers' Association of Canada released the largest ever independent examination of auto insurance rates across Canada. Could the Minister responsible for MPI please update us to their findings?

Hon. Gord Mackintosh (Minister charged with the administration of The Manitoba Public Insurance Corporation Act): Mr. Speaker, I think it is great that the member chose this issue for her first question in the House. It is my understanding that the Consumers Association of Canada had results that are consistent

with other studies and reports on auto insurance in Canada. It is my understanding that they found that auto insurance rates for comparable benefits were the lowest among those jurisdictions with public insurance schemes, then of those schemes I understand that Manitoba had the lowest rates. In fact, I understand that of all the cities canvassed, Winnipeg had the lowest rates in Canada.

Other studies, I look here at the *Calgary Herald* of August 28, screaming headlines: Alberta auto insurance priciest in West: study. It goes on to say: Rates twice as high as Manitoba. Indeed, public auto insurance and MPI is an important part of the Manitoba—

Mr. Speaker: Order.

Bovine Spongiform Encephalopathy Impact on Families

Mrs. Leanne Rowat (Minnedosa): Mr. Speaker, twice this week I have stood and asked the Minister of Family Services to take a leadership role and to implement a plan within his department to assist the farm families, and his answers have been hollow and flippant. So I once again ask the Minister of Family Services: Now, after 115 days of crisis, will he instruct his department to formulate a plan to help Manitobans?

Hon. Drew Caldwell (Minister of Family Services and Housing): I again thank the Member for Minnedosa for her question. The member is a new member to this Chamber. She may have missed it this summer, Mr. Speaker, when the Premier and I were at the Great Canadian Beef Barbecue Rally in Brandon. I toured an American legislator, an American senator, throughout western Manitoba to eat Manitoba beef, to experience Canadian beef, to take the message back to his colleagues in the United States that Canadian beef, Manitoba beef is world-class, to bring his colleagues in America who, at the end of the day, are the only ones who can make this decision, to take back to his colleagues in the United States that Canadian beef, Manitoba beef is first-rate and the beef produced in western Manitoba is the best in the world.

Mrs. Rowat: Mr. Speaker, during the flood of the century, departments' specific strategies were

formed to meet those needs of the families affected. After 115 days, what is the Minister of Family Services plan and who in the department has he given the leadership role to support the 12 000 families in crisis?

Mr. Caldwell: Well, Mr. Speaker, the member may have missed some of the events of this past summer as a new member, but she certainly should not have missed the events of yesterday where this Government put \$1.5 million of new money into day care centres in Carberry, a centre from the Member for Turtle Mountain (Mr. Tweed); in Neepawa, a centre from the Member for Ste. Rose (Mr. Cummings); in Hamiota, five new centres in rural Manitoba for children, \$1.5 million in new money, meeting a 5000-seat target that this Government set out for itself a year ago.

We are investing in rural Manitoba. We equalized Hydro rates in the last session. We believe in rural Manitoba. We continue to believe in rural Manitoba and will work hard each and every day in support of rural Manitoba.

Mrs. Rowat: Mr. Speaker, the Government is failing these families. He talks about the day cares. I think if you provide the cash advance for the families, they will be able to take the education and the training they need so they can be the workers within these facilities which I understand is also an issue that needs to be addressed. The Family Services Minister is failing these families by not reacting to these needs.

Common sense would imply that a crisis as large as the BSE and drought should require immediate attention. Will the minister today direct his department to get involved, to meet and provide support to the 12 000 families affected by this crisis?

Hon. Dave Chomiak (Minister of Health): Mr. Speaker, I indicated during the course of Estimates this morning, with the Member for Charleswood (Mrs. Driedger) and other members, that there has been an extensive program that is in place. It has been co-ordinated by all departments to provide assistance to families. If the member would check the Hansard reference, there are some references

with respect to the services that are being provided and continue to be provided.

In addition, I might add that we re-put in place the rural and farm stress line as a result of it being removed by the previous government to have a focal point that dealt with particular issues that affect rural families. If the member were to look and check Hansard, she would see that there is some significant reference to the resources that have been put in place. At the same time, we do not want to—

Mr. Speaker: Order.

Time for Oral Questions has expired.

MEMBERS' STATEMENTS

J. R. Simplot Plant (Portage la Prairie)

Mr. Stan Struthers (Dauphin-Roblin): Mr. Speaker, I am pleased to be able to rise and speak about a significant day in the history of J.R. Simplot, the city and rural municipalities of Portage la Prairie, and the province of Manitoba.

In June of 2003 Simplot Canada opened the doors on a new potato processing plant in Portage la Prairie and yesterday, September 10, marked the official opening of that plant.

*(14:20)

The Simplot potato processing plant in Portage la Prairie has made Manitoba home to the most efficient state-of-the-art plant of its kind in the world. Manitoba is now the largest potato processor and largest French fry producer in Canada. Farmers in communities like Portage, Treherne, Winkler, Carberry and Holland have helped us to become the second-largest growers of potatoes in the country, and they are significant suppliers of top-quality product to Simplot.

Initially, there will be 200 jobs at this plant, with that number growing to over 300 jobs within 10 years. Combined with the local spending and spin-off benefits this project has already created, the plant promises to be a tremendous asset to farmers in the area and to the rural economy of the area as well.

Mr. Speaker, the Simplot plant is a project that is economically desirable for the company, the city and the province. The plant's new waste water treatment facility is state of the art and will protect our waterways. It is an example of how communities can collaborate to bring economic development into the communities while protecting the environment.

Mr. Speaker, Simplot is another example of an international company that recognizes the opportunities and believes in the future of this province. Simplot has shown that they believe in the strength and capabilities of our workforce and in the producers we have here.

Mr. Speaker, I would like to thank everyone who has worked so hard to make this plant a reality. Co-operation is necessary in a project of this size. The Joint Management Committee was seamless at making sure small problems did not become big problems, and they deserve special thanks today.

Most importantly, I think that the citizens of Portage la Prairie and surrounding communities should be acknowledged today. It is their hard work that will ensure the future success of not only this plant but of plants in all rural communities. Thank you, Mr. Speaker.

Bison Industry

Mr. Ralph Eichler (Lakeside): The Manitoba bison producers, Mr. Ken Overby and Mark Tronrud of Teulon, have told us that the Manitoba bison industry has been suffering for the past three years. Many producers thought that the market had bottomed out in 2001 with 400-pound bison calves selling for \$100 or 25 cents a pound, but in 2002 these same 400-pound animals sold for lower than \$50 or 12.5 cents per pound. Recovery was happening in 2003, before May 20.

Mr. Speaker, Mr. Overby and Mr. Tronrud also stated by the end of July 2003, the only income from that same animal was to be recovered through the BSE recovery program. That is, Manitoba bison producers were being offered nothing, zero dollars, for delivery of finished bison to Alberta.

The BSE feed assistance program gave producers time to explore other options. That program has now ended. That extension of the BSE feed assistance program is critical of the bison industry. The bison cow-calf sector has no outlet for its 2003 calves, the bison producers who have developed a direct marketing of meat to consumers competing for available slaughter space and grappling with an abundance of cheap meat in the marketplace.

In the short term, an infusion to the bison producers is critical for the following reasons: 1) the finishing sector has no options in marketing their finished animals; 2) the bison cow-calf sector has no outlet for the 2003 calves; and 3) the devastating drought that worsens the crisis.

I ask the Minister of Agriculture (Ms. Wowchuk): What is your plan to protect this important industry?

Thank you, Mr. Speaker.

Matheson Island

Mr. Tom Nevakshonoff (Interlake): Mr. Speaker, it is with great pleasure that I rise in the House today to tell of a very special event which occurred in the Interlake over the August long weekend.

The community of Matheson Island celebrated its 100th birthday with a wide array of events ranging from a variety concert in the newly expanded community centre to the magical closing ceremonies program, which included, Mr. Speaker, the Spirit Sands pow-wow performance.

I would like to commend all the organizers and volunteers who contributed toward the success of this worthy event. Special acknowledgment is owed to Pastor and Mrs. Neill Von Gunten for the monumental effort they put into the creation of the 600-plus page history book of the area entitled *From Paddles to Propellers*.

As well as outlining a number of family histories, the book also describes the cultural and economic development of the area in a series of thoughtful and well-researched chapters. It is a

fitting tribute to the people, both past and present, who make this community unique in our province.

The beauty of the surrounding area on the shore of the great inland sea known as Lake Winnipeg and the hospitality of the people truly make Matheson Island a joy to visit.

In closing, I want to congratulate the inhabitants on a very successful first 100 years and feel confident in saying that the next century will be just as fruitful.

Thank you, Mr. Speaker.

Volunteer Firefighters

Mrs. Leanne Rowat (Minnedosa): Mr. Speaker, today is the anniversary of the September 11 attacks that have touched the lives of millions of people in the United States, Canada and around the world.

In the face of such tragedy, many people took on heroic roles; however, firefighters were the one group that received some well-deserved credit for the importance of their continued contribution to today's society.

Over a year ago, the Manitoba government introduced and passed legislation that addressed some of the long-term risks associated with the profession of firefighting. They made it easier for firefighters to file claims for compensation when they contracted certain diseases such as bladder or kidney cancer, non-Hodgkin's lymphoma or leukemia. These are diseases that have been found to have a connection to the dangers of firefighting.

Now the fact that the Government chose to move this way is commendable; however, they made an important error when introducing this legislation. They chose to exclude the volunteer firefighters. As the wife of a volunteer firefighter, I know only too well about the feeling when the alarm goes off in the middle of the night and my husband is out the door, putting himself at risk for the assistance of others in need. I know that he and the others like him are putting themselves into danger, but I also know

that firefighting is a noble endeavour and that he is serving his community.

We need to recognize the value of our volunteer firefighters and their contributions by providing compensation, access to all of them, equal to that of full-time firefighters. The risks are the same. The Government's assistance to our volunteer firefighters needs to be the same as well.

Archaeological Dig (Selkirk)

Mr. Doug Martindale (Burrows): Mr. Speaker, I rise today to draw your attention to an exciting endeavour near Selkirk which I had the pleasure of participating in this past July and August.

Throughout the summer, a team of archaeologists, graduate students and volunteers participated in a public archaeology dig on the grounds of the Selkirk Healing Centre, unearthing objects that tell fascinating stories about Manitoba.

Archaeology is an important tool for public education. It allows us to see into the past and gives us a better understanding of history and pre-history, especially the history of Aboriginal peoples in Manitoba.

The dig is close to St. Peter's rectory which was built in 1865 by an Anglican missionary. The rectory remains on the site designated a provincial heritage building. It was subsequently used as a hospital and school so that artifacts from the last 200 years were the first recovered.

The dig has also revealed three levels of Aboriginal occupation going back approximately a thousand years. Artifacts identified at the site included arrowheads and stone knives, skeletal fish remains, modified bird, beaver and bison bones, ceramic shards, and flint sidescrapers. Buttons and bobby pins have also been found. Each of these findings provides a wealth of information about the way Manitobans lived in the past, and the lead archaeologist has called the site incredible.

In addition to professional archaeologists, 87 volunteers, including me, participated in this dig, making it a wonderful public education

opportunity. Archaeological digs such as this yield insights into Manitoba's history and reveal our province's rich heritage. They are a key to the promotion of a proud and vibrant population.

The healing site dig is being sponsored by the Manitoba Archaeological Society and is partly funded by a provincial Heritage Grant. I want to thank the Minister of Culture and Heritage for this grant and especially for taking time to visit the site.

I would like to extend my sincere appreciation to the staff of the Selkirk Healing Centre for their hospitality, their interest and their participation in this dig. They were incredibly supportive and helpful in a variety of ways. It is hoped that there will be a grant forthcoming next year so that this site can be explored further.

Mr. Speaker: Order. Does the honourable member have leave to continue? *[Agreed]*

Mr. Martindale: It is hoped there will be a grant forthcoming next year so that this site can be explored further and that even more Manitobans can participate in this exciting adventure.

ORDERS OF THE DAY
GOVERNMENT BUSINESS
COMMITTEE OF SUPPLY
(Concurrent Sections)
HEALTH

* (14:40)

The Acting Chairperson (Marilyn Brick): Will the Committee of Supply please come to order. This section of the Committee of Supply meeting in Room 254 will resume consideration of the Estimates for the Department of Health. As has been previously agreed, questioning for this department will follow in a global manner. This floor is now open for questions.

Mr. Peter Dyck (Pembina): I have several questions, but I would like to start off with on Boundary Trails. Of course, first of all, I need to say a few good things about the Boundary Trails, the health facility that we have there and we are very proud of it. It is an excellent facility and,

obviously, being utilized by not only the community, but also from other areas of the province. Certainly, we welcome that.

My question to the minister, and I did talk to him about that briefly this morning, but just for the record. There are two positions that I know the group who are running the facility are somewhat concerned about: that is the pastoral position, the funding for that, and also the palliative care.

I am just wondering if the minister realized this would be through the Central Manitoba RHA, but whether he has had some discussions on that. Just to add to that, I know that there are other areas in the province who do have opportunity for funding for those positions, but I am just wondering where the minister is at specific to Boundary Trails.

Hon. Dave Chomiak (Minister of Health): I thank the member for the question. We did have a brief discussion this morning. Palliative care is one of the areas that we have put some priority on with respect to the department and have funded co-ordinators in each region with respect to palliative care. I will check into a little more detail in terms of the funding with respect to Central.

With respect to pastoral and spiritual care, it has been a commitment of the Government, and I think a recognition of all health care providers, that it is an important component of the health care continuum. To that end I have recently written to all the CEOs of the regions indicating that, in fact, we recognize it as an important component. There are various proposals before government from a number of RHAs with respect to the funding in this area. We are having ongoing discussions. I will endeavour to get back to the member on the specifics of that.

Mr. Dyck: I appreciate the answer. Just to add to that, I think there has, certainly through studies, been a correlation between the spiritual help that those who are in care can benefit by as well, not only the physical care, so I am pleased to hear that you are looking at that. I guess I would just urge the minister and through his department that the sooner we could get some assistance in that area, the better it would be for us.

The other question I have is regarding Tabor Home. Of course, this is a personal care home in Morden. I know that previous to the election in '99 we had made a commitment that we would be expanding that facility. Just to give a little background, I know I have presented this to the minister previously, but Morden, Winkler, that area is a retirement area, although the demographics would indicate certainly that there are lot of young people as well. But with that we do have challenges and stresses put on to the personal care facilities, so I know that a part of the reason, and this was following I guess 2000-2001, part of the reason was that the community, although we thought they were ready for the expanded facility, they needed to do the acquisition of some property. Consequently, that is in place.

I would ask the minister what the plans are for capital expansion, and not only expansion, I believe the department has come up through their studies and found out that, basically, it is a 55-year-old facility and does need to be replaced. I would just like to know where you are specific to Tabor Home.

Mr. Chomiak: Madam Chairperson, two points—rather three points. Firstly, I do not think it has changed significantly in terms of actual development since our last discussion Estimates in this regard. Secondly, we did have an extensive discussion as I recall, the last Estimates or the Estimates before, with regard to supportive housing as well. Thirdly, we have not finalized our capital plan yet so I do not have the specifics for the member. We will have more specifics when the capital plan is finalized.

Mr. Dyck: I guess I would just follow that up with a question, and that is, does the minister, through his department—do they believe that there is an urgent need to look at that facility and to do something about it? I mean, as I have indicated, the demographics and, again, the waiting list is long. We do have a large retirement segment out there and so we do need to find spots for them.

What is happening right now is, I think as we speak today—I do not have the numbers, but I know that many of them need to remain at Boundary Trails until they can find a spot. I

think you would agree that that is not the best place for them to be when, in fact, they should be in a personal care home. Also, it is much more costly if they are within the health facility.

Mr. Chomiak: Madam Chairperson, I would agree with that proposition. We are reviewing the capital requirements in the region with the region and it is not finalized at this point. We are aware of the issues related to both population demographics and needs in the area.

Mr. Dyck: Would the minister be able to indicate when that capital plan will be finalized?

Mr. Chomiak: I cannot give the member a date at this point. I am hoping to be in a position to do so this fall.

Mr. Dyck: The other area I would like to just ask a question on is regarding Manitou. Right now, they do have a doctor out there, but basically one doctor, and I know that if there is any—I should not use the word respite care for him, but he needs to have a break as well. So I know that the other doctors come in from Morden, Winkler area and do give him a break. I am just wondering, what is the long-term plan for Manitou? How do you see that? I know the combination right now is one of care, hospital personal care, everything in it, so where do you see it going?

Mr. Chomiak: Madam Chairperson, in general, we have and we will try to maintain the practices. We are finding, across the entire system, as we evolve the system, that larger practices seem to be the norm and seem to be the recommendation in terms of retention of physicians.

If there is anything that we have learned over the past decade—and what physicians have told us— it is that it is very difficult to deal in single or marginal practices where they cannot have access to respite, they cannot have access advanced education, they cannot have assistance, et cetera. The challenge, I think, is to maintain the medical practices and to enlarge medical practices to provide assistance in those communities that only have one or two doctor practices. That has been the intent and the goal.

The specific issue of Manitou, I will have to get back to the member, specifically, on Manitou.

Mr. Dyck: I do appreciate that. I know that the community is asking long term what the plan is. I know also that this past summer, their doctor needed to go on holidays and so someone else did fill in. But it is an ongoing problem, so I appreciate that.

I will turn it over to my colleague, the Member for Charleswood.

Mrs. Myrna Driedger (Charleswood): I lost my mike.

In the board minutes of the central region, there is one statement related to supportive housing. I will just read the statement and ask for the minister's position on this.

Ms. Roth pointed out that the Government direction is not to have more personal care home beds. However, the region is faced with waiting lists.

Could the minister please give us his position on whether or not he has decided that we do not need any more personal care home beds, that there is a halt put on any more development in that area and then how these waiting lists are to be managed?

Mr. Chomiak: Madam Chairperson, there is not a government halt on personal care home beds. That has never been government policy. We continue to examine the role and function across the province. There are areas of the province where there is additional capacity required. There are areas of the province where a need has been identified for supportive housing. There are areas of the province where it appears that there is adequate on a per capita basis, perhaps excessive, capacity. But there has been no directive with respect to no personal care home beds from the Government.

Mr. Dyck: I would just like to elaborate on that. It is absolutely accurate. Gail Roth is the CEO, as you are aware of, of Salem personal care home in the city of Winkler. She is struggling with the same challenges of what you do with people who have been panelled, are waiting to get into a personal care home, so what do you do?

So this is a real situation. I know in attending their annual meeting, this was a

concern that was brought forward. Again, I come back and, I guess, would indicate that Morden-Winkler, one of the fastest growing rural communities in Manitoba, is experiencing this on an ongoing basis. We do need to supply and provide the needed facilities for them.

I guess I would just urge the minister to move on this, whether it be Tabor in Morden or the city of Winkler. Right now, I would say that Tabor in Morden is the one that needs to really be looked at, which would help to resolve some of that problem that we are experiencing at Salem.

Mr. Chomiak: Madam Chairperson, I thank the member for that advice.

Mrs. Driedger: In reading out the statement that is written in the board minutes of the Central Manitoba Regional Health Authority. The minister has indicated that that is not his policy, not to have more personal care home beds, despite the fact that the statement says Ms. Roth pointed out that the Government direction is not to have more personal care home beds.

Is he then indicating that this statement is incorrect?

Mr. Chomiak: Madam Chairperson, in fact, from the Central region, one of their top priorities to Government in their submission has been the need for personal care home beds and/or supportive housing.

* (14:50)

Mr. Dyck: I guess I just need to follow up on that. Again coming back to these minutes, I hear some conflicting remarks here. I am not sure, can I go back and indicate to them that certainly we are aggressively looking at expanding the beds that will be available for personal care or has there been a freeze put on it, as the minutes would indicate in our region?

Mr. Chomiak: No, there is no freeze on.

Mrs. Driedger: Can the minister indicate, just a couple of questions on Pharmacare right now, in the 2002 Budget, Pharmacare deductible was increased by \$1 to \$5 per month. Can the

minister tell us if he has since increased that deductible?

Mr. Chomiak: There have been two increases to the Pharmacare deductible in July 1, 2002, and July 1, 2003, and both of those increases were outlined and indicated in the Budget.

Mrs. Driedger: Is the minister referencing they were outlined in the 2002 Budget?

Mr. Chomiak: They were outlined in the 2002 and the 2003 Budget, if memory serves me correctly.

Mrs. Driedger: Sorry. I am not trying to be nitpicky here. As I was not the critic at that point in time I was not aware. Is the minister saying that the deductible increased in the 2002 Budget and then again there was another incremental increase in the 2003 Budget?

Mr. Chomiak: That is correct.

Mrs. Driedger: The information I have is it was raised a dollar to \$5 in 2002, per month. Can the minister just tell me what the raise was for 2003?

Mr. Chomiak: It is actually a formula. The amount that the member is referencing is our calculation of an average impact increase on the deductible. It actually was pursuant to the income rated formula that was put in place in the mid-nineties. I will get that. Because it deals with decimal numbers and I do not want to get it inaccurate, I will get a note to the member on that.

Mrs. Driedger: One other question not related to Pharmacare deductible and then I am going to turn it over to my colleague from Portage la Prairie. Just when we were talking about personal care homes, the tower at Misericordia that had once been in the plans for the development of a personal care centre, is that now put on hold, on a back burner, totally rejected? Where is that issue at?

Mr. Chomiak: That is still subject to discussions.

Mrs. Driedger: Is there any priority to look at that, considering the age of the Misericordia

Health Centre? Some of the parts of that building are quite depressing and, at one point, I do not know if it is still true, there were some concerns about fire code, whether or not we were actually meeting fire code. With all the elderly people in there I have some concern about it.

If he says it is still being deliberated, is there any sense of priority for it?

Mr. Chomiak: I think that is a valid point made by the member and a valid concern.

With some of the relocation occurring as a result of the movement of total cardiac surgery from Health Sciences Centre to St. Boniface Hospital and some of the movement such as orthopedics from St. Boniface Hospital to Concordia Hospital, there is going to be some movement within the Winnipeg system. We are just looking at the reconfiguration as to how to best manage that. There will be some developments in those areas because some of it is a ripple effect and an effect around the entire system. We are in the process of doing that right now.

Mr. David Faurshou (Portage la Prairie): I would like to ask the minister, in regard to the vested interest that Health has in the development of skills for persons to be employed in the health care field, the previous administration through the Health Department made the decision to support nurses' training with health dollars and specifically the licensed practical nursing program. I would like an update as to whether or not the minister is continuing to support that particular position to making health care dollars available for the development of skills for health care workers.

Mr. Chomiak: Again, I will get the specific numbers back to the member. We have not only continued the LPN program, but we have enhanced the LPN program, offering it in a variety of sites, particularly to Assiniboine and in some very diverse locales, and we are going to continue that process. One of the other issues, we have also put in some additional resources for, the word is "articulation" between LPNs and the RN program, and additional resources are provided in that regard. Finally, we have

continued to work with the MALPN with respect to targeting LPNs into full utilization of their skills. I will get numbers back to the member in that regard.

Mr. Faurchou: I do want to be very specific in my question. I just want to make certain that the minister, and through the Department of Health which he is responsible for, is going to continue and plans to continue the support for this type of access to training throughout rural Manitoba.

Mr. Chomiak: Yes, no doubt.

Mr. Faurchou: There is at the present time specific courses to LPN training that are available through Assiniboine College that have been exclusive to the Aboriginal communities of our province. Is there any involvement support-wise from the department to those training programs?

Mr. Chomiak: Is the member asking whether or not we financially support? We support it through COPSE which in turn provides funding to the community college and so it is indirect in that regard. But most of the nurse training programs are funded through post-secondary education as opposed to Health for the most part. In terms of the specifics, I will have to get back to the member on that.

Mr. Faurchou: I appreciate the minister's response, and it is important that he have access to that information. The follow-up question I have to that is one of grave concern to not only myself but to others who have observed the LPN training program which is exclusive to First Nations peoples, that has been offered out of Portage La Prairie, Southport location, over the past, I believe it is about 17 months because there was an element of upgrading that required individuals in order to get their skills to par with the entry examination on mathematics, English and other courses. There was in excess of 30 persons that entered into that some 17 months ago, and currently there are only 3, I repeat 3, individuals who are still within the program and we are still a month away from graduation of that particular program.

It would be very important to see whether or not, if we are investing as a province through

COPSE, this success rate that is not in keeping with the demands on our tax dollars if a total program is run, and we only now have three potential graduates. In addition to that, there is a significant waiting list not only at Red River for the RN diploma program, but also at Assiniboine College for the LPN program, and to make a program exclusive to First Nations persons and to have all the investment that goes into an offering of this type of a course and to have that level of success rate, I think the minister should be gravely concerned.

Mr. Chomiak: Yes, thank you, Madam Chairperson. Of course, our biggest deficiency in terms of providing resources to the people of Manitoba is in First Nations communities. It is First Nations who have not had the access to the programs or the training and who suffer from the poorest health conditions of anywhere in the western world in some cases. It is incumbent upon us to direct resources to First Nations in order to allow them to come even close to the standards that a lot of us have been able to achieve across other parts of Manitoba.

Mr. Faurchou: Well, no one is denying the needs and no one is denying the importance that one should have access to programming regardless of geographic or related race, but it is vitally important for the success rate to have persons prepared for the demands of this type of training. Obviously, the Government has failed miserably in preparing individuals for this type of training program. To have only three persons remaining in the program out of more than thirty, and I hesitate and I believe it was around 38 individuals started out on this some 17 months ago and we only have three left. Obviously, there is a significant deficiency in the programs in preparing individuals for the rigours of the training program.

Having said that, I do want to ask the minister in regard to the seamless transition from health care aid through to LPN through to RN diploma to RN baccalaureate that was promised by the Premier more than three years ago, what is the status of that?

* (15:00)

Mr. Chomiak: I am just going to ask that we bring another official here to deal with some of

the specific questions in this area, so either the member can pose the questions and I will answer later, or if the member wants to be available in a little while, I can get back to some of the specifics in terms of the articulation of the programs.

Mr. Faurschou: Just to conclude this line of questioning, it is also a concern which has been expressed in past opportunities by myself about the individuals that reside in the rural that have packed their bags to come to Winnipeg or to Brandon for the RN training programs, that the bags are already packed and once graduation does come around those bags, as I say, are packed and they can go anywhere to apply their new-found expertise, whereby rural residents, if they have the opportunity to train in the rural, will in significant numbers apply their new expertise right at home.

While you mentioned earlier that there is still an ongoing effort, I am looking to have a little more specific as to the commitment to see the RN training program at locales in and about rural Manitoba as now LPN is available.

Mr. Chomiak: Madam Chairperson, we are in active discussions with at least one region with respect to offering the RN program in rural Manitoba subject to discussions with various groups and organizations. There is at least one active proposal on the table as we speak.

Mrs. Driedger: Madam Chairperson, in my opening comments I had indicated and passed on compliments to our public health officials for their handling of a lot of these public health issues that have come upon us, with the fears of SARS, concerns over water issues and West Nile virus, and indicate again that the challenges that they have faced have been immense this year, and I am sure the stresses have been there along with them.

I would like to ask the minister his views on the need for a rapid response system to public health crises in Canada and where Manitoba might be positioned in terms of getting what we might refer to as the centre of disease control or something like that.

Mr. Chomiak: Madam Chairperson, I thank the member for those comments, and I will

endeavour, in fact I will ensure that they are passed on. I think it will be appreciated by officials.

With respect to the issue of CDC North, the Naylor report, all the Health ministers attended a conference in Halifax a week ago and we were given a précis of the Naylor report which is a series of recommendations with respect to dealing with public health issues across the country. We were not given the actual report because the report we were told would not be finalized for a week or 10 days and then would be presented to the federal Minister of Health.

In short, Naylor recommended the establishment of a chief medical officer of health in Canada. He also asked for expanded lab capacity across the country and an agency, probably an arm's-length agency from Government, that would be similar to but not necessarily like the Center for Disease Control in Atlanta. He roughly left it at that. And he asked for enhanced lab capacity.

* (15:10)

It was then left for all of us to speculate and, indeed, all of the jurisdictions to participate in suggesting that the various locations and locales that we have should be considered as the CDC of the North. It just seems obvious to Manitoba, since we have the only level 4 virology lab and we have the expertise and the potential here, that this logically should be the site of a CDC of the North. We have made our position very clear to both the federal Minister of Health and the Prime Minister. So that is the summation. We are obviously in support, now, having said that, I have said publicly that SARS was a wake-up call for the entire public health care system because what went on in Ontario was a learning experience that all of us have learned from. It is very clear to me, and I have said publicly that we need a far better co-ordination at the national level with respect to matters of public health, particularly virulent or highly infectious diseases, and that we need far better co-ordination. So we are very supportive of a national approach. We are obviously pushing for Manitoba to be the—not only has Manitoba got the virology lab here that is in conjunction with the animal veterinary lab, but we have

demonstrated leadership capacity in our Public Health Department for protocols and for national standards with respect to public health.

The long and the short of it is we need a national strategy. Manitoba is supportive of the national strategy. We think that perhaps we would be the best situated to be in fact the locale for that. But then when you get to the federal-provincial table there are various competing jurisdictions with various competing agendas concerning how it should be allocated.

Mrs. Driedger: I appreciate hearing those comments from the minister along with the commitment from him to press for something like this in Manitoba. I think it does make sense if it was here.

I would like to now move into another subject, on eating disorders. I am sure the minister has been hearing from people involved in and those that have concerns with this issue. They are also indicating that there are 11 000 Manitoba women affected by this issue, which is really quite staggering. It is probably one of those areas that has not been out in the open and discussed in any great detail and maybe has never had the attention brought to it. More recently I know we started. I had a particular interest in it, and I know, prior to 1999, I had spent some time talking to people in psych health trying to see if there was a way to move this area forward. I had been doing that with the blessings of the Minister of Health at the time, who asked me to go ahead and start to begin some talks on it.

I was glad to see some of the things that this minister put in place to deal with it. Can the minister verify if there are indeed 11 000 Manitoba women affected by this and what priority he has given to strengthening the service around eating disorders?

Mr. Chomiak: I thank the member for those comments. In fact, we did have occasion to open the eating disorder clinic through MATC and have had ongoing work, both with the organizations and with various individuals in this regard. I also undertook to commit to two individuals involved that we would provide additional resources to deal with this area.

We provided funding to Klinik Community Health Centre Teen Talk to develop and present a workshop on body image and self-esteem to schools throughout the year. The Mental Health Education Resource Centre that has been put in place has an extensive collection of information in this regard.

We also have worked with child and adolescent and adult mental health programs, trying to deal with a process for dealing with eating and eating disorders, counselling, et cetera. I think the two fundamental issues in this area are, firstly, how one deals with these matters post-age 18, if I can put it, as an adult, and the second issue is whether or not the community-based program that we have, in effect, is reaching out and provides enough resources and services to a broad spectrum of individuals.

We have also hired a staff person responsible for child and adolescent mental health. Early intervention on eating disorders is the top priority of that individual that has been hired to try to bring this together.

Mrs. Driedger: Are the numbers of 11 000 Manitoba women affected by this in the ballpark of what we actually know to be true?

Mr. Chomiak: I think the extrapolation of that data, I have seen those particular numbers. I do know that on the continuum of eating disorders, it is a broader spectrum than the average person actually realizes, and it crosses a broader spectrum of individuals. I will just check our own statistics in this regard.

Mrs. Driedger: Can the minister indicate: Will he be getting back to me with those numbers? Is that what he intends to do?

Mr. Chomiak: I will get back to the member with those numbers. I want to assure the member that we have undertaken to put additional attention and resources into this area to address the issues that we talked about. We have had some success in terms of the Klinik, and we have to have enhanced programming to recognize some of the difficulties in this area. At the same time, it is like a whole series of issues that we have identified in the entire mental health

spectrum that require additional attention and resources.

Mrs. Driedger: Is there a vision here in Manitoba to create a program here like the Bridgepoint eating disorder treatment centre in Saskatchewan?

Mr. Chomiak: We have had officials look at the Bridgepoint centre in Saskatchewan. We are looking at the various options and literature because there are different programs in western Canada and in eastern Canada. This is one of those areas where there is no definitive data that can suggest one way or another in terms of treatment. There is a spectrum of treatment that has various success and failure rates. We have examined the various options including Bridgepoint in Saskatchewan.

Mrs. Driedger: Given that the minister has, on several occasions, applauded the strides that were made by our government in early 1990 in the provision of mental health services, can the minister tell us what he feels are the most pressing areas facing mental health care in Manitoba today?

Mr. Chomiak: There are specific issues and there are broad, general, overall issues. The issue of stigmatization remains a huge challenge to be dealt with in terms of mental health. Clearly, the issue of housing has been identified as one of the No. 1 priorities amongst all organizations, both in the mental health field and the community in general. Co-ordination of services and access to services remain a challenge.

There are specific issues with respect to health. Most notably, how do we deal with issues of psychogeriatric patients around the province and, in particular, the psychogeriatric patients at Selkirk Mental Health Centre that are living in quite substandard, not appropriate, conditions? The emerging trends of early dementia and brain-acquired injury that have now impacted us in ways that I do not think were foreseen even a decade ago. That, in addition to the fact that early intervention at all levels clearly can go a long way to resolving these issues. The overall vision statement and plan that we put out continues to be the guiding factor in our mental health development

program, but some of those points that I made earlier are particularly pressing issues that face us.

Mrs. Driedger: What are the minister's plans for the Selkirk Mental Health facility? I think he has indicated that it is a very antiquated old building. He has indicated on a number of occasions that he would like to have a new one. Where is that in the spectrum of capital projects?

Mr. Chomiak: It is in our capital plan. We intend to redevelop it. The exact sequencing and the exact development are still being worked on. Suffice to say that the two largest time-expired kind of facilities, the Health Sciences Centre and the Brandon General Hospital, are both relatively time-expired as major institutions. Regions have been redeveloped, and Selkirk is in that same category of requiring re-development.

* (15:20)

Mrs. Driedger: Has the minister given any consideration to creating the position of a mental health advocate?

Mr. Chomiak: I noted the suggestion of a mental health advocate was made. There has been some consideration to that particular role and responsibility. At this point I think, in a policy sense, we are not and I do not believe we will be in a position to announce a mental health advocate. I think our activities in the mental health field have been directed toward a whole series of other measures and activities. While I have considered it over a period of time, I do not think it is in the immediate term.

Mrs. Driedger: Can the minister indicate to us why some patients might be having a hard time accessing a psychiatrist?

There is a woman out in the core area of Winnipeg right now, has moved here from Ontario. She has a number of fairly serious mental health issues. She is a schizophrenic as well and needs a medication change. Because she is new to Manitoba she has not been able to find a psychiatrist, and I understand is suicidal as well. She cannot get a psychiatrist here, according to this community health advocate

who has brought this woman's issue to my attention.

Do we have a shortage of psychiatrists here? This woman has been in emergencies. If they do not have room in hospital, she has been sent into the community. The community does not always have the resources they need for her. I guess I am seeking the minister's help to see what we can do for this lady.

Mr. Chomiak: This is always a very particularly difficult issue. If the member could get the facts to my staff, we will do a follow-up. Offhand, we do have the clinic at Health Sciences Centre and we do have possibilities in our PACT program that do tend to deal with more acute cases.

Having said that, I do know how difficult it is in the system for some individuals in a variety of circumstances to access it. If the member could give me the name and circumstances I will have our staff follow-up on that particular individual.

Mrs. Driedger: I thank the minister for that undertaking and I will do that. Further to that, do we have a shortage of psychiatrists? Is that one of the areas there is a problem in?

Mr. Chomiak: There is always difficulty in terms of psychiatry. I suppose one can never have enough, probably. It is not an area that has been identified acutely as an area that we are actively requiring recruitment in, as in some other specialties. Having said that, I think the rate of psychiatrists in Manitoba has been relatively stable over the last few years.

Mrs. Driedger: Can the minister tell me what is happening with the Salvation Army mental health programs that I understand are being now given over to the Winnipeg Regional Health Authority. Will the locations change, the staffing change? How is that being managed?

Mr. Chomiak: There are several programs that are offered by Sally Ann. There is a mobile crisis centre, mobile crisis teams. There is also the stabilization unit.

The plan is to not have any loss of jobs or positions and in fact to enhance and expand the

program by moulding it into the program at the WRHA. It is our intention not to lose any jobs or positions. In fact, it is our intention to expand some of the stabilization beds that we have in the system.

Mrs. Driedger: On to another topic of urinary incontinence in women and the TVT surgical procedure. Is there any commitment in this province to look at this procedure as a gold standard for treating women with urinary incontinence, or is there going to be a maintenance of the other more invasive type of surgery? It has been treated in Alberta where I understand they performed a clinical and economic evaluation of TVT and they found that it is appropriate for 60 percent of women with urinary incontinence. As it can be done as a day surgery, the costs of it are less than what the old surgery costs would be, O.R. time is less, recovery time is less. Alberta apparently is following Britain, Sweden, France and several other countries in setting TVT as the gold standard for stress incontinence.

What Jan Currie at the Winnipeg Regional Health Authority has said basically was confirming that the relatively restrictive criteria and restrictive numbers from last year would stay in place for this year unless a review took place. Is there going to be a review? If the review is complimentary, will this become a gold standard in Manitoba and will it be then offered to more women?

*(15:30)

Mr. Chomiak: Of course, there are several programs offered in Manitoba that are gold standard. They are not offered in Alberta, I might add. Most notably, one just looks at our palliative care program, for example, our Pharmacare program, that are gold standard exceptional to Alberta.

The member is referencing, I think, an article by Linda West on the editorial page with respect to the TVT tape. I can indicate that it is being reviewed by the WRHA and the Women's Health team. It is a new technology that we are reviewing in regard to its long-term benefits. There will be movement in this area. We are presently looking at each individual case on a case-by-case basis.

The Acting Chairperson (Marilyn Brick): Is it the will of the committee to recess for five minutes? No recess.

Mrs. Driedger: I would like to find out where the Deloitte & Touche report is. That report had been done for \$700,000, the external review. What aspects of that report are being acted upon and how aggressively are some of those recommendations being dealt with?

Mr. Chomiak: The Deloitte & Touche review which was put in place by the WRHA and participating facilities is under review and is still being developed with participant groups and identification of projects and initiatives. I might add that the focus of the review is aimed at achieving best practices and it is still under discussion with respect to prioritizing and implementation.

Mrs. Driedger: The report identified unnecessarily long hospital stays. Has the minister found a way to address that issue?

Mr. Chomiak: It identified a whole series of initiatives across the entire health care system with respect to practice in comparison in benchmark standards both in Winnipeg and in other jurisdictions. It is clearly in the interests of all Manitobans that we try to identify best practices as soon as possible. Hence, there has been more activity towards day surgeries, et cetera. The actual implementation is still under discussion.

Mrs. Driedger: A closure of obstetrics at Victoria was recommended. The minister is on record as saying that this will not be done. Is that still his position?

Mr. Chomiak: There are numerous recommendations, dozens and dozens of recommendations contained in Deloitte & Touche. I am looking for the direction and some of the advice with respect to the regions and separate facilities with respect to prioritization of implementation. It has been our policy that we wish to maintain a community option outside of the tertiary care option with respect to obstetrics.

Mrs. Driedger: The report also called for the layoff of some health care staff, including about

180 nursing staff or nursing division staff. Before the minister does get a little sensitive about that, that is nurses and health care aides. Is the minister following through on that particular recommendation or are they finding another way around that?

Mr. Chomiak: The report targeted a whole series of areas where there was a need for additional staff and a whole series of areas where they talked about a need for where there were standards and levels of staff that were beyond other standards. We think that we can accommodate within the system, a reconfigured system, depending upon what recommendations come back from the implementation groups and organizations.

Mrs. Driedger: Although the report, this was not a rejigging of staff, actually had indicated a layoff because, I believe, if I recall correctly, they felt that the system could do without that many staff. I appreciate there are vacancies and so these people could obviously then apply to other jobs. It was actually getting rid of 180 positions within the nursing division. Is he indicating that that is a valid recommendation or is he not in support of it?

Mr. Chomiak: This is a report that was recommendations made to the WRHA and those recommendations have not been made to Manitoba Health. Let me point out to the member that as we go through the part-time, full-time exercise that we are engaged in, there will be various different configurations that are going to occur across the system. In a system that has significant vacancies, I think that we can accommodate those changes within the system.

Mrs. Driedger: A study came out recently which I think was an incredible wake-up call in health care. It identifies that up to 12 000 people may die every year because as many as 80 percent of hospitals across Canada are not doing enough to prevent patients from getting hospital infections, and that was a study that was put out by Queen's University researchers. They basically said we need to make our hospitals safer than they are and our hospitals are not safe enough. They are indicating that we can have a quarter million people in this country that actually experience hospital-acquired infections

and that 8000 to 12 000 people could die. Extrapolating that into Manitoba could certainly be hundreds.

Can I ask the minister what his department is doing to further look into this to find out where we sit in terms of Manitoba's position and whether or not any Manitoba hospitals were involved in this particular study?

Mr. Chomiak: I believe, and I stand to be corrected, that some centres did participate in this study. I will confirm that. I have also directed the WRHA to undertake a review of both the study and our practices to ensure that we are taking advantage of the recommendations in that study.

Mrs. Driedger: I just want to indicate to the minister that there is a man right now, and his office has been made aware of it, a man who is in Grace Hospital. He has been there with a hospital-acquired infection for, it is now over ten months. Each time, as they are testing him to see whether or not he could end up going to Deer Lodge—there is a requirement for five separate weeks of being free of the infection, he ends up two or three weeks free and then gets it again. Here we have a situation where he is in strict isolation because of the particular illness, which is very costly to the system, very challenging for the wife to have to be in there gowning up all the time. This gentleman was quite sick, and this is very, very hard on the family.

I believe the minister's office might have been speaking to the WRHA and there was a commitment to look into this particular case a little bit further. I do appreciate that. I have some real concerns that this man has had this for so, so very long, and it concerns me because of the many challenges it creates for the family. I appreciate that the minister is certainly addressing this issue as he is.

Mr. Chomiak: We will get back to the member on this specific case. I am familiar with it, and it is particularly difficult. I will leave it at that.

Mrs. Driedger: With hospital-acquired infections, there was also an instance in the T-3 nursery at Women's Hospital where the nurses were quite concerned about some of the things

that were happening there. There was a closure of a nursery. I guess what they were doing is moving to rooming-in, so they closed the nursery. What ended up happening after they closed the nursery is that as the moms were busy and out and about or in the shower or there was something going on, the babies, in their bassinets, were left at the nursing station, apparently not far enough apart, according to infection control standards. The nurses were very, very concerned about the infection problems that could be posed to the children. Also, the children were not being kept four feet away from trash and linen receptacles. Some of these problems have since been resolved there, but they had been told that the reason the nursery closed, the T-3 nursery, was because of the \$7-million anticipated deficit that the Health Sciences Centre is facing.

It created a lot of concerns regarding patient safety, whether it was mom safety or baby safety, but particularly baby safety. Infection control was just part of it. I understand that some of that has been resolved because of the advocacy of the nurses on the ward who then got the attention of management and that babies are no longer left at the desk although, apparently, the moms are having to take the babies into the shower with them, which creates a whole other, I think, concern if a mom cannot be watching that baby all the time or know exactly what is going on, on the other side of the curtain.

Those kinds of things are happening out there in terms of infection control with these babies being so vulnerable. This is a high-risk ward. This is not a normal nursery; it is more high risk. I did have some infection control concerns.

Is the minister aware of whether all of those problems on that nursery have been dealt with at this point?

* (15:40)

Mr. Chomiak: I will get back to the member on those specifics.

Mrs. Driedger: Can the minister tell me whether or not our environmental health inspectors are under the Environment Department or under Manitoba Health?

Mr. Chomiak: Environment.

Mrs. Driedger: Have there been any discussions in his Government as to whether or not it might be more appropriate to have health inspectors under the Department of Health versus Environment, considering the number of things that are starting to happen out there related to public health, water issues, perhaps food issues? Have there been any discussions started as to whether or not it might be more appropriate for those health inspectors to come under his watch?

Mr. Chomiak: Yes, there has been discussion in this regard. I anticipate that there will be when we bring down the new Public Health Act. I think things will be clearer at that point.

Mrs. Driedger: Can the minister tell me where physician profiles might be at in terms of their development and introduction?

Mr. Chomiak: I believe we are receiving a report from the committee very shortly with respect to developments in this regard. The multi-stakeholder group that is looking at physician profiles with direction to us.

Mrs. Driedger: I would like to talk a little bit about health care mistakes or medical errors however it is being labelled. I ask the minister what kind of discussions have been happening in his department and nationally, I guess, because there has been some national discussion around this issue on how to address this issue. It is certainly, I think, becoming more serious. It has always been a serious issue. I think people are certainly maybe starting to pay much more attention to addressing it. I wonder if the minister could just fill us in on where this might all be at.

Mr. Chomiak: In fact, the item came up at the Health ministers' conference in Halifax last week and there was a resolve by all jurisdictions to follow the recommendations of the committee that had made recommendations a year ago, of whom one of the co-chairs was Dr. John Wade, former deputy minister in Manitoba, now still at the university and still active in a number of areas.

The federal government committed \$10 million to a patient safety centre that is supposed

to be enacted before the end of the year. Manitoba has made a claim for consideration that the patient safety centre ought to be located here in Manitoba, for a number of reasons: Firstly because of the recommendations arising out of the Thomas-Sinclair report and some of the developments that have taken place in Manitoba, most notably the series of co-ordinated conferences that we have put in place amongst all of the medical and professional groups to enhance patient safety. We have brought in some of the world-renowned authorities in this regard in order to put in place some of this data and some of the development that is occurring. Probably the two lead jurisdictions in this area have been Alberta and Manitoba with respect to follow-up.

The third or fourth round of our conferences is taking place in October where we are bringing together all the groups again for a major conference and initiative on patient safety. I can get the proceedings to the member of the preceding conferences if the member is interested, because there has been significant progress made in this area.

At the national level, we are all committed as all health ministers to achieve by the end of the year a national patient safety centre. The federal government has committed \$10 million. All of the provinces have basically signed on to move forward in this area. It is an on-going agenda item at the federal-provincial conference level.

*(15:50)

Mrs. Driedger: I would appreciate receiving the information the minister offered, but I have to ask the minister: Is he aware of the number of things he has offered me and is he fully intending to pass those on?

Mr. Chomiak: Yes.

Mrs. Driedger: In terms of health-care mistakes, just from the Manitoba perspective, are there any, I guess, issues in that area that really stand out here as compared to other provinces, or have those kinds of discussions not really even taken place?

Mr. Chomiak: If memory serves me correctly, we are doing a national review and study of

medical error across the country to get a Canadian standard. We have always used the American statistics and the American standards. Having said that, the Sinclair inquiry talked about critical incident reports and refining the process in Manitoba, which we followed through, particularly with the largest region, the WRHA. We put a priority on it with the regions.

We have also employed now at the WRHA a patient safety representative who does critical incident follow-ups immediately now on those cases that are identified in line with the Sinclair report. In other words, family and all participants are involved. On the one hand, it means that these issues are now becoming quite public, where in the past they were not. That is good. So we are just in the stages of that. We are collecting internal data. There is a national data study that is going on in order to try to set a Canadian standard for what the Canadian equivalent is. We have always extrapolated American figures.

Mrs. Driedger: I think that is very prudent to be looking at Canadian statistics. I understand that medical error is said to be the eighth leading cause of death in the United States. So it would be interesting to see where Canada fits in all of this.

Is the minister considering bringing in legislation forcing doctors to report their errors to their superiors and more importantly to their patients? Apparently, Québec has such legislation, and Saskatchewan is working on it. Is the minister aware of those. Does he have any thoughts in leaning in that direction or not?

Mr. Chomiak: I am not certain at this juncture, given that we are trying to develop a culture, at this point, a non-blaming culture. That has been what all of the conferences and all of the literature and all of the advice has indicated. For that reason alone I do not think we would bring in legislation.

The other related factor is I would be quite surprised if Québec legislation and Saskatchewan legislation vis-à-vis the liability insurance positions that have faced physicians and the serious difficulty that those jurisdictions may have with some of the liability carriers

should that legislation be brought in. That would be a very interesting development. So I will leave it at that.

Mrs. Driedger: I would like to move on to another topic of health access centres. This concept has been articulated a number of years back. The WRHA has made some strategic plan around the development of health access centres. At the time they devised it, conceptualized it in their regional health plan, they had also had certain communities targeted and then fiscal years put in place as to when that access centre would be built.

It looks like we are sitting around four years behind schedule from the time they first looked at it and the time frames they put in place. According to their regional health plan, the River East community area access centre was to be in place in the year 2000-2001, and then others followed, with Charleswood being last in 2005-2006.

Obviously, if we are four years behind in the first one, can the minister give us an indication as to what has caused the delay in their vision for and their strategic planning for making this happen in the time frames they recommended?

Mr. Chomiak: Those specific plans were quite visionary, although some would say it was back to the future in terms of developments and visionary documents that came out in 1972. But having said that, there was a visionary plan for the provision of, I believe, 12 access centres around the city of Winnipeg and a time frame, et cetera.

The changing nature of the system as well as the introduction of significant movement in primary health care and a need to move in primary health care I think has impacted and affected some of the prioritizations with respect to the access centres as well as some of the changing developments that have occurred across the system. So I am quite familiar with the initial vision and the initial plan. I am also quite familiar with some of the complexities of putting in place even the most advanced centre, which was the River East access centre and the various issues involved in bringing that particular centre on line.

Having access and primary access around the city of Winnipeg is still a goal and concept. The development of access centres is still a goal, but amongst a whole series of priorities it is on a different timing scenario.

As well, we have changed somewhat the concept, for example the expansion to include Child and Family Services within the access centres themselves and housing into the access centres. The division itself has developed and changed over the years.

Mrs. Driedger: Can the minister give any indication today as to how different that schedule is? Are we not now looking at 10 or 12, as it was initially designed? Have they actually decided against even doing some of these? Is this a real radical change that has been put in place from what was originally put forward?

* (16:00)

Mr. Chomiak: No. The vision still remains. The implementation and the timing have changed.

Mrs. Driedger: Can the minister tell me if there is a new schedule of when the various community access centres will be built?

Mr. Chomiak: The original schedule and the sequencing has not changed but the concept in terms of the vision has broadened to include not just "one centre" but accessing a variety of facilities and functions. So that has changed and that will continue to change and evolve with respect to the access centres.

Mrs. Driedger: By adding the Family Services and Housing component into it, has that complicated it more and therefore led to the delay in making this happen? I am not necessarily saying I am critical of that being added into it, but it certainly adds to the complexity, and if there are about 200 people working in each one, I can see where all of a sudden this does become much more complicated and perhaps harder to roll out. Has that led to some of the delay?

Mr. Chomiak: With respect to the River East centre, it certainly made it more complex, but it is also flexible enough so that it may not occur at

every access centre, that co-locating all of the services will occur necessarily at every access centre. There were particular issues with respect to access to office space and facilities in that particular region that brought that together, although there was a principle and a concept as well. But that may not be the case in all of the access centres that are being developed.

The Acting Chairperson (Marilyn Brick): Is it the will of the committee to take a 15-minute recess?

The committee recessed at 4:01 p.m.

The committee resumed at 4:22 p.m.

Mr. Chairperson in the Chair

Mr. Chairperson (Harry Schellenberg): Are we ready for the resolutions? Yes, we will begin our resolutions.

Resolution 21.2: RESOLVED that there be granted to Her Majesty a sum not exceeding \$21,754,500 for Health, Health Accountability, Policy and Planning, for the fiscal year ending the 31st day of March, 2004.

Resolution agreed to.

Resolution 21.3: RESOLVED that there be granted to Her Majesty a sum not exceeding \$9,795,500 for Health, Health Workforce, for the fiscal year ending the 31st day of March, 2004.

Resolution agreed to.

Resolution 21.4: RESOLVED that there be granted to Her Majesty a sum not exceeding \$9,563,800 for Health, Regional Programs and Services, for the fiscal year ending the 31st day of March, 2004.

Resolution agreed to.

Resolution 21.5: RESOLVED that there be granted to Her Majesty a sum not exceeding \$61,592,400 for Health, Provincial Health Programs, for the fiscal year ending the 31st day of March, 2004.

Resolution agreed to.

* (16:20)

Resolution 21.6: RESOLVED that there be granted to Her Majesty a sum not exceeding \$2,794,082,900 for Health, Health Services Insurance Fund, for the fiscal year ending the 31st day of March, 2004.

Resolution agreed to.

Resolution 21.7: RESOLVED that there be granted to Her Majesty a sum not exceeding \$12,486,400 for Health, Addictions Foundation of Manitoba, for the fiscal year ending the 31st day of March, 2004.

Resolution agreed to.

Resolution 21.8: RESOLVED that there be granted to Her Majesty a sum not exceeding \$84,373,900 for Health.

Mrs. Driedger: Perhaps I maybe was premature in sending the staff away, although with the pre-warning I guess. There were a couple of questions about outstanding capital debt of hospitals and personal care homes for the year ending 2003.

Mr. Chomiak: Outstanding debt on projects in progress is \$67.9 million and on completed projects is \$640.4 million.

Mrs. Driedger: Could the minister repeat those numbers?

Mr. Chomiak: On projects in progress it \$67.9 million and on completed projects it is \$640.4 million.

Mrs. Driedger: Sorry, I did not hear that last part. There was a bit of noise here.

Mr. Chairperson: Could the honourable minister repeat those numbers again?

Mrs. Driedger: No, just the last one.

Mr. Chomiak: The last number was \$640.4 million.

Mr. Chairperson: Resolution 21.8: RESOLVED that there be granted to Her

Majesty a sum not exceeding \$84,373,900 for Health, Capital Funding, for the fiscal year ending the 31st day of March, 2004.

Resolution agreed to.

Resolution 21.9: RESOLVED that there be granted to Her Majesty a sum not exceeding \$2,993,300 for Health, Amortization and Other Costs Related to Capital Assets, for the fiscal year ending the 31st day of March, 2004.

Resolution agreed to.

The last item to be considered for the Estimates of this department is item 21.1.(a) The Minister's Salary, contained in Resolution 21.1.

At this point, we request that the minister's staff leave the table for the consideration of this last item. The floor is open for questions.

Mrs. Driedger: With all of the unprecedented spending in health care, one has to wonder why patient outcomes have not substantially improved and why access to care is not markedly better. In fact, you will hear front-line workers indicating that they feel access to care is very compromised. Some even say it is in crisis.

Once people get into the system they do very well. Outcomes are also better in other jurisdictions that spend much less than us. I wonder if the minister could make a comment to these statements.

Mr. Chomiak: I can only look to the outside sources that have reviewed the developments in Manitoba from an objective sense. In the PURC Indicators report that was done last fall there was an 84, 85, 86% approval rating for health care in Manitoba.

I also note that members opposite made much of the *Maclean's* review of health care regions last year. This year the Winnipeg Regional Health Authority was rated No. 3 in the country on a whole wide variety of performance measures. It was duly noted as number three in the country. I note that members have not made notation of that particular issue.

I think that on all indicators or any national standards, be they CIHI or the PURC standards,

Manitoba is as good or better than other jurisdictions. In some areas we are the gold standard.

It is interesting that the country and the place that was touted by members opposite as having the best health care system in the world and that we ought to emulate, namely, France, is in crisis right now, facing a huge hospital-based crisis. It just shows how the ebb and flow of health care can change from issue to issue and from time to time.

Suffice it to say that all of the indicators we have seen, both nationally and objectively by third parties, indicate that Manitoba is proceeding in the right direction. In fact the heads of most of the—well, I will leave it at that.

Mrs. Driedger: The minister indicated we had been touting to emulate France's health care system. That is not an accurate reflection of the comments that had been made. The comments that had been made were to look at France and see what we can learn from it. It had been rated by the World Health Organization as the No. 1 health care system in the world. So obviously it earned that rating for some reasons.

In France, there is no wait for care. People can access care immediately, access doctors immediately. Certainly we felt there was something to be learned by opening our ideas to what is happening in other countries. We never did say emulate, copy it exactly. We said learn from it. Learn from other European countries, other countries in the world and not just always fearmonger about the American health care system.

The minister referenced CIHI. CIHI certainly indicates that Manitoba is still the No. 1 health care spender in Canada. In fact, we are well above the Canadian average in spending. It is disconcerting to see that almost a billion dollars of new money into health care has not got rid of this crisis in access to care.

Does the minister really believe that his spending in health care is sustainable over the long period of time?

*(16:30)

Mr. Chomiak: Mr. Chairperson, the spending by the people of Manitoba with respect to the rebuilding of their health care system in the last four years and into the future has resulted in some of the positive ratings that I have talked about. If one looks at CIHI statistics, some of the best CIHI statistics of any jurisdiction, per capita doctors, per capita nurses, per capita health care providers, amongst the highest in the country and in excess of most jurisdictions.

Health results on any factor in Manitoba cases are generally as good or better than any indicators and some of the most recent stats, and the people of Manitoba I think recognized in the last four years, recognized the investments and the rebuilding that have been done in health care and look to us to continue along the same lines in the future, being prudent with our expenditures at the same time, reinvesting in health care to continue the strides that have been made.

Mrs. Driedger: Well, with the dramatic infusion of money into health care, can the minister tell us why waiting lists for diagnostic tests in most cases are longer now than they were four years ago?

Mr. Chomiak: Mr. Chairperson, we have tackled a whole series of areas and a whole series of initiatives, and I have noted this on many occasions during the course of Estimates debate, that the biggest problem facing us when we came into office was the human infrastructure problem, the fact that nurse training, doctor training, lab tech training, sonographer training, radiation therapist training had all been reduced or eliminated by the previous regime.

As we have moved along and developed in those areas, we have seen corresponding reductions and improvements in those lists. We have already had a discussion regarding that.

Mrs. Driedger: With the dramatic infusion of almost a billion dollars of money into health care, can the minister tell us why patients are still in ER hallways?

Mr. Chomiak: Mr. Chairperson, it has been recognized across the country in a *La Presse*

report that looked and analyzed situations around the world—they looked at Sweden, they looked at England, they looked at France and they looked at one jurisdiction in the entire world to deal with the hallway situation, and they picked Manitoba.

I can get the member a copy of the article and the series of articles that indicated that Manitoba had done the best job of anywhere in the country. By any standard, in fact, we had done the best job of anywhere in the country.

I think that was recognized by the people of Manitoba, that there had been significant progress made. We can go over this with the member opposite. I could table documentation that would clearly show dramatic reduction of 80 percent with respect to that issue. I think it has been recognized, not just by evaluators but by Manitobans in general.

Mrs. Driedger: Well, with the dramatic infusion of money into health care, why does the minister feel he has to manipulate numbers to make his track record look better?

We certainly hear that nurses have been told how to count patients in hallways and which patients not to count. The numbers of vacancies in the nursing workforce, those numbers have been manipulated when the minister has presented that information.

Can the minister tell me that if he is out there touting his great success in ER hallways, how much of an impact has his fudging of numbers had to do on the fame he is getting on this issue?

Mr. Chomiak: Mr. Chairperson, we have been through this before, and I suppose we are going to continue through it for some time, but I want the member to recognize (a) that we use the same counting method that the members adopted when the member was a legislative assistant to the Minister of Health. I actually asked that the same system be put in place, and by virtue of that we have been shown to have an 80% reduction and have done the best job. In fact, seminars and presentations have been made by the Winnipeg Regional Health Authority nationally with respect to what we have done.

Perhaps the best way to look at it is to take an independent third party review. I suggest the member look at both the CIHI report, the *La Presse* done by Montréal *La Presse*. There is nothing in it for *La Presse* to try to manipulate any kind of numbers. They said that Manitoba had done the best job of anywhere in the country and pointed to Manitoba for Québec and other jurisdictions to follow.

So I only tell the member, the member and I have disagreed on this for some time, and I suspect we will disagree in the future. Objective third parties say otherwise.

Mrs. Driedger: Well, I will point out to the minister that the third parties out there are using the data he puts out there, and the data he puts out there is incorrect. The numbers are not the same. Surgical patients and psych patients are not counted in that data, and that is even indicated on the WRHA Web site related to those numbers. You are not comparing apples to apples. It is apples to oranges.

Mr. Chairperson: Order, please. A recorded vote has been requested in another section of the Committee of Supply. I am therefore recessing this section of the Committee of Supply in order for members to proceed to the Chamber for a formal vote.

The committee recessed at 4:40 p.m.

The committee resumed at 5:04 p.m.

Mr. Chairperson: We will resume with our committee work right now, and we will continue with Resolution 21.1.

Mrs. Driedger: Certainly, I have put on the record before, and I will put on the record again that I would like to indicate to the minister that I very much appreciate the responsibility of his job, his workload, trying to juggle all of the competing interests in that area. It is an extremely, exceptionally heavy portfolio, a very contentious portfolio. There are many stakeholders involved in it, and it takes a mammoth effort for anybody to, I think, do this particular job. It is very complex, and I

appreciate the efforts that any Minister of Health makes to address the very complicated issues that arise in this particular area.

I do feel, however, that good intentions alone will not make the kind of necessary changes that are needed in this area. I worry about the sustainability of the kind of funding that is being put into health care. I recognize certainly that there is a need for a certain amount of funds, and there was a need for a certain amount of increased funds, and I do not disagree with that, but certainly I think it needs to be done within a context of a bigger strategic plan so that one does not just go from crisis to crisis in managing the issues around this. I think that is just going to lead to continuing, escalating costs beyond what eventually we are not going to be able to afford.

So I would like to indicate that I find that, with the minister's lack of accountability in Estimates, with the minister's lack of accountability and commitment to keep his election promises, with his mismanagement of several health care issues—diagnostic waiting lists, nursing shortage, frozen food, hallway medicine, rural hospitals, just to name some of the very, very obvious ones—because of his negligent management of the cardiac surgery program which has seen 11 patients die waiting for surgery, therefore I move, seconded by the Member for Lakeside (Mr. Eichler)

THAT, due to the recognition by Manitobans that the Minister of Health (Mr. Chomiak) has failed to accomplish all of this, the Minister of Health's salary budget, line 21.1.(a), be reduced to \$1.

Mr. Chairperson: It has been moved by the honourable Member for Charleswood that line 21.1(a), Minister's Salary be reduced to \$1. I find the motion to be in order and debate may proceed. Is it the will of the committee to adopt the motion?

Some Honourable Members: Yes.

Some Honourable Members: No.

Voice Vote

Mr. Chairperson: All those in favour, please say yea.

Some Honourable Members: Yea.

Mr. Chairperson: All those opposed, please say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Nays have it.

Formal Vote

An Honourable Member: Yeas and Nays, Mr. Chairperson.

Mr. Chairperson: A formal vote has been requested by two members. This section of the committee will now recess to allow members to proceed to the Chamber for formal vote.

The committee recessed at 5:09 p.m.

The committee resumed at 5:25 p.m.

Mr. Chairperson: Will the Committee of Supply please come to order.

I will read the resolution.

Resolution 21.1: RESOLVED that it be granted to Her Majesty the sum of money not exceeding \$7,586,300 for Health, Administration and Finance, for the fiscal year ending the 31st day of March, 2004.

Resolution agreed to.

This completes the Estimates of the Department of Health.

The next step of Estimates considered by this section of the Committee of Supply is for the Department of Education and Youth.

What is the will of the committee? Is it the will of the committee to call it 5:30? *[Agreed]*

The time being 5:30, I am interrupting proceedings. The Committee of Supply will resume sitting tomorrow (Friday) at 10 a.m. to consider the Estimates of the Department of Education and Youth.

Committee recessed.

AGRICULTURE AND FOOD

* (15:00)

Madam Chairperson (Bonnie Korzeniowski): Good afternoon, will the Committee of Supply please come to order. This afternoon this section of the Committee of Supply meeting in Room 255 will be considering the Estimates of the Department of Agriculture and Food.

It had been previously agreed to skip ahead and consider the items contained in Resolution 3.3., Manitoba Agricultural Credit Corporation, on page 36 of the main Estimates.

The floor is now open for questions.

Mr. Jack Penner (Emerson): I wonder, Madam Chairperson, whether the minister would be amenable to bringing her livestock specialists forward and have a bit of a discussion on livestock and health issues for a few minutes.

Hon. Rosann Wowchuk (Minister of Agriculture and Food): Madam Chairperson, joining us at the table are Dr. Allan Preston, who is our Chief Veterinarian, and John Taylor, who is the Director of Animal Industry.

Mr. Penner: We have had, Madam Chairperson, a number of issues confronting the livestock industry over the last couple of years. One of them, of course, has been the BSE issue and disaster relief. The other one has been tuberculosis in our wildlife herd, elk and white-tailed deer.

I am wondering whether the minister could give us an overview as to what the situation is, how many new cases we have had this year or have identified this year in the wildlife herd, what the status of action is within her department and/or within Government. I will continue from there after I hear her give me that overview.

Ms. Wowchuk: I thank the member for raising this issue. It is one of a lot of importance and one that our Government has focussed attention on by putting in place funds to deal with it, putting in place a TB strategy that was not in place before.

If you look at the numbers, as of this year there are two cattle herds, one that was infected

and one that was exposed. No, I guess there were four cattle herds and 11 elk, so a total of four infected herds and 11 elk that were collared. They were part of the collared elk that were blood tested in the Riding Mountain park project. In those herds there would be about 250 animals.

Mr. Penner: Is the minister then telling us that there were four domestic herds that were depopulated this year and that there were 11 new cases found in the wild elk herd?

Ms. Wowchuk: There were four herds that were depopulated. There was one that was exposed to another, so it had to be depopulated as well. So that was four herds, and 11 elk that turned up positive in the elk that were tested within the park.

Mr. Penner: Is the minister concerned about this issue to any great degree?

Ms. Wowchuk: Obviously, I am concerned any time there is a disease that can affect our trade. Right now we are dealing with BSE. Hopefully, that border will be open soon, but we also have to be concerned about our TB status because that can impact on our trade.

The member knows there is discussion about zoning and which area of the province will be zoned, whether it would be the whole province or a smaller area of the province. Of course, when there is a disease that could impact on our trade and impact on the ability of ranchers to earn a reasonable income, then, yes, we are concerned. I am concerned about this one.

Mr. Penner: Is the minister and her Government taking any significant action, other than what we have seen so far, or contemplating any significant action to try and eradicate the disease in the wildlife herd?

Ms. Wowchuk: Madam Chairperson, we have taken this issue seriously since we have taken office. That is why we put together the TB strategy and put the resources in both from Conservation and from Agriculture and pulled together a committee of people to work on this issue.

The standing committee came forward with recommendations, and three of those recom-

mendations were that the Riding Mountain National Park personnel be at all the meetings. There was a recommendation to reduce the herd within the park to 2500 and to target the reduction in a certain part of the mountain on the west side where the cattle were infected. The third recommendation was to review the Health of Animals Act to compensate for mustering and other losses associated with TB testing.

We were pleased that the federal government recognized at least two of those. They have moved to have the Riding Mountain staff at the meetings. They have moved to reduce the number of animals in the herd. I guess this is the first time that the people responsible for the park, or the federal government, has ever moved or considered reducing the number of animals and having the testing done. I think that there has to be more testing done and more reduction of those herds, and we have to move aggressively on that.

*(15:10)

We have not heard from them on the third recommendation, and that is the compensation for mustering and losses. I think that that is also an area that the federal government has to look at and update their compensations. Those compensations have been in place for a long time, and those should be updated.

So there is movement on the part of the federal government to start to address the issue of the herd in the park.

Mr. Glen Cummings (Ste. Rose): I would like to just explore for a minute where the minister sees the zone issue at the park. Has there been any review of the zone and the enforcement within the restricted zone at the park?

Ms. Wowchuk: The USDA has not been back in Manitoba to look at the zone or give their blessing to the zone, so to speak, and we really do not want them to come just yet because we are looking at doing more testing, and it is the plan this fall to do additional testing outside the zone to see whether or not there are any cases outside the zone. We would want to do that before you have the USDA come.

So there is work going to be done this fall for additional testing to ensure that the zone is the right zone, and then they will be invited back to have a look at it and give their approval or disapproval.

Mr. Cummings: Well, that is pretty much the reason why I was asking the question. Producers within the zone have expressed some concern about the fact that there is still movement through the zone in terms of pasture.

Perhaps I do not have all the information, so I would welcome being corrected if I am wrong, but are there cattle that are being pastured in the exclusion zone that are being wintered elsewhere and, in fact, may not be tested? Are those the herds that the minister might be looking at?

Ms. Wowchuk: Madam Chairperson, cattle can be pastured within the zone and then moved out to winter, providing that they come in after May 1 and are moved out by October 31. If they are in the zone, then they have to have a CFIA tag on them, and there is some paperwork that has to follow them. The reason that they can come into the zone for that period of time is because the risk is very, very low of any TB spreading during that period.

This process is part of the CFIA protocol. CFIA says that this can work, and my understanding is that it is frustrating for the producers that are in the zone that have to have their cattle tested to see animals moving in and out without being tested, but if they come in before May 1, or if they are left in the zone after October 31, they have to be tested. If they are out before that date, they do not have to be tested.

Mr. Cummings: The collar system that the minister referred to a while ago and the blood test work that was done on the animals that were collared led to the identification and ultimate destruction of a number—well, that number, I assume, is the 11—perhaps that 11 was made up of some others as well.

That is not necessarily relevant to what I was going to ask, but given the movement that we have seen on elk out of that park, do we, and I hope we do not, but do we have evidence of

any contaminated elk moving very far away from the park?

Ms. Wowchuk: There is a lot of movement of animals back and forth, and I know there has been lots of discussion whether animals moved from the Riding Mountain to the Duck Mountain, and in fact three of the animals that are collared have moved into the Duck Mountain, two have decided to make it their home, one has moved back and there is a lot of elk movement in the Grandview area, but all of those animals that are collared that are moving have been tested as negative and any of the collared animals that were suspicious have been put down. So, of the collared animals, there are no suspicious or positive animals, but it is interesting to note what kind of movement there is back and forth of these animals. Although the local people would say that there is that movement, there were other people that did not believe that. They felt that elk would be staying in their home area. This study has proved to be valuable because you could see that there is movement between and some have decided to make that their home.

From the Department of Agriculture and Food's position on Manitoba's position, we would rather have put down those animals that moved into the Duck Mountain and then had those animals tested too. It was Agriculture that wanted it; Parks Canada would not agree to put those animals down, but that is still something that I am sure we will pursue because this program is ongoing. Those collars will be there and certainly for this department we wanted to see those animals put down and will continue to pursue that and monitor that situation, because remember it is made up of Agriculture, Conservation and Parks Canada as well as the stakeholder groups that are involved in this program.

* (15:20)

Mr. Cummings: What position has the provincial Director of Wildlife with the Department of Conservation taken regarding co-operation and working with the Department of Agriculture in dealing with this issue?

Ms. Wowchuk: The two departments work closely together on this, but you know that the

Department of Conservation has one role to play and that is to protect animals and the Department of Agriculture has a role to protect the animal industry, but the two departments work together, come to consensus in most cases and then take a position to the federal government. I would have to say that we have been able to have movement on the part of the federal government because it was the Province that convinced the federal government to do the blood testing of the collared animals that led to the destruction of 11 animals.

Mr. Cummings: I was hoping the minister would have said there was co-operation not consensus.

Ms. Wowchuk: If I chose my words incorrectly, I did say that Conservation has a different interest than Agriculture but there is co-operation between the two departments, and it is the co-operation of the two departments that led to Parks Canada and led to us having the ability to put pressure on the federal government to do further testing. The member was, I believe, once the Minister of Conservation, so he would know that conservation has a role to also stand up and protect the wildlife too, all of it. Between departments government has to find balance. I think in this case we have found balance because the two departments have been able to work together. Conservation has put money into the fencing program that then helps the farming community. Conservation has put staff in place that is doing the work to put those fences up, so there is co-operation between the two departments.

Mr. Cummings: Well, I am a little suspicious of the minister's answer, but I will leave it at that.

What hunting success was there? Was there any hunting success in terms of the changing of the hunting opportunity? I guess I would provide the minister with the observation that the weather did not co-operate, but was there any success in hunting depredation? I know it belongs in the other department, but I believe that information is probably shared. I just wondered if you have it available.

Ms. Wowchuk: The member is aware that the season was extended for an extra four weeks in

February. There were extra licences issued. Where there was a single licence, two persons for one licence, they ended up having two licences.

The weather was not very co-operative at all and the numbers were low. I do not have those numbers here. We do not have them in this department. Conservation would have the exact numbers. But efforts were made to increase the amount of hunting. The other area was that efforts were made to increase the number of landowner permits.

Mr. Cummings: Well, that leads to one other question, Madam Chair. Did this department or the Conservation Department ever consider, or would this department consider, recommending that landowner permits could be extended to the point of where they could get a destroy permit if they have nuisance elk coming in on their feed?

I am sure the minister well remembers the problems in the Swan River Valley in her back yard where probably a lot of elk were needlessly destroyed in order to try and clean up a problem, but, simply put, we are now into a different problem which is a health problem which sometimes requires dramatic answers or dramatic solutions. Has there ever been consideration of a destroy permit?

Ms. Wowchuk: Madam Chairperson, we did discuss the kill permits with the Department of Conservation, and the Department of Conservation said they would approve them on an individual basis, on a case-by-case basis.

Mr. Penner: This issue of tuberculosis in the wildlife herd has been raised on a number of occasions with myself and some of my colleagues and certainly is a concern to the cattle industry, as it should be. My only comment is, hopefully, the minister will do everything in her power, she and her colleagues in Government, to make sure the eradication of the disease in the wildlife herd as well as and for the benefit and protection of the domestic herd will be done rather expeditiously. I think it is time that our Conservation Department, the Minister of Agriculture and the federal people make every effort to ensure that both our wildlife herds and our domestic herds are clean, that we can in

confidence say to the international community: We are in business to do business, and we have healthy animals in our province.

Ms. Wowchuk: That is the goal. That is why we put together the TB management plan that is a joint plan between Agriculture, Conservation, CFIA and Parks Canada. It is in its third year of operation. The goal of the plan has been—it is a long-term plan to eradicate TB in both domestic and wild herds. When you look at it, there has been considerable progress made in reducing contact between elk and cattle with the fencing program. This has helped.

But I want to say that what is really important is that we have also involved the Cattle Producers. It was Manitoba Agriculture and Food and the Cattle Producers, along with two representatives from Parks Canada, two producers from around Riding Mountain Park that made representation to the House of Commons committee. That happened in February of last year in regard to this. That presentation that was made by this department and by the producers resulted in action being taken. So it is a very important objective for us and the long-term goal is to eradicate TB in domestic and wild herds.

*(15:30)

Mr. Penner: I commend the minister for making the move to go to Ottawa and appear before committee, although I say to the minister: I think, with all due haste, this Province should try and implement, in partnership with the federal government, action to make sure that that disease is eradicated in the wildlife herd, as well as to ensure the safety of our domestic animals and our domestic herd.

I want to go back to the line of questioning this morning when I asked the minister if she could provide me with a news release that Mr. Vanclief, the federal minister, announced regarding help to Canada's beef industry.

That news release is dated August 12. I will not read the whole news release, but I will read this to the minister because I think this is important to note. The Minister of Agriculture—this is not reading, but just a statement—in this

news release indicated that extension funding for the BSE recovery program is in addition to the \$460-million program that was previously announced. The first paragraph indicates the \$36 million that the minister added to the BSE recovery program. In the fifth paragraph, he says: In addition to extending the recovery program, Mr. Vanclief announced that disaster assistance will be advanced to producers under bilateral agreements with the Province that have already committed funding for all five elements under the APF program, including: food safety, quality, environment, renewal science and innovation and business risk management. These advances constitute the transition measure until new business risk management programming is fully implemented across Canada. Transition funding will be equal to a portion of a producer's expected payment for this year when the new Canadian Agriculture Income Stabilization, CAIS, comes into force.

The reason I read that into the record, it is significantly different than what the minister has led us to believe what was happening, or at least that I understood the minister to lead us to believe what was happening. This is a program that, in my view, is a force upon our minister by the federal minister to sign into agreement which would then allow the minister to sign a bilateral agreement under the disaster assistance program. It has nothing to do with CAIS or the policy framework. It has everything to do with signing on to the framework. It would be considered in many circles in society as clearly a bribe by the federal government on the province of Manitoba and maybe other provinces. I think it is one of the most unfortunate political moves I have ever seen made from one government to another.

I think it is unfortunate for two reasons: it forces people into compromising positions; it forces ministers into compromising positions. I think this minister is being compromised by her federal counterpart. I think we should chastise the federal minister for even proposing something like this.

There is nothing wrong at all for Mr. Vanclief to come to Manitoba and say: Would you be willing to sign into an agreement under the disaster assistance program that would allow

us to flow money to our cattle producers in this time of disaster? There would have been nothing wrong with that. I would have encouraged that, and I would have commended both ministers for signing on to something like this.

I will say this to the minister: We will hold you accountable for allowing yourself to be used in this manner by the federal minister. I think you should have said: Sir, we will not bow to bribery. We will not do that. We will, however, accept your offer of signing a bilateral agreement without signing on to the APF.

That does not mean I am opposed to signing on to the APF. I want to make that very clear. At no time have you heard me say that this minister should not sign, or should sign, on to the APF. I have cautioned continuously, time and time again, to be very careful what she signs and to make absolutely sure what the costs are of the implementation of an APF, what the cost to the producers will be, and what the financial requirements will be by our producers to participate in this program. I stand by that.

I think it is absolutely important that we have a minister in place that (1) truly understands what the APF is all about, (2) what the environmental impacts will be, what the financial impacts will be and what the benefits or the negatives will be of that program, and that she should clearly articulate that to her producers before signing on to a program such as this, that they and the farm organizations that represent them could clearly articulate to their memberships what is being proposed by both the federal and provincial government.

To sign into this kind of a program or any kind of program under duress, such as we are under and Canada is under currently, I think, is unconscionable. I think the Minister of Agriculture in Ottawa should be severely criticized for proposing this in this manner. I think our minister should give a great deal of second thought before she will concede to signing on to this.

If I read the final part of this paragraph, it says this: These advances constitute a transition measure. Until new business risk management programs are fully implemented across Canada,

transition funding will be equal, and this is the important part, to a portion of a producer's expected payment. That does not mean to say that a producer will get one single dime out of this program. That does not mean that producers will benefit one single dime under this side agreement, under this disaster agreement.

Read this carefully, Madam Minister, because it clearly indicates to me that there is very, very little money for Manitobans at stake or available through this program for our cattle producers or livestock producers.

I will say to the minister again, take another hard look at what we have put forward as a solvable solution. That is the cash advance. It is a very simple matter to administer. It is a cheap matter to administer. It is a low cost, low liability to government, as the cash advance in grain has proven historically.

* (15:40)

If you want to go back in history and look at how this program can function, this is the way it can function. What proportioning would be used to assist or flow money to cattle producers is up to the minister and the cattle producers to negotiate. We will not tell the minister what portion and/or what values should be placed. We only did the calculations based on what the cattle producers had requested. That is \$350 million. At \$350 million, the annual interest costs would be less than \$20 million, if you figure at 6% interest or between 5% and 6% interest. I understand that governments today borrow much, much less money than that, so the cost would be even significantly lower if that is so, than what we have indicated.

So I say to the minister, carefully examine what you are doing here, because I believe, Madam Chairperson, this minister is trying to make a political move that will get the criticism off her back and force the criticism on the federal government instead of her assuming her responsibility. I think that is what is being done here and I feel that is extremely unfortunate for our cattle producers, because again it is a deception of reality. I think our minister should sit there under the auspices of being the proponent for the best interests of our cattle, our livestock and our agricultural community. I am not sure that is happening here.

I ask the minister, if you have truly assessed the effect of the impact of what you are signing or what you are contemplating signing on to here then would you tell this committee how much money per head of livestock in this province do you expect will flow through this program? What do you think the assistance will be through this program?

Ms. Wowchuk: Madam Chairperson, when I told the member about the program that was being proposed by the federal government, he will realize that this is an announcement that the federal minister made. The federal minister said that for those provinces that have signed on to the APF, if there are not enough signatures, if other provinces have not made up their mind to sign it, and you will remember that all provinces signed on to the framework agreement, and provinces are now working under bilateral agreements, so, what the federal minister said is for those provinces that have signed on, until such time as the full framework is implemented, he will put in transition measures, as I said to the member yesterday. He indicated that, on this side agreement or mirror agreement that we will be looking at, it will result in money flowing to the producers. An interim payment will go to the producers because, under normal conditions, as we have with AIDA and CFIP and now the new program, a producer makes their application and money normally does not flow until spring or summer, depending on when the producer makes their application.

In this case, the minister has said that money will flow earlier. In fact, if you look at the next page of the news release, it says funds will be available in September and payments are expected to reach producers in early October. The federal minister has told us that this money will flow to cattle producers.

Ms. Kerri Irvin-Ross, Acting Chairperson, in the Chair

Again, I want to remind the member that this is based on the producers' margins. It is not a per head payment. We have worked long and hard on this agreement. It is one that has been developed in consultation with the producers.

We have a safety net committee that we had many, many meetings with. There were some

meetings that were held out in the regions where we talked about the program. There have been changes made and those changes have improved the program. We have talked to municipalities, I should say farm groups, and farm groups have said you have got some of the changes, let us proceed with signing. There will be the opportunity to continue to negotiate.

Madam Chairperson, this is an opportunity for us to get cash flow. We have raised the issue. We have asked the federal government to put more money and recognize the seriousness of this situation. We have asked the federal government to participate in our feed program. We have asked the federal government to help us with our drought situation. Nobody is asking the federal government to put in a hundred percent of the money.

We are saying that we are partners in this, but we need your help here as well. In this program, we have come to the point where we think we have got the changes that will work for the producers and we, at times, have become frustrated with the federal government for not flowing more money, or not recognizing how serious the situation is.

One of the areas where they have not recognized the situation is on culled cows. I have been asking for a meeting and looking for a national strategy on cull cows for some time. We have not got the federal government there, although they have now said there are now plans for a meeting to be put together where we will talk about cull cows.

What I said to the member yesterday about how the program and how the advance will work is exactly what is outlined in this document.

Hon. Jon Gerrard (River Heights): A question for the Minister of Agriculture. When I asked in the Legislature on Tuesday about the operation of this program and tabled this specific press release, the minister said that yes, indeed, the federal Minister of Agriculture had announced that this bilateral agreement was possible and that cash should flow. The minister, yourself, stood up in the House in the Legislature and said that I was wrong and that, in fact, the federal minister had changed his mind and that that was not the way it operates.

I mean, I think that we need some clarification, particularly in light of what you were saying earlier this week.

Ms. Wowchuk: When I answered the question in the House, I did say that at this time when the federal minister said that he was going to be flowing money, then he said he could not flow it right away. He had to work through bilateral agreements. Those agreements are not ready.

At the time when he made this announcement, there was an anticipation that he would flow the money to the provinces, say, of Alberta and British Columbia, immediately. We found out that that could not happen and that bilateral agreements had to be arranged. Those bilateral agreements are not complete yet, or they are called mirror agreements. Those are still in discussion and still being worked on. He was not able to flow the money to those provinces that had signed on at that time because there had to be work done to get the agreements in place. Those agreements are still being worked on.

Mr. Gerrard: When I tabled this press release, right, and I asked specifically, the question was that the bilateral agreements were operative and that the minister had indicated very clearly on Monday that there was a requirement for so many provinces to sign before any money could flow. So I had then followed this up on Tuesday with a specific question to the minister, to yourself, and saying: Look, there is another option; there are bilateral agreements; money can flow; it does not have to wait until there are so many provinces representing so much of the cattle herd. You said, no, no, you are wrong. The MLA for River Heights, you are wrong. The minister has changed his mind. But what you are saying, in fact, is that you were totally mistaken when you were talking on Tuesday; that, in fact, you did not know or did not understand properly the program. I am just incredulous that, in fact, what has happened here is that a circumstance where the minister, the provincial Minister of Agriculture, has said on Monday that there needed to be so many provinces signing on, and that on Tuesday, there was no other way that what Lyle Vanclief had said in his press release—he had changed his mind.

The press release, as you have pointed out in the discussion already, is very, very clear; and,

as the Member for Emerson (Mr. Penner) has pointed out, the press release is very, very clear that there can be bilateral agreements and that those bilateral agreements will allow money to flow without having to have the agreement of so many provinces and so much proportion of the cattle herd, or whatever it is. So what we are having is a direct retraction of what you said on Tuesday. Yes, this is an absolute direct retraction of what you said on Tuesday. It is a total contradiction of what you said when I asked this question specifically in the House. I think that this is a scandal that the Minister of Agriculture can tell people in this province, in the Legislature, that the criteria are this, and it turns out that the criteria are not, that it turns out that there is a press release which was valid then and which continues to be valid exactly as it is.

* (15:50)

As the press release said, there is the availability of bilateral agreements and those availability of bilateral agreements stand. They stand today. Exactly what the press release says, there has to be bilateral agreements, and once the bilateral agreements are signed, then money can flow. It does not have to wait to so many, such a proportion of the provinces and such a proportion of the industry. So I am just astonished. I would just feel that the minister's excuse that she has just given is a totally lame excuse. It is trying to get around her mistake on Tuesday and on Monday, her misrepresentation of the situation.

I think this is absolutely astonishing what we are seeing today. I think that the fact of the matter is that this agreement, whether you like it or not, is a very, very important agreement, not only to cattle producers, but to all other producers. It would be incumbent on the Minister of Agriculture in this province to know it from top to bottom, to know the press releases and the availability of bilateral agreements. What the minister said on Tuesday was very clear that you could not have bilateral agreements, that the minister had changed his mind and that you had to have so many provinces. So you have the minister who has very clearly misled the Legislature on this, has been not up-front with the members of the Legislative Assembly and has answered questions in a way that was inaccurate.

I am just astonished that the Minister of Agriculture could behave in this sort of a way, in front of the Legislature this week, on an item which is of such considerable importance when we have people in the province and in various parts of the province who are cattle producers, who are in very dire straits, who want accurate information, who need accurate information, said plainly by the Minister of Agriculture, and that conveys the situation clearly. Understanding that, in fact, if the Minister of Agriculture had worked more quickly, that dollars might even have been flowing much more quickly. I mean, one could have even argued that had the Minister of Agriculture negotiated more quickly with the federal government on the APF and got it signed in June when Alberta signed and got Saskatchewan signing, that money could have already be flowing.

Madam Chairperson in the Chair

But, be that as it may, I think that what is important here is that when we are in a situation where producers are in a very difficult situation, when, in fact, producers are having circumstances where they are not sure where their next dollar is coming from and they are not sure where the milk and the other things for their table is coming from and having a difficult time surviving, then they need cash advances and cash flow. The minister put forward a loan program which has got all sorts of complications and all sorts of problems, as we have all experienced. It is time, and it is very strange that we have a Minister of Agriculture who has confused people in this way instead of putting things clearly on the table in the way that they should have been put.

Ms. Wowchuk: I will tell the member that he is wrong. The federal minister put forward a proposal for bilateral agreements as is outlined in this news release. He found out that he could not implement those bilateral agreements and had to come forward with what is called a mirror agreement. That document is still being worked on.

The member talks about that if we had signed the APF, money could have flown. If we had signed it at the same time as Alberta and British Columbia, we could have money flowing. Well, I am sorry to tell the member, but

there is no money flowing in Alberta or British Columbia because the federal minister has not worked out his mirror agreements yet.

So there will be money flowing through an agreement that is not finalized yet. We have received copies of it. They are working through it, but I would ask the member to call his federal colleagues. He is saying we should have signed on sooner. We have been trying to sign on for about two weeks now and the federal minister has not been available. So call your federal colleagues and get a little bit more information.

What they have said here in this press release, that they could implement bilateral agreements, they could not do. The federal minister has found a way to work around that and is putting in place a mirror agreement. When that mirror agreement is available, provinces like Alberta and British Columbia, who signed on some time ago, will have interim payments flow. But Manitoba is prepared to sign on to the agreement.

When the federal government is ready to sign with us, we have given them notice that we are ready to sign, and the minister said he will come to Manitoba. We will also have a mirror agreement that will allow interim money to flow. When the package is signed by the provinces that have 50 percent of their revenue from agriculture, then the APF will be implemented in all provinces and the money that has been used from the interim payment will be deducted from our share of the APF.

That is where the money will come from. That is the plan that the federal government has put in place. This is the federal minister's way of putting money into producers' hands. But the federal government could have done a lot more. The federal government could be part of low-interest loans. He talks about cash advances. Well, the producers have asked the federal government for cash advance or low-interest loans. They have denied them that. But they could be part of our feeder program. They could be part of a drought program. The federal government has chosen, instead, to say that everything will be addressed through the APF. What is in this press release was not implemented. They had to put forward a different proposal and that is being worked on. I did not mislead the member.

Mr. Gerrard: What the bilateral agreements are, are indeed the mirror agreements. We are talking about the same thing here, and the fact is that you mislead by trying to indicate that there was not any other way than to have the whole APF in order for cash to flow. So it is very clear what was said. I think that the fact of the matter is that what the Minister of Agriculture provided on Monday and Tuesday was inaccurate, and I am very disappointed in the kind of responses that the minister provided in the Legislative Chamber.

I will pass it back to the MLA for Emerson to ask the next question.

Ms. Wowchuk: Madam Chairperson, what I said is that what was proposed, that is outlined in this news release, could not be implemented. The federal government had to find another way to flow it, and they are working on mirror agreements, but what the member did say is that, had we signed the agreement sooner, we would be able to have money flowing in Manitoba. That is not accurate because even those provinces that signed early on have not got a way to flow money yet. The best way to do it would be to have the right number of provinces sign the agreement. The federal government is finding a way to work around it. They have not completed that process of how they can work around it to have interim money flow. He has said he will have it ready, and it will be ready to have money in producers' hands by October. I hope he can deliver because he has not delivered very much yet.

* (16:00)

Mr. Penner: Madam Chairperson, I think the honourable Member for River Heights (Mr. Gerrard) had clearly enunciated what are the main concerns that we have addressed in this committee from time to time, that we have addressed in the Legislature, and that is, clearly, the trust of the minister and how Manitobans can or cannot trust this minister. We cannot even trust what she says from one day to another.

I will propose that we terminate the discussions on this department because we obviously are not getting the facts as we should be getting them. It is very obvious that the minister has clear intentions of telling us exactly

what she wants to tell this committee without using factual information. I think this news release demonstrates that, because she has constantly talked about flowing money under the APF. This is not flowing money under the APF, this is flowing money under a disaster assistance bilateral agreement.

I think she indicated the exact opposite to the honourable member on Monday, as he has just stated, and I believe it is time that we have a minister in this department that will, at least, be able to level with the people of Manitoba and that the people of Manitoba will be able to trust. That has not been the case in this department.

So I would propose that we go—we can pass this if you want to in one resolution, or you can go section by section. It does not matter to me because there is really not much point in continuing these discussions in this committee.

Ms. Wowchuk: I just want to take a minute here to say that the member has said that he cannot trust the information that has been put on the record. I stand by my word and what I have put on the record is accurate information.

I clearly said that money had—the APF agreement had to be signed before money could flow from the APF. The federal minister has found a way—he tried under bilateral agreements, as he did here, he found that this was not working. He is working on mirror agreements. Definitely, the money is not the money from the APF, it will be money that will be deducted from the APF file when it is finally passed.

So, Madam Chairperson, I stand by what I have said. I am pleased that the member from Emerson has finally said that we should sign onto the APF because at other meetings—

An Honourable Member: No, I did not.

Ms. Wowchuk: I thought you said we should.

An Honourable Member: No, I did not.

Ms. Wowchuk: What did you say?

An Honourable Member: I had not said that you should sign or not sign. For crying out loud, can you not hear either?

Ms. Wowchuk: The member did say—I have heard many times when the member has said—

Madam Chairperson: Order, please.

Ms. Wowchuk: I heard the member say—

Madam Chairperson: Order, please. Order.

Ms. Wowchuk: The member has said now that he did not tell us to sign or not sign the APF. I remember clearly occasions when the member said that we should not sign the APF. I remember occasions when he said we should sign the APF. He obviously cannot make up his mind either, so we will move forward. I thank the committee for listening to these Estimates.

Mr. Penner: Madam Chairperson, could we proceed with the Estimates?

Madam Chairperson: Is it the will of the committee to pass through point 3 first, or to start with 3.2 and continue? Shall we start with 3.2? —pass.

Mr. Penner: Madam Chairperson, if it is the will of the committee, we can pass the whole report, the whole Supplementary Estimates information for the Legislative Review. Will you except 3.1(a)?

Madam Chairperson: Resolution 3.2: RESOLVED that there be granted to Her Majesty a sum not exceeding \$78,874,400 for Agriculture and Food, Risk Management and Income Support Programs, for the fiscal year ending the 31st day of March, 2004.

Resolution agreed to.

Resolution 3.3: RESOLVED that there be granted to Her Majesty a sum not exceeding \$6,209,900 for Agriculture and Food, Manitoba Agricultural Credit Corporation, for the fiscal year ending the 31st day of March, 2004.

Resolution agreed to.

Resolution 3.4: RESOLVED that there be granted to Her Majesty a sum not exceeding \$17,008,400 for Agriculture and Food, Agricultural Development and Marketing, for the fiscal year ending the 31st day of March, 2004.

Resolution agreed to.

Resolution 3.5: RESOLVED that there be granted to Her Majesty a sum not exceeding \$15,334,700 for Agriculture and Food, Regional Agricultural Services, for the fiscal year ending the 31st day of March, 2004.

Resolution agreed to.

Resolution 3.6: RESOLVED that there be granted to Her Majesty a sum not exceeding \$2,669,200 for Agriculture and Food, Policy and Economics, for the fiscal year ending the 31st day of March, 2004.

Resolution agreed to.

Resolution 3.7: RESOLVED that there be granted to Her Majesty a sum not exceeding \$3,219,300 for Agriculture and Food, Agriculture Research and Development, for the fiscal year ending the 31st day of March, 2004.

Resolution agreed to.

Resolution 3.8: RESOLVED that there be granted to Her Majesty a sum not exceeding \$532,800 for Agriculture and Food, Amortization and Other Costs Related to Capital Assets, for the fiscal year ending the 31st day of March, 2004.

Resolution agreed to.

The last item to be considered for the Estimates of the Department of Agriculture and Food is item 1.(a) Minister's Salary, contained in Resolution 3.1. At this point, we request that the minister's staff leave the table for the consideration of this item.

* (16:10)

Mr. Penner: We have grave concerns about how the minister has conducted the business of the department. We have heard many questions about her ability from rural Manitobans. We have heard again today the contradiction in answering questions. We have experienced this week significant contradictions in the House.

We believe that it is imperative that the people of Manitoba, especially the agricultural

community and all the food industries, should be represented by a person in Government that is able to articulate honestly and put forward the facts as they are, not as she would have them be. For that reason, Madam Chairperson, I would move, seconded by the honourable Member for Ste. Rose (Mr. Cummings)

THAT, due to the recognition that the Minister of Agriculture and Food has failed to provide meaningful assistance to Manitoba's livestock producers as they try to meet the challenges created by the BSE crisis, the Minister of Agriculture and Food's salary, Budget line 3.1(a), be reduced to \$1. *[interjection]*

I have been advised by the Clerk that we need to remove the preamble to the resolution. I would ask for time to rewrite the resolution. First of all, to withdraw the resolution that I have put, and, secondly, to be allowed to rewrite and resubmit a resolution correctly.

Madam Chairperson: Leave to withdraw the resolution submitted by the member from Emerson? *[Agreed]*

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

I move, seconded by the Member for Ste. Rose

THAT the Minister of Agriculture and Food's salary be reduced to \$1.

Madam Chairperson: The motion is in order.

Mr. Tom Nevakshonoff (Interlake): Madam Chairperson, I want to take this opportunity to put a few thoughts on the record and speak against this resolution passed so frivolously by the member opposite from Emerson. It is typical of what we have had to endure over the last couple of days, listening to him flip-flop back and forth on his position. One day he is in favour of the Ag Policy Framework agreement. I recall, months ago in the Legislature, him chastising this very minister for not hurrying and not signing the APF agreement quick enough. I remember that clearly. Now, suddenly, he is totally opposed to this motion and is chastising our minister for now going forward and signing

it. It is unconscionable that he would criticize her on this point, but I guess that is not unusual, certainly not unexpected from members on our side of the House that he changes his position so often. Whatever is convenient. If it is from a grain perspective, then he does not like the APF, but all of a sudden, if it has got to deal with the farmers, when he is talking out of the other side of his mouth, suddenly, how quickly can you sign it and flow some money to our producers.

His suggestion that the minister has been lax over the last little while in dealing with this crisis, I have to take issue with as well. I have been on the front lines on this issue as well in the Interlake. That is one of the most affected areas. I can state emphatically that from day one, May 20, when this became an issue, our minister, as was our Premier, was immediately on the case. She has not rested for a moment. She has been dealing with producers every day. She has been dealing with the Manitoba cattle producers every day, as has her staff, the Association of Manitoba Municipalities. All of these people are a part of the process. I think she has done quite well for our producers. Certainly we would like to do more for them, but unless the federal government is willing to acknowledge its responsibility here and come to the table with some money then—

Madam Chairperson: Order, please. May I remind all members of the committee to please respect the person who has the floor, which will be—

An Honourable Member: Oh, we do.

Mr. Nevakshonoff: No, the Member for Emerson (Mr. Penner) was suggesting a little earlier on this morning I believe it was that I put some of my thoughts on the record and now I am taking him up on his invitation. I will have a few words to say here.

So, in terms of what the Province has done in comparison to the federal government, I think that point has to be made. How much has the federal government actually put on the table, has delivered to producers in Manitoba here? Is it \$1 million, \$2 million? Certainly not much more than that. *[interjection]* Well, \$3 million, \$4 million even. The provincial government has \$117 million on the table to address this issue which is largely a trade issue, which is an

international issue. And yet we step up to the fore here and we have put \$100 million in loans on the table. When I was in Ashern, when I was in Moosehorn, when I was in Ericksdale, in Grahamdale, all up number—

* (16:20)

Some Honourable Members: Oh, oh.

Madam Chairperson: Order, please. Could we just regain a little decorum at this very important resolution?

Mr. Nevakshonoff: Thank you for that, Madam Chairperson. If I am getting a little emotional on this issue, it is because I have been dealing with producers who are in dire straits for the past four months and finally I have an opportunity to say what I think. I would ask that members opposite would at least give me the opportunity to have a few words here.

As I was saying, when I was in the Ashern area, up No. 6 line where the drought is most prevalent in this province, I think what I heard from my producers was that they had no hay, their pastures were finished, there was no market for their cattle and their credit had dried up completely. They were weeks if not days away from bankruptcy and going out of business. That was the message. One individual even went so far as to say he was going to take his cattle out to the back 40, shoot them all and save one bullet for himself. That was the position they were in.

The biggest concern they had was they had no money to deal with, no money whatsoever, right, and no credit left whatsoever. Well, so what did we do? We took the advice of the Leader of the Official Opposition for starters in putting in place a low-interest loan program. I have the letter. I have a copy of the letter myself where your leader says this is one of the options that the Government should be looking at. That is exactly what we did. We put a \$100-million loan on the table. I have to say that my phone calls dropped to 10 percent of what I was receiving up to that point in time, which was probably 20 or 30 calls a day, dropped to 10 percent of that on the weight of that loan program alone.

I understand how we can politicize this and how we are all going to try and ratchet it up, but

the bottom line is that that loan program will save a lot of our producers from bankruptcy. They have to extend their credit somewhat and I can relate to that. Nobody likes credit. Nobody likes taking loans out, but if it is a choice between going bankrupt or extending your credit for another year, I think the choice is obvious and many of them are going to go that course.

That is not all we are doing. We had \$15 million on the table out of the rainy day fund. That is something we were criticized for as well. You should be using the rainy day fund. Well, we are. We are using the rainy day fund. We signed on to that BSE recovery program and when we saw that it was not working for us, and quite frankly you know it is not the first time we felt the stick end from the federal government and not just Manitobans, but producers in general. Well, I will not go into that, but the feeder program, we put that into place. We changed the parameters at our own risk and flowed our money, and so be it. So they do not like that on the opposite side of the table here either, but the fact of the matter is that that saved people who were in the feeder side of the business for the time being.

We have also put an additional \$2 million into trying to enhance slaughter facilities in this province, and that is something where your party was considerably lacking. I have the statistics here how under Mr. Filmon's reign in office, the 10 years that he was in office, that is when the slaughter industry went down in this province. That is undeniable, and if it was not him, it was Mr. Lyon before that. Right here it says Filmon, from 1988 until 1999, the slaughter went from 241 000 animals in this province down to 19 000 animals. Thanks to Mr. Filmon and your regime.

So we have no lessons. Well, we do have a serious lesson to be learned of how the Tories did business in this province. We are trying to reverse that. We have got some money on the table to try and address that as well. So all these factors combined—the minister has been in my riding. She came to the Ashern area, the hardest hit area, not once, but twice in one week. First of all, to speak to a rally. Then we had a private meeting with a number of producers to discuss options—good Conservatives to a man, I might add. That just goes to show that we are dealing

with everybody on all fronts. We are trying to keep this out of the political arena.

It would be nice if we could put a united face forward to deal with this, because this is not a partisan issue at a provincial level. We are dealing with the national government. We are dealing with the Government of the United States on this issue. We have to be united, and that very quickly went out the window once the members opposite started to speak.

So on all these bases I have full faith in our Minister of Agriculture and Food (Ms. Wowchuk) to handle this issue. She has done a stellar job to date. If the national government refuses to acknowledge this and accept some responsibility for what is a national crisis, then perhaps we should be focussing all our animosity on the Prime Minister of this country. Heaven knows where he is on whatever golf course today, but it is his responsibility more than anything. We have put our money on the table. We are ready to help our producers out. We have, but the feds are absent, and that is the real fault here. So I thank the honourable minister for doing a very good job. On that basis, I have to emphatically speak against the motion from the member opposite.

Mr. Kelvin Goertzen (Steinbach): I just want to spend a very brief period of time. First of all, on behalf, I think, of our entire caucus and not the committee here, we do want to commend the Member for Emerson (Mr. Penner) for the absolutely stellar job that he has done in bringing forward the concerns of cattle producers across the province.

I know the Member for Emerson was in my own constituency at meetings and listening to cattle producers. I think it is more than just going to meetings and barbecues. Those things can be important, in terms of showing support, but actually listening to what the cattle ranchers are saying is what they need. It is probably more frustrating for ranchers than anything when the minister shows up at a meeting and is there to have a couple of burgers flipped, but is not really listening to their concerns of what is needed. I know in Grunthal this was repeated over and over again, that producers needed money in their hands. The minister came to the meeting at the

Grunthal Livestock Mart, but did not seem to get the message from that meeting. That is probably the most frustrating thing in all. But I know that our Member for Emerson has heard their concerns and has put forward viable options. Many cattle producers have come up to me and said that the strongest voice for agriculture in this province, over the last four months, has been the Member for Emerson. He absolutely deserves to be commended for that. Certainly I will be voting in favour of the member's resolution.

As a new member, it is difficult for me to speak personally about the minister. It is quite possible, and I will take it on good faith that she wants the best for the cattle industry, that perhaps she is not able to convince her colleagues. Maybe some of the other members around the committee table are also not able to convince their colleagues, about the importance of the cattle industry within Manitoba. That is unfortunate, but certainly the motion is appropriate. I would even encourage the minister to take the money that would be saved, once this motion is approved and passed, to the coffers of Manitoba and provide it to the Manitoba Cattle Producers Association. Thank you very much.

Madam Chairperson: Shall we call the question?

Some Honourable Members: Question.

Madam Chairperson: Is the committee ready for the question?

An Honourable Member: Yes.

Madam Chairperson: The question before the committee is that the Minister of Agriculture and Food's salary be reduced to \$1.

Some Honourable Members: Yes.

Some Honourable Members: No.

Voice Vote

Madam Chairperson: All those in favour, please say yea.

Some Honourable Members: Yea.

Madam Chairperson: All those against, please say nay.

Some Honourable Members: Nay.

Madam Chairperson: In my opinion, the Nays have it.

* * *

Madam Chairperson: The motion is accordingly defeated.

The last resolution is 3.1: RESOLVED that there be granted to Her Majesty a sum not exceeding \$2,783,200 for Agriculture and Food, Administration and Finance, for the fiscal year ending the 31st day of March, 2004. Shall a resolution pass?

Some Honourable Members: Pass.

Madam Chairperson: It is—[interjection]

Mr. Penner: Madam Chairperson, on the matter of the vote that has just been held, there was a voice vote. We would ask that a recorded vote be put, because there are seven members on this side of the committee. So I would ask for a recorded vote.

Madam Chairperson: I can appreciate your afterthought, but the motion has been passed. We are now on the resolution.

* (16:30)

Point of Order

Mr. Kevin Lamoureux (Inkster): Madam Chairperson, I think that if you reflect back in terms of when you were asking if there was any further comment, there was hesitation, and it took a bit for the Chair to ultimately decide it was the time to call the question, and no one from the Opposition side said that you waited too long.

When it came time to pose the question on the resolution itself, it was very clearly divided at this table. I think in fairness, much like you were prepared to allow for the government members not to ask a question, that you should at least afford Opposition members the opportunity to request a recorded vote, given the seriousness of the motion that was being brought forward, and I think the member from Pembina was not provided the opportunity to call for that recorded vote.

So we would support the need to have a recorded vote; otherwise you could be putting into question the validity of passing this whole department, Madam Chairperson, because one could ultimately question through a matter of privilege tomorrow or on Monday whether or not proper procedure was followed.

Madam Chairperson: You did have the opportunity to call that right before the question was called.

On the point of order, there is no point of order. The motion had been put and was defeated. We are now on the resolution. *[interjection]* You did not ask for a recorded vote and it was defeated.

Point of Order

Madam Chairperson: On a point of order, the Member for Emerson.

Mr. Penner: Could the Chairperson then explain to this committee when exactly a recorded vote should be asked for? Could the you tell us the procedure?

Madam Chairperson: Certainly. When the question is asked, is the motion passed, you said no.

An Honourable Member: We said yea.

Madam Chairperson: You said yes, they said no, the Nays had it, and it was accordingly defeated. *[interjection]* No, you did not. I am sorry but the resolution was put immediately after. If you were going to ask for a recorded vote, it should have been immediately upon my suggestion that it was accordingly defeated. It was the time for you to say: recorded vote, please.

There is no point of order.

* * *

Madam Chairperson: Shall we get on with the resolution that has already been put forth? I am in the process of reading the resolution that was put forth after the previous motion was defeated.

I will begin from the start. Resolution 3.1: RESOLVED that there be granted to Her Majesty a sum not exceeding \$2,783,200 for

Agriculture and Food, Administration and Finance, for the fiscal year ending March 31, 2004. Shall the resolution pass?

Some Honourable Members: Pass.

An Honourable Member: No.

Voice Vote

Madam Chairperson: All those in favour of passing the resolution, please say yea.

Some Honourable Members: Yea.

Madam Chairperson: All those against, please say Nay.

Some Honourable Members: Nay.

Madam Chairperson: In my opinion, the Yeas have it.

Formal Vote

Mr. David Faurichou (Portage la Prairie): I would request a recorded vote, please.

Madam Chairperson: Do you have support? *[interjection]*

A recorded vote has been requested. We will now go to the Chamber and have a recorded vote. We are recessed.

The committee recessed at 4:35 p.m.

The committee resumed at 5:05 p.m.

Madam Chairperson: This completes the Estimates—

Mr. Faurichou: I rise on a point of privilege in regard to proceedings that took place in this committee this afternoon. I am bringing to your attention I think a significant deficiency, perhaps just an oversight, in your chairmanship in regard to the matter that was raised by the honourable Member for Inkster (Mr. Lamoureux) as to a point of order.

It was then stated that it was not a point of order and you commenced reading the unfinished resolution before you. I had raised

my hand. I wanted to challenge the ruling of the Chair, and whether it was an oversight or not, it was a breach of this member's privilege to challenge the Chair.

You did not acknowledge myself, and I wanted, at that point, to challenge your ruling, which obviously I was in agreement with the point of order that was raised which you dismissed. But it was my privilege as a member of the Legislative Assembly to challenge your ruling, and to ignore and not provide me with that opportunity is in significant breach of your responsibilities as Chairperson of this sub-committee of Supply.

I raise this point at my earliest opportunity, and for that I appreciate—

Madam Chairperson: I must inform the committee that in accordance with *Beauchesne* Citation 107, it has no power to deal with a matter of privilege. Such matters can only be dealt with by the House itself on receiving a report from the committee.

Therefore, I am prepared to entertain a motion to report the alleged matter of privilege to the House.

* (17:10)

Mr. Faurshou: Madam Chairperson, while I agree that this committee has no opportunity or latitude to deal with a matter of privilege, I felt that it was important that I rise on that point, because I believe it is imperative that a chairperson operate in an unbiased manner and to effectively acknowledge all members in due course and to proceed in the parliamentary fashion.

So understanding that you have no opportunity to deal with the matter of privilege, I shall withdraw my request for that matter of privilege. Thank you.

Madam Chairperson: This should conclude the matter.

This completes the Estimates of the Department of Agriculture and Food.

The next set of Estimates that will be considered by this section of the Committee of

Supply is the Estimates of the Department of Finance.

Is it the will of the committee to recess briefly? [*interjection*] Shall we briefly recess to allow the minister and the critics the opportunity to prepare for the commencement of the next set of Estimates? [*Agreed*] We are recessed.

The committee recessed at 5:11 p.m.

The committee resumed at 5:30 p.m.

Madam Chairperson: The hour being 5:30 p.m., I am interrupting proceedings. The Committee of Supply will resume sitting tomorrow at 10 a.m.

JUSTICE

* (14:40)

Mr. Chairperson (Conrad Santos): Will the Committee of Supply come to order please. This section 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 120 of the Estimates book, Resolution 4.

Hon. Gord Mackintosh (Minister of Justice and Attorney General): As I said earlier today, the department has produced graphs of legal aid funding history. Noting first the provincial versus federal contribution, the 10-year range and as well, specifically, the federal contribution, and I will table two copies of this for the member.

Mr. Gerald Hawranik (Lac du Bonnet): I had several conversations with members of the family law subsection of the bar association, and they have done a cost analysis of the cost of services to be provided to family law clients in Legal Aid. They tell me that, excluding disbursements from files, the cost of legal aid for providing services for a family law file by a private lawyer is approximately \$435 per file, whereas the cost to Legal Aid for providing the

same services for a family law file and doing it internally by a Legal Aid staff lawyer is \$1,043.50. Would the minister agree with these figures, and has Legal Aid done a comparative analysis? If so, what is the cost for a legal aid family file conducted by a private lawyer as opposed to an in-house lawyer?

Mr. Mackintosh: First is the question, were those figures arrived at before or after the enhancement of legal aid funding for family law matters?

Mr. Hawranik: Yes, those figures were before enhancement of funding.

Mr. Mackintosh: I recall that Sam Malamud had provided some figures on this theme. They may be the figures the member presented. I know the figures are, first of all, from what the member said, out-of-date.

But, second of all, Mr. Chairperson, there has not been a departmental examination of Mr. Malamud's figures. If the member is relying on Mr. Malamud's calculations, perhaps he could advise the committee, and we may have some more of that presentation.

Well, I will just conclude. The figures that are presented are really overtaken by our enhancement and commitment to the renewal of family legal aid. As the member will note, the addition of monies for family legal aid comprises a very significant percentage increase all at once and I think the figures would have to be recalculated on that basis alone.

Mr. Hawranik: I have a transcript of a CJOB radio interview with Greg Brodsky on March 27, and I wonder if I might read part of it. I am wondering if the minister could respond to that and tell me what he meant by those comments.

Mr. Brodsky said: What I am asking for is when the federal government decided to give \$1.5 million to the private defence bar and, I believe that is the \$1.5 million that the federal government was kicking into the legal aid program to be administered by Legal Aid, that the Government would, in fact, allow that to happen. I did not expect that the Government would take \$600,000 of that because the Lawyers' Trust

Fund interest, which was supposed to fund legal aid, was down this year. I am sure that is not what the federal government contemplated, and that should not come out of Legal Aid's budget. That has got nothing to do with Legal Aid. Because Legal Aid was \$700,000 in the red, they had overspent. They were in a deficit position. Nobody expected the provincial government to take \$700,000 out of the \$1.5 million. Is that correct? Is it correct in saying that the full \$1.5 million perhaps did not go to Legal Aid?

What did he mean by those comments?

Mr. Mackintosh: I was surprised to hear several allegations and theories about the flow of money, perhaps in that same interview, or around that time. What the detailed amount that will flow from Ottawa is yet to be determined to the exact dollar. It was the initial calculation of Legal Aid Manitoba that it would be about \$1.5 million, and we have budgeted accordingly. Therefore, whether or not it is to that exact dollar, the contribution from Manitoba will be \$1.5 million to Legal Aid for criminal law matters. You can see the stake that Manitoba has then in ensuring and fighting for \$1.5 million from the federal government. But that discussion is going on, as it is between every province, I presume, and the federal government as we speak, and an issue that I had raised with Minister Cauchon on Tuesday.

The next point I want to make is that the \$1.5 million was never earmarked by the federal government specifically to go to the private defence bar. I am sure the member recalls the federal announcement in their budget. They talked about innovation in legal aid and putting money in to encourage innovation, and indeed as I said earlier, and it was well known at the time and is in our press release of the \$1.5 million, there would be two staff lawyers that would be paid from that. So he is wrong on that count as well.

Finally, if he is alleging that \$600,000 is coming from that, that is the same figure that is going to—where he gets the \$600,000 and the \$700,000, I am not sure. All this Legislature is doing is voting on significantly enhanced dollars to go to Legal Aid Manitoba. Of the amount, in respect of criminal law, those details and matters

were worked out between representatives of the criminal defence bar and Legal Aid Manitoba. As a result of that, I understand there was a sign off, and a recommendation for a new tariff schedule. So that is really all I have to say on that.

Mr. Hawranik: If I understood you correctly, you said that \$1.5 million is budgeted within a Legal Aid budget as coming from the federal government, yet you have not received it yet. Can you tell me how much you have received from the federal government, and if you do not get the full \$1.5 million, what is your contingency plan to ensure that the money is there for legal aid to make sure it is viable?

Mr. Mackintosh: I am advised by staff that the receipt of the dollars will, as is the practice across areas of governments, different departments and different federal transfers, that the expected time of the receipt of federal dollars is usually at the end of the fiscal year. That is the practice. I do recall meeting with the executive of the bar association that had questions about when money was coming from Ottawa, but that is the usual practice.

Now, having said that, if it is less than what is budgeted for, the 1.5 million, Manitoba will have to absorb the difference due to its commitment and because of the vote of this committee in the House.

*(14:50)

I think that in the months following the initial estimate of how much was coming from Ottawa there were reduced expectations of how much would come from Ottawa. I think Ottawa is looking at monies flowing if the provinces meet certain criteria or objectives. Those are being determined. My understanding is that those are still being worked out. There are also some expectations. As of this point in time, I am advised that there is an expectation of receiving less than 1.5, but it could be that more would be received, then, in the second or third year of the program, which was packaged as a multi-year program by Ottawa.

So it may, on average, work out to 1.5 and that is maybe why the estimate originally was

that when we put together our initiative for the renewal of Legal Aid in Manitoba. So, if there are people at the bar concerned about the flow of money, it will flow in the usual course, in the usual calendar. But whatever flows from Ottawa, will not make a difference to the Province of Manitoba's commitment on the Criminal Law side and of course, Family Law is not affected by federal contribution.

Mr. Hawranik: Mr. Minister, a *Winnipeg Free Press* report indicated that during the court hearing of the Hells Angels associates that was about a week ago, or so, the Hells Angels associates were acting as their own counsel because their lawyers would not act. They were, in fact, involved in their own litigation to attempt to get increased fees from Legal Aid, increased compensation, which, they felt, was due to them.

During that hearing, Mr. Chairperson, the Hells Angels brought a motion for disclosure of the evidence against them. They brought a motion for disclosure of evidence which includes names and addresses of witnesses, witness statements, a videotape of people coming and going to and from a convenient store during the surveillance. This evidence is normally disclosed to defence counsel, not to the accused. Now we have this confidential information, damaging information, I believe, in the hands of the accused. And in the hands of the Hells Angels.

How do you think Manitobans should feel knowing that? I feel that they will not be feeling very secure these days. How do you feel Manitobans would feel about that?

Mr. Mackintosh: I know as a lawyer and, as I understood it, one that has practised Criminal Law, the member will know that these are very live issues before the court in a trial. The sub judice convention of the Legislature is key here. We have to most careful with Legislatures commenting on particularly criminal matters, let alone some civil matters that are currently before the courts. So I will not deal with any specific case in my answer. My answer will just be very brief. As the member also knows as a practising lawyer, that any documentation provided to counsel is de facto. Provided to the accused or the client. The counsel is the agent of the

accused and unless there is a court order otherwise, which I understand would be an extremely rare occurrence. The other issues are around security and disclosure issues and those are matters that are regulated by the court.

Mr. Hawranik: I am not asking you for details as to what happened in the court other than what was reported in the newspaper. I am not asking you for details, in terms of evidence, as to what went on in court, or interfere with any court proceeding. I am only taking facts that were disclosed in the newspaper that are available to the public.

One of the functions of the Justice Department is to provide a safe environment for residents of this province. Because the disclosure of evidence was given to the accused, now you can say all you want that yes, it is normally given to counsel, in reality in law it is given to the accused. But in reality, it does not go to the accused. It goes to the lawyer representing the accused, and he filters that information before it is provided to the accused. Now this information was given to a Hells Angels associate no less. I believe you have jeopardized the safety of witnesses and even those innocent bystanders who attended the convenience store. This is all because you do not have a plan for Legal Aid funding of high profile cases. Would you not agree with that?

Mr. Mackintosh: First, I should remind the member that there is indeed a plan and it is before the court. It is a matter before the court, in terms of Legal Aid's funding of counsel here. That is something that is a very live issue that will be looked at by the court, which is the appropriate forum.

Second of all, it is my understanding that the Crown Prosecutions Branch is aware of the security issues when it approaches disclosure. The excise of information is an option that the Crown can exercise. But these are matters that, again I say, are under the supervision of the court. There is a judge that is overseeing this, as is the right forum. This is not a matter that is being tried in the Legislative Assembly.

Mr. Hawranik: The minister says there is a plan before the courts for the funding of high profile

cases. I do not believe there is. I think it is just an application by several defence lawyers in this particular case to ask for funding from Legal Aid to be a part of that trial for the accused, the Hells Angels associate. It has nothing to do with the long-term plan of legal aid or the Government's plan.

I am asking: What is the minister's plan? What options does he have to fund high profile cases, high profile criminal legal aid cases?

* (15:00)

Mr. Mackintosh: Just to reiterate, as the member would know as a practising lawyer, any evidence coming as a result of disclosure from the prosecution of a case would in all likelihood be shared if the issues were germane and there was rebuttal needed and the garnering of other evidence from the defence.

But getting onto the issue of funding of certain kinds of trials, I do not think it is a matter of high profile trials, it is matter of funding the more complex and lengthy trials that is of concern across Canada. This is an issue that has been rising more and more in this country and is on the agenda for consideration at our next meeting with the federal minister, first of all, in hopes of sharing the developing strategies across the country, recognizing the challenges and, as well, pursuing, I think, our common interest in federal participation, particularly where there are drug offences involved, at a minimum, and at the ideal, to have a more robust federal participation in these special cases, recognizing that it can be very costly for a jurisdiction, particularly smaller jurisdictions, to fund this style of trial.

So this is not an issue, a challenge that is unique to Manitoba. We have learned some lessons from the Warriors trial. Prosecutions, for example, has engaged other Prosecutions services from across Canada. In looking at the prosecution of mega-cases, mega-trials, I believe that there is some ongoing dialogue happening there. There are some lessons in terms of counter-intimidation strategies, in terms of jury issues, in terms of disclosure. One thing that is clear is that this is a most serious challenge, as most recently exemplified by the outcome in Alberta just, I think, two days ago, a very unsatisfactory

outcome in that province of a trial that was, indeed, one of the highest profile trials in the history of Canada. So there are new approaches that must be brought to bear.

In the case in question, I do not want to get into any more detail than simply to say that the member may know from accounts but I can assure him that there is a proposal here and that it is being considered in the proper form, that is the court in question before the judge who seized of this on Monday.

Mr. Hawranik: We have a situation now in Manitoba where Hells Angels associates are entitled to disclosure of information because their lawyers are applying for increased legal aid fees. They are currently unrepresented. Witnesses are not being protected. Information, confidential information, I feel, that the accused should never get is now in the hands of the accused.

Given that situation, what are you planning to do, or are you planning to do anything to ensure that witnesses and the general public are protected in situations like this, in situations where we have the Hells Angels associates getting information that really they should not be privy to?

Mr. Mackintosh: As I said, what information is flowing through the disclosure is under the supervision of the court. That is where these trial issues, by the law of Canada in a democracy, are being entrusted. The Prosecutions service, as well, though, is very mindful of those security issues and will exercise its discretion with security in mind.

As well, as I said earlier, repeatedly, the member should know full well that any documentation going to a lawyer is deemed to be going to the client.

Finally, I will just say that the role of the Province was to work with Legal Aid Manitoba to ensure that a proposal for fees flowed, and if the member is suggesting that the fees are insufficient in this particular case or not, I would say that the best opinion is that of the court in dealing with all of these issues. If any of them are issues that are to be the subject of decisions

from the bench, then that is the appropriate place.

Mr. Hawranik: Mr. Minister, it was reported in the *Winnipeg Free Press* on June 13, 2003 that taxpayers have spent more than \$315,000 paying for defence lawyers representing the accused police killers Robert Sand and Laurie Bell. It was also indicated that the sum did not include expenses and a still-to-be-determined final fee at the end of the case. The two lawyers who represented the accused were demanding an additional \$210,000 to \$315,000. Has the amount of compensation paid to those lawyers been settled yet?

Mr. Mackintosh: That is a matter between the parties involved which are, of course, the counsel and Legal Aid Manitoba.

Mr. Hawranik: Mr. Minister, in the same case, the Sand and Bell case, one of the defence lawyers was arguing during that case that to charge someone with first-degree murder, without looking at the facts and circumstances of the offence first and simply laying a first-degree murder charge against someone because they had killed a police officer was unconstitutional. That is an argument that was reported in the *Free Press* that he had made during that trial.

Mr. Minister, this argument was already thrown out in three other provincial courts of appeal. It was already decided. Surely, Legal Aid should not have funded the weeks of research and argument that were necessary to fund that motion. I believe it is a complete waste of taxpayers' money and time and court time. Would the Justice Minister speak to Legal Aid about this? Would the Justice Minister recommend that, in fact, arguments that really should have no merit and have been decided before, really should not be funded by Legal Aid. Legal Aid is supposed to be a basic legal system, not a Cadillac. Will the minister talk to Legal Aid about that problem?

*(15:10)

Mr. Mackintosh: The Justice Department oversees the prosecution and the defending of applications like this. One can see there would be a serious result if the Justice Department was

controlling both the prosecution and the defence. The motions being made are available to the defence at law. I have that primarily in mind, in answer to the question.

Legal Aid Manitoba is the one that supervises the flow of dollars under the scheme in place. I was not a party, of course, and never would be to what discussions took place in terms of this motion and whether monies flowed specifically relating to this motion or not, or whether there was any examination of the merits of such a motion.

Clearly, Legal Aid is, and I would have to recognize would be, in a difficult position itself deciding on the merit of different motions being made before the court. Having said that, we have asked Legal Aid Manitoba to take all steps to find efficiencies and to look to see how it has been funding cases historically and to make sure that tax dollars are being used in an appropriate way and not to encourage the advancement of frivolous matters. I look forward to their plan, should they respond favourably to our request. I also will say in terms of this particular case, I will not comment on any matter, given that it is currently under appeal.

Mr. Hawranik: I think as Minister of Justice you have to take responsibility for the policy that has developed at Legal Aid. Even though you try to distance yourself from the legal aid system you are still ultimately responsible because you are in part a funder of Legal Aid. You are responsible to maintain a viable and operating legal aid system, one that is sustainable.

Part of the problem is that Legal Aid is, in fact, funding frivolous arguments. This happens time and time again. I think the minister ought to take some responsibility to ensure that the legal aid system is a sustainable one in Manitoba. The frivolous arguments that are funded certainly go toward the viability of legal aid in the long term and the sustainability of legal aid in the long term.

Why does the minister not become more involved in the policy making for legal aid? I am not saying in the day to day management, but certainly in the policy framework of Legal Aid.

Mr. Mackintosh: As I have said in answer to the concerns the department increasingly had

about the Legal Aid overexpenditures, we have asked Legal Aid to rethink its approaches, to look at issues, whether it is bundling, tariffs that encourage efficiencies and discourage frivolous proceedings. I look forward to the result of that.

At first, we decided it was important to stabilize the financial side, and, second of all, of course, to move in a collegial way on the issue of tariffs and block fees. It is now incumbent on Legal Aid to look at the longer term. We are assisting by way of having an individual from the Justice Department work with Legal Aid, address these kinds of concerns that many people have, particularly observers of Legal Aid.

Mr. David Faursehou (Portage la Prairie): I appreciate the honourable Member for Lac du Bonnet allowing me the opportunity to ask a couple of questions of the Justice Minister at this point in time. I know the Justice Minister is familiar with my questions, as they are perennial in nature, in regard to the women's correctional facility. It has been a focus of mine since I was elected in 1997, because, within Portage la Prairie, that is an important institution. As well, we recognize that it is an institution that is aged. Other agencies besides the Aboriginal Justice committee Inquiry and the Elizabeth Fry Society both have been strong proponents for its replacement.

But now another year has lapsed. I am wondering if the minister could potentially update the House as to the progress made in regard to the improvement, refurbishment or replacement of that aged facility.

Mr. Mackintosh: I was pleased to meet with officials from the city of Portage la Prairie in August on a number of issues related to Justice, as well to answer their queries as to the process. I know they have a very keen interest and what appears to be a very well-managed process to put their best foot forward.

The past year has seen some very significant developments in terms of moving this project along. We are committed to replacing the women's facility and doing so on a timely basis, given that nonetheless we have some challenges to overcome, the largest of which is the location of a new facility and what its configuration will be.

Two very significant developments over the last year, first of all, funding was secured in the Department of Transportation and Government Services for this initiative to get going on a programming analysis and design and consultation. My understanding is there is about \$400,000 that has been earmarked to move it along. That is the first significant development. The second is that we have now heard officially from the Government of Canada that it is interested in partnering on this facility. That was critical, to have that determination made by the federal government. There has been correspondence at the staff level and at the ministerial level. Now a person has been assigned to work with Corrections Manitoba.

* (15:20)

So it may well be that federally sentenced women will have a facility in Manitoba. Further discussions would obviously have to take place as to how the federal contribution would flow, whether it is capital, whether it is per diem or otherwise.

The final thing that I want to say here is the process for consultation now will hopefully be concluded within weeks, actually. We are at the final stage of making decisions on the composition of the consultation group. The Government does seek to have an independent body that has some expertise in different perspectives, invite proposals, speak with concerned stakeholders, establish criteria and recommend to the Government of Manitoba the location of a replacement facility.

The Minister of Transportation and Government Services (Mr. Smith) and I have spent some time looking at the composition of that committee and the recommendation will be made very, very soon. So I do think that within weeks we will have some announcement on that process and who will comprise the consultation group. I have advised the people of Portage la Prairie who are leading the group. We would keep them apprised and once that decision is made, I will undertake to do the same with the MLA. So I think things are moving now and these were necessary prerequisites to get to the point where we are now, that we will begin an earnest consultation process. Which, I will add,

it is our hope that this will move quickly so that a decision can be made and construction begin in as short a time as possible. I am always hesitant to say when the construction would start, largely because the role of the federal government is one that may be somewhat nebulous in terms of knowing what their expectations and funding requirements might be. There may be some funding approvals that come along that we have no control over, but anyway, that is where it is at. It is moving along. I am quite pleased now that we should be making an announcement very soon.

Mr. Faurichou: Mr. Chairperson, I am pleased to hear from the minister that there is progress being made and that announcement is imminent. I know there should be study as to the location if a new facility, which I think the minister has pretty much confirmed that a new facility will be constructed. I appreciate the study and consideration of other locations, whether it be in the north end of Portage la Prairie, the west side, its current location, I appreciate the study because there are other locations that could enhance the activity within Corrections. The provincial government does have other correction facilities in Portage la Prairie as well. I speak specifically, Agassiz Youth Centre as well. While it has been years and years and years talking about the women's correctional facility, I want to emphasize to the minister that the Agassiz Youth Centre is as well showing its age, although there have been enhancements to that facility over the years and new programming. I am wondering if the minister can update the House as well as to considerations for the youth side of corrections.

Mr. Mackintosh: One thing that you have got to accept is so many of the justice infrastructure in the province, the correctional infrastructure is really old. Milner Ridge, Dauphin, Agassiz, Portage jail, which is a real doozy, as everyone knows, Headingley, much of Headingley, and none of the upgrades come cheaply. Correctional construction is highly specialised and very expensive. Of course, the new part of Headingley was a very, very significant investment in Corrections in Manitoba, not just on the capital side. Of course, we as a government, added over 100 staff years, as I recall, to Headingley, which is a big chunk. I am leading to this. We have prioritized the women's facility, despite all the

demands and the deficit in that infrastructure. That had to be done. At the same time, we are managing as best we can the infrastructure needs in the other facilities. When it comes to Agassiz itself—well, yes, we have the new Lakewood centre there—there has been some upgrading. I know there have been some concerns expressed by the Fire Commissioner. Those needs were met. But in terms of the overall priorities and what lies ahead, we are keeping a firm eye, despite all the pressures, on the Portage women's facility. That is the priority.

Mr. Faurshou: Once again, I appreciate the minister being aware of the demands. I would like, though, at this time to make certain that the minister and the department learn from the experience of redevelopment at Headingley. I know there were some deficiencies even though significant dollars were spent on the new construction. Once it was up and about, and I will give an example that there is, for firefighting purposes and because a lot of the construction was made necessary because of fire, the installation of sprinklers but no drains. So, if someone was effectively to activate the sprinkler, how do you get rid of that water that is expelled by the sprinkler system? These are the sorts of items that I hope the department learns from that experience when redeveloping the new women's correctional facility, that we do not end up with these types of oversights. I do not blame the department. We do not, as a department, often go through the process of replacing our facilities. As we can appreciate, they are aged, so we do not do it every day, so we are not, perhaps, as well familiar with some of the potential items, and things get overlooked.

Mr. Chairperson, another concern in Portage la Prairie, besides the correctional facilities, involving Justice is that of the former Waterhen First Nations persons that were moved by government to Portage la Prairie and are housed in provincially owned housing facilities. The case went completely through the judicial system terminating at the Supreme Court of Canada. The decision was made not to retry the individuals who, for the most part, had already served sentences. The individuals have now resided in Portage upwards of seven years. This case is still outstanding. The individuals are, through, in most part, no fault of their own—but

government has effectively relocated these individuals to Portage la Prairie and the issues that brought about that relocation as well as significant, I would say, errors within the judicial system that consequented time within the corrections facilities—all of these are still outstanding.

* (15:30)

I would like to ask the minister: Is he aware that these issues have yet not been resolved, and if so, can he potentially update the House in regard to what the department is undertaking to address these outstanding issues because seven years is an awful long time? I mean there are children there that have gone through a significant part of their education within the Portage la Prairie School Division. I know our division has done everything that it can, but there are needs within that community that are significant because of the trauma that they have experienced through this relocation process, and then consequently judicial experience as well.

Mr. Mackintosh: My understanding is that the criminal proceedings are completed with respect to Waterhen residents. I just wanted to confirm that that was not an issue then. That was a very interesting course of proceedings, some unique aspects there.

Mr. Chair, I am certainly aware from my visits to Portage and from my meetings here with representatives from Portage, including the mayor, whom I think very highly of. I think Portage is most fortunate to have the leaders that I have met in many areas. Glenn Carlson, too, a person there who is doing great things with youth justice and really trying hard in making a difference.

There are ongoing concerns about former residents of Waterhen. I understand that there have been concerns around the housing, which I think is Manitoba Housing. But in terms of the Justice Department, this is not an area that we are brought in to. I am certainly aware of concerns and maybe that there are other departments, and it may well be that there may have to be more interdepartmental discussions on that one. I would defer to the insights of the member in suggesting whether there should be a different strategy involving different departments, and if

there is a role for Justice and Prosecutions or Corrections or whatever. I do not know if that is the case. I would certainly be pleased to participate in that. Perhaps I will leave it at that and we could further have these discussions.

The member has raised these in other Estimates and will again, in this term, in this session, of other departments, whether it be Housing or Aboriginal and Northern Affairs. Aboriginal and Northern Affairs indeed may be a good place to have any cross-departmental initiative started from.

Mr. Faurschou: While I appreciate the minister's response, it is a rather ticklish situation. After the Supreme Court ruling, which effectively suggested that Manitoba Justice look to a retrial or to just letting the issue drop because of the whole court process being questioned, there were months elapsed between this ruling by the Supreme Court of Canada and any contact whatsoever by Justice with the former Waterhen persons. So, effectively, the Waterhen persons residing in Portage la Prairie, anxious to try and get the attention of Manitoba Justice, failing that they entered into filing of suit, naming the current Minister of Justice and the past Minister of Aboriginal and Northern Affairs. So this issue is still there and it does, perhaps, complicate the situation. This action I will say is out of desperation, for inactivity. I am appealing to the minister today that evaluation of the inaction to date is one I think he should be concerned about within his own department for him. To be named in this suit by legal counsels for Waterhen First Nations—I leave that point for the minister's perusal.

I would like to move on to a very specific case, one that is most current and most troubling to parents of a troubled teenager who has been in and out of court since 11 years of age. The most recent incident occurred just 10 days ago which saw yesterday's court appearance which resulted in the release of this individual into the community once again, now 17 years of age.

The parents, in desperation, are seeking any and all considerations as to what to do with this young person. The system has failed miserably in their eyes, because we are speaking of a six-year span of a very troubled young person who

has problems with addiction, has caused significant grief to others, has been in the justice system on numerous occasions. Yet the justice system does not seem to prevail upon this young person or to demand of this young person some type of treatment or assistance. The parents cannot live with this individual. They have banned the individual from their home. They have not yet sought a peace bond or any court document that would prevent the young man from coming on premise. However, that is a consideration at this point in time.

Mr. Chairperson, I want to emphasize at this point to the Justice Minister that the justice system is not following through. This individual has been released and community service has been demanded which has not been complied with. There has been demand by the court system that he attend to the Addictions Foundation residential program that is at Southport for treatment for addiction with which he did not comply, and there have been other court orders that have not been complied with. Yet this individual again caused significant damage and grief just 10 days ago and appeared in the court system and was released once again.

Mr. Chairperson, it was known in court that this person does not have residency available because the parents are preventing the individual from returning home. I will not be specific as to their reasons why, however, I believe you can comprehend that an individual in this state of mind can be a concern for one's own well-being. This individual, upon release from the court, is now in a cardboard box in the backyard of the parent's home.

I want to emphasize to the minister, and I would like a response as to the judicial system and its failure in regard to this young person as in related interpretations by the parents who know first-hand.

*(15:40)

Mr. Mackintosh: Just from what the member says, if the issue is before the court, we could offer this. We cannot talk about names and we do not want to. I would have to be careful on any observation because I do not know what stage it is at or what the history has been. I do not know

what the position of the Crown was as to release. I do not know if this is about bail or whether this is about a sentence. Of course, sometimes, not infrequently, the Court and the Crown prosecutor are not of the same view on releases, so I do not know the circumstances there.

Mr. Chairperson, I would be interested to hear more about this case in terms of information, but what I can suggest is we will arrange, if the member so chooses, to have some dialogue arranged between the member and the Prosecutions Branch. Mr. Finlayson is the head of Prosecutions in Manitoba. Perhaps some answers can be obtained and perhaps there are other remedies that are available. I think on the specifics of these cases the proper role for a minister is to facilitate a discussion occurring with the Prosecutions service.

Mr. Faurschou: I raise this issue as very timely on the basis the parents are living in home under a lockdown situation, where the individual was outside in the yard. The individual attended to my office in really significant duress.

I raise this issue because it concerns everyone that this has taken place and there has been no follow-up by the courts. I am wondering whether there is lack of resources at play here that has not followed up with court orders that have effectively failed in enforcing compliance to the Addictions Foundation residency or to complete the community service which has been demanded. Yet this individual once again, in front of the courts, is released. I would suggest there are failings within the system.

I know the Justice Minister and the judicial are two separate entities, but I bring this to your attention, sir, as a grave concern within the system that an individual that has this troubled history is released into the community with no fixed address essentially, which the court was well aware of, and what that means to society and community that I represent. It is something I know the minister can appreciate. So I do not expect definitive responses at this juncture, but we have a mother crying out for assistance for her son and for herself and is really looking for help.

Mr. Mackintosh: The allegations are certainly disturbing. I just think there may be possibility

of a role for Child and Family Services here. I suspect there may have been a role in the past, but I think there should be that kind of bridge. We will arrange contact, then, with the member. We will have a look at this case. The Prosecutions service will look at the case with the member and see what options are available.

If the allegations are borne out, obviously, the question in my mind is whether the child is in Native protection and whether The Child and Family Services Act as well, may be there. In addition to any responses from the justice system, I would also be interested to know, as I said earlier, what the position of the Prosecutions Branch has been and what enforcement has taken place.

Mr. Faurschou: In regard to Child and Family Services, am I in error in interpreting that once over the age of 16, Child and Family Services intervention is rare?

Mr. Mackintosh: I think the question really is: Is there, in fact, a role for Child and Family Services in terms of a range of options? But I think the allegation was that this is an individual living in a box. So I will leave it to the fact finding of Prosecutions and the MLA to see what can be done here.

Mr. Hawranik: In March and April of this year, the Crown prosecutors were threatening to strike because of low salaries and unmanageable case loads. Can the minister tell me: Have the Crown attorneys settled their wage issue dispute with the Province, and, if so, how much of an increase was agreed to in salaries?

Mr. Mackintosh: I am advised that as a result of a mediation exercise conducted by Mr. Michael Werier, there has been a proposal that has gone for signing, but my understanding is that I am advised that the signing has not been done formally. I understand that overall there is an increase of 3 percent in this fiscal year and I think 3 percent in the next two years. As well, in the second year, it is my understanding that there are some adjustments, depending on the classification, which will not be across the board.

Mr. Hawranik: Last March, the Provincial Government announced, I believe it was

\$582,000 for 12 new full-time positions in Justice. I do not believe that any of the money was used to hire new Crown prosecutors. Can you confirm that for me?

* (15:50)

Mr. Mackintosh: If the member can clarify whether he is talking about a commitment made during the election campaign with regard to Prosecutions, or whether that had been made earlier.

Mr. Hawranik: Well, Mr. Chairperson, I can see that an announcement was made in March for, the Province made an announcement in March announcing \$582,000 for 12 new full-time positions.

Mr. Mackintosh: Actually, 13 full-time equivalent staff is added in this budget. There is a breakdown of the numbers as follows based on consultations with the Manitoba Government Employees Union and the Manitoba Association of Crown attorneys. First of all, seven staff for early case review, and we can talk more about that; one for appeals, that is a specialized case review prosecutor to determine if there are grounds for appeal; a new Crown for youth prosecutions; three Crowns for regional offices and one for a child victim case co-ordinator.

Mr. Chairperson, there are some clerk positions in that complement, for example, in the early case review unit, three clerks. My understanding is that all but one of the Crown attorneys has now been hired and all but one of those is now in place. This was a commitment that we had made for timely resolution and so we expedited the advertising and the hiring process. If the member has any questions of greater detail, I would love to get into that, but that is the status of it. There are still some clerk positions to be filled.

Mr. Hawranik: If I am to understand you correctly, out of those full-time equivalent staff positions, do I take it then that there are 10 full-time Crown attorneys that were hired? Three were clerks out of that list that you provided me, 10 full-time Crown attorneys. If so, how many full-time Crown attorneys were there in March of this year versus how many are there today?

Mr. Mackintosh: Mr. Chairperson, of the 13 full-time equivalents, I provided the breakdown. It is my understanding that 8 of those 13 are prosecutors. The FTEs, the full time equivalents, at the end of '02-03, I understand, numbered 88.5 for prosecutors, and with this budget, are 97.5.

I refer the member to page 35 of the Estimates book, where there is a breakdown. As well, the page also contains some footnotes. Four full-time equivalents are assigned to Prosecutions from other places. First from MPI, they pay for an auto theft prosecutor to work on the auto theft prosecution team. As well, as I recall, there was some transfer of assistants from Corrections to Prosecutions. That was in respect of the gang unit.

Mr. Hawranik: Mr. Chairperson, from the information you have given us, the number of full-time Crown prosecutors has increased from 88.5 to 97.5, which means nine additional Crown prosecutors under this new budget. The concern of the association of provincial crown attorneys was that they required, because of the unmanageable caseloads that they had, at least an additional 20 Crown prosecutors. I can tell you, Mr. Minister, that I speak from experience, having met and litigated with many of the Crown prosecutors in Manitoba during my legal career.

Mr. Jim Rondeau, Acting Chairperson, in the Chair

Invariably, I can tell you that Crown prosecutors have caseloads sometimes in the hundreds, way too many to manage. When you compare them to the federal Crown prosecutors, they have much lighter caseloads and have more time for preparation for trial and preparation of witnesses. I found that frequently Crown prosecutors would be interviewing witnesses of a trial within about half an hour of the trial. That was sometimes the first time they would ever see them because of the number of cases that they handle.

Do you feel that the addition of nine additional Crown prosecutors in this case is enough in Manitoba? Do you feel that the provincial Crown prosecutors were asking for too much when they were asking for an additional twenty Crowns?

Mr. Mackintosh: The historical context, I think, is very important. The enhancement of the Prosecution's budget has been very significant. The 2003-2004 vote over the '99-2000 Adjusted Vote is an increase of 58 percent. I do not think there is an area in government—there may be some place in Health, I do not know—that has seen such an increase in investment. There has been, I think, an historical neglect of many of the needs in Prosecutions. Indeed, there were even cuts in Prosecutions at a time when the crime rate in Manitoba was increasing significantly.

Since coming into office, there has been that kind of attention to what has to happen in Prosecutions, not only with the number of prosecutors in mind, but managers, the number of support staff and how the unit is organized.

* (16:00)

Mr. Chair, in addition to the prosecutors that are in this budget, the Government is committed to adding eight more Crown attorneys, some to be dedicated to the criminal organization and High Risk Offender Unit, others to focus on domestic violence and impaired driving offences. I think that would number twenty, twenty-one prosecutors.

There was an independent analysis, though, of the needs in the Prosecutions Branch that was ordered when we came into office following several years of serious concern on the part of many, including the opposition of the time about the overwork in the Prosecutions Branch. The report by Ernst & Young in August of 2000 did recommend staffing increases for Prosecutions. It only recommended, actually, two and a half Crown attorneys. That was a very, very thorough independent review. Ernst & Young was chosen in consultation with the Manitoba Association of Crown attorneys, and, indeed, following that report, an action plan was developed and has been worked on in consultation with the Crowns.

One of the main findings of the Ernst & Young report was that there may be some nominal increases to the number of prosecutors to help deal with some of the challenges, but there had to be more support staff in pretty significant numbers.

So we attended to those recommendations, and we have already exceeded the recommenda-

tions there in terms of the number of Crown attorneys. I think it was Mr. Finlayson at the time who said that the real thrust of the report was to get two Crown attorneys out of the xerox room and into the court.

Another one of the recommendations in there was to change the way that the cases were being dealt with at the early stages. They recommended that there be what they called a disclosure unit, as I recall, for the early review of cases and the early disclosure of the relevant evidence to defence counsel.

The response of the Government, as I said earlier, was to move on immediate hirings. In fact, in November of 2002, 6.5 new staff were hired immediately. There is a new Crown for Thompson and The Pas. There is another half-time Crown position for provincial statutes. There was, very importantly, a new director of business operations who was brought in, initially seconded from Courts, as I recall.

There was more support staff for the regions at The Pas, Dauphin and Portage and another two .5 clerical positions in Winnipeg. There was more staff then in 2001-2002, more staff again in '02-03. What we are seeing is a continual effort on an incremental basis to bolster the Crown Prosecutions Branch to make sure that it is able to do the job that I know the Crown attorneys want to do.

I should just add that the early case review or disclosure unit is now an initiative that is unfolding, and as a result of the Chief Judge's partnership project, working with Prosecutions and Courts and the police, this fall we will have a very exciting new project, which has been called the Front End Project, unfold, for which expectations are high, which will reduce the court backlogs in a very meaningful way in this province. The leadership of the Chief Judge has been absolutely instrumental in moving this forward.

The issue of delays in the court systems of Canada are, in my view, a challenge that has to be dealt with, and this Government has been working on several fronts to deal with that challenge, as has every other government in Canada. But the Front End Project, I think, is one of the single most promising initiatives in

the country. I might add that there are other changes that have to be made, including changes to the Criminal Code, and we can talk about that if the member wishes, in order to streamline and have efficiencies in the justice system.

Now there have been other organizational changes in Prosecutions. I think in particular of the establishment of the Criminal Organization and High Risk Offender Unit in the Justice Department which in the Prosecutions division is comprised of the High Risk Offender Unit and the gang unit. I think, as I recall, Manitoba was the first jurisdiction in Canada to create these kinds of specialized, targeted units. We have seen the development of these kinds of initiatives in other jurisdictions south of the border at an earlier stage and, subsequently, I know that there are other jurisdictions in Canada looking at our model. I think Québec might have been there around the same time, but I have had some conflicting reports as to the timing of Québec's establishment of a formal gang unit. I think it actually was after Manitoba's establishment of a gang unit.

We have had consultations with Minnesota and with Québec. We had a conference here last November, as I recall, sharing ideas about approaches. I think this is a very, very important step forward in terms of developing the expertise and the continuity in prosecuting gang cases and high-risk-offender cases. When it comes to high-risk offender cases, I might add that the idea there was to take away from the workaday and the heavy demands of all the regular trial court files those cases where there should be special applications made to the court for dangerous-offender status or what are called 810s, protection orders. Those people there, I think, are performing a very, very important function, and we are now seeing a real growth in the applications for dangerous-offender status and certainly the use of 810s in Manitoba.

I am entirely convinced and I will, I think, do more of a sales job with my colleagues from across Canada that that kind of a unit is really important to make full use of not only the dangerous-offender applications but the more recent Criminal Code enhancements that allow protection orders to be applied for.

Mr. Hawranik: In the March 1 issue of the *Winnipeg Free Press*, Bob Morrison, who is the President of the Manitoba Association of Crown Attorneys, was quoted as saying that there has been pressure to make plea bargains simply to keep the system moving and there has been huge pressure to cut corners and short-change victims. There really is quite a human toll in all of this.

Can the minister confirm whether the Government, in fact, whether the Justice Department put pressure on Crown attorneys to keep the system moving to make plea bargains just to keep it going, that you put huge pressure to cut corners and short-change victims?

* (16:10)

Mr. Mackintosh: Mr. Chairperson, it has to be recalled, of course, that there was much advocacy from the Manitoba Association of Crown Attorneys around the time of its wage issue. I might also remind the member that since the year 2000, a total of 32.5 staff positions have been added, far surpassing the Ernst & Young recommendations of 16 staff years. I say that because we thought, coming into office, that the best way to get an objective view of the demands and the challenges in the Prosecutions Branch was to have an expert, outside, independent review and evaluation of the processes and outcomes in Prosecutions. That is the Ernst & Young report. That was not a cheap report. That was very expensive. What went into the implementation of that report and some of those recommendations are being worked on still because it has to be that way. Some of the recommendations have to always be worked on, their processes and calls for continuing action. The early case review process is now being funded.

That is the objective, independent analysis of Prosecutions. And that is before the public in detail. We have relied on that one. In addition, though, we have gone beyond Ernst & Young because we want to surpass Ernst & Young in some of the areas. The establishment of our gang unit, for example, as an initiative of the new administration, is a unit that we want to see expanded. We want to see it be successful. The High Risk Offender Unit is another. The auto theft prosecution team is another.

At the same time, we cannot lose track of the fact that cases that do not fit in those descriptions have to be moved along expeditiously and fairly. That is why these changes and enhancements have been made. So the answer to the question is we looked to Ernst & Young. We think that is where the best analysis is in terms of the needs and shortcomings.

Mr. Hawranik: I am sure that Bob Morrison, who is very well respected in the legal profession and, in fact, Mr. Minister, is one of your employees, would not say something that is untrue, no matter whether it is in the heat of bargaining or whatever. I just do not accept that.

You mentioned Ernst & Young a number of times in the answers to your questions today. Bob Morrison had something to say about the Ernest & Young report too in the same article of the *Free Press*. He states that although nearly 80 percent of the recommendations of the 2000 Ernst & Young report into the Prosecutions Branch have been acted upon, he said the situation is worse today than it was before the report. Do you have any comments about the report at this point?

Mr. Mackintosh: Yes, I recall that there were certainly different views about the number of recommendations that had been acted on and not acted on. In fact, as I recall, I think the association wanted to take the view that most of the recommendations had been acted on. In fact, less had been acted on. It is strange for me to take that position, but that was the case. But even since then, there has been significant movement on recommendations, I understand at least around the front end and moving on staff enhancements.

I think the bottom line is this. There has been an increase in the budget of 58 percent, and there is more to come. We have an election commitment that will be brought in in future budgets, and that is an historical commitment. As I recall, even compared to other jurisdictions, I think Statistics Canada was measuring the support of Prosecutions services across the country, and Manitoba was at or near the top in terms of additional funding for Prosecutions.

Mr. Hawranik: You have implemented some of the recommendations of the Ernst & Young report. Can you provide some detail as to which ones you have not yet implemented.

Mr. Mackintosh: We could provide further information. There were some recommendations that were, indeed, rejected by the result of a consultation process with the Manitoba Association of Crown Attorneys and management. As I say, it was a collaborative response. There were several action teams that were put into place to move on the recommendations. The Front End Project and the new investments at the front end now are unfolding.

There was another very important concern expressed by Ernst & Young that is now being addressed. Unfortunately, it has taken some time as a result of the Rubik's cube of government accommodation. There was concern about the lack of proper space for Crown Prosecutions. Of course, with the addition of new staff, that is even more pronounced. As a result of some reconfiguration of offices out of the Woodsworth Building, it is our hope that that issue will be dealt with in the coming months, and certainly before the end of the fiscal year at the latest. I know the importance of working environment. I personally went on a tour of the office to see the kind of accommodations that they were working in. They do need more room and more offices for interviews and so on.

That is unfolding now. It is my understanding that the Public Trustee offices are to move out of the Woodsworth Building later this year. That will allow for that recommendation and that concern by the Crown attorneys to be addressed.

As well, I know that many of the concerns of Crown attorneys have been around, in particular one classification, an entry-level classification, which actually a few years ago there was a decision not to use it, but it has been a concern. I understand that if this agreement is formally signed, that that has been dealt with.

As well, there have been some historical problems and discrepancies alleged that I understand were addressed at the mediation table. I think that there will be some more job

satisfaction in many ways in the Prosecutions Branch as we move ahead.

Again, when the forest burns, it takes times to get the trees green again in that space. I recall again the context of what happened in the nineties in Prosecutions: headline after headline after headline under the former government of cuts and insufficient funding and refusal, really, to move in a meaningful way, to make sure that Prosecutions was properly staffed and organized. I always said that I had more concern about how Prosecutions was organized than just more and more staff. As it all turned out, I think with all the collaboration and review there is a little bit of both that has been necessary, and we have addressed that.

Mr. Hawranik: On March 1, the Crown's response to the crisis that they were in announced certain initiatives and the paper, the *Free Press*, detailed some of those initiatives, one of which was the Crown stated that they will no longer agree to lenient bail conditions for the sake of keeping the justice system moving. They also said that they will not agree to plea bargains that they view as lenient anymore. Instead, they will fight the case in court. Has the Justice Minister or his department ever given any direction to the Crowns to accept plea bargains that are lenient just to keep the system moving or to lenient bail conditions to keep it going?

* (16:20)

Mr. Mackintosh: Well, first, when it comes to bail and when it comes to pleas and workload issues, I reiterate that the Ernst & Young report has been the objective outside independent analysis.

Second, Mr. Chairperson, when it comes to bail, the member may not know, but Manitoba is, according to the available statistics, a very difficult place to get bail comparatively to other jurisdictions in Canada. We do take a strong approach on bail in this province.

The expectation of the public and myself is that our Crown attorneys exercise their discretion according to the available evidence and the law. I am sure that the Law Society of Manitoba

expects that Crown attorneys would live up to the standards that are applicable to their practice. My sense is that, at the time, there were certainly elements of rhetoric that was expressed in association with entering into what was expected to be a difficult wage negotiation, but I remain of the view that our Crown attorneys act in accordance with the highest professional standards.

Mr. Hawranik: I understand that the Prosecutions Branch does not have a specific appeals unit to fight bad verdicts or questionable bail releases. Yet, I heard you today say that there is one Crown prosecutor that is being hired for an appeals unit. I believe that what you had mentioned was that it was more advice as opposed to hands-on appeal. Is there any plan for your department to have a separate appeals unit within the department?

Mr. Mackintosh: The new lawyer that will be assigned to appeals is on his way from up north. Currently, a limited number of Crown attorneys do appeals I am advised. Ernst & Young had recommended that there be a follow-through from trial to appeal by the same prosecutor. That remains generally the approach where the case involves the senior prosecutors. Where it may have been prosecuted at trial by a very junior lawyer, there may be a re-assignment later on. I am aware of one person who does a lot of appeal work as a senior Crown.

But now where are we going? The plan and discussions are ongoing with the Constitutional Law Branch as to the formation of the appeals unit. It will either comprise or have a strategic connection to the Constitutional Law Branch. The plan at this stage is that the unit will coordinate and conduct research and in some cases may take over the conduct of the trial at appeal. The Ernst & Young recommendation is still germane. I guess the proper answer is the unit will do both.

Mr. Hawranik: Manitoba Crown attorneys have the highest volume of cases per Crown attorney in Canada. I am given to understand that each Crown worked an average of about 550 cases last year, which is far above the national average of about 390.

After you add the additional Crown attorneys that you have budgeted for, how many

cases on average do you feel the Crown attorneys will be handling on an annual basis?

Mr. Mackintosh: Whether that kind of statistic will actually be helpful is questionable. We certainly are aware that there have been some volume pressures, in particular in many of the rural locations. That is why there has been particular attention paid there. All of the difference can be made by adding one more prosecutor, for example, in Thompson. That makes the ratio or the percentage, the cases per Crown in that office diminish very, very significantly obviously.

Those were where the worst numbers were. As well, though, when you have a high-risk offender unit, this is comprised of two Crowns, three now, three Crown attorneys in that office. They have a very low caseload and that was by design. That is to ensure that there is the detailed research, the interviewing of victims and perhaps witnesses going back some time, putting together for the court a clear indication of the pattern of danger of a particular offender.

You have a very low number of cases there by design. There may be some other dockets, for example, where a high number of files per Crown can be managed. I think what we are talking about here is not just saying that the answer to workload pressures is just more Crown attorneys or even just more support staff. I do think the support staff complement is critical.

It is also about how work processes are done. We have to ask ourselves and it is being asked by the Front End Project, why are lawyers and judges, people who are relatively highly paid that are highly trained and skilled, doing remands, doing adjournments? Is that the way to use the valuable resources in our courts?

There is a question about, and the member I am sure is very well aware of the role of Community Justice. I am sure he is proud of some of the tradition in his riding of Community Justice. Again, the question about volumes, what cases should be coming into the traditional court system as opposed to leaving them in the community where there is acceptance of responsibility and in fact tougher consequences

available by the community getting involved and ensuring dispositions involving the victim. Those questions have to be worked into the solution.

* (16:30)

Why do we have preliminary inquiries in Canada? I would like to hear the member's view on that one. I have heard from defence lawyer after defence lawyer that they should be kept. In my view, we have to do that analysis again from the victim's point of view of why we are re-victimizing all of these witnesses and victims by the preliminary inquiry, when, after *Stinchcomb*, there has to be full disclosure anyway. It is a procedure that has outlived its usefulness. It is not just a matter of tweaking; we should get rid of it. Preliminaries can triple the time it takes to process a trial. It sucks so much time and energy from our Crown Prosecutions Branch that is unnecessary, in my view. I am pushing that on the national stage with my counterpart from Alberta and some others. I can say there is no unanimity there. Unfortunately, there are three provinces offside, although the Québec government has changed, and I look forward to a different approach from that administration.

I would urge the member not to judge the effectiveness of prosecutions or responses to delays even only by looking at the number of prosecutors. It is a more complex approach. That is why a multifaceted approach is coming to bear. It is also a matter of just getting into the files at an earlier stage. We have been able to reduce police overtime, reduce police appearances in the courts by having the Crown attorney assigned along with a clerk to looking at those files early on to see what cases are going to proceed and which ones are not.

The Front End Project, I think, holds out a lot of hope. We have this leadership on the provincial court now in the office of Chief Judge that has been able to bring together many partners and stakeholders for what will be a significant difference as we move ahead. We can expand beyond the Family Violence Unit where it is starting, hopefully, to the whole court when we get a sense that we are moving in the right direction.

Mr. Hawranik: The minister's view on preliminary hearings, I can tell him that I share

that view. I have been on the defence side for 24 years. It certainly does revictimize the victims time and time again. It is a very time-consuming and costly process. We can save a lot of court time, a lot of prosecutors' times and it certainly would shorten the distance between the time the accused first appears in the court and the day of the trial. I think, for all of those reasons that you mentioned, I would be in support of that, and I would urge you to continue to talk to the federal Justice Minister for changes.

I note you said that the average number of cases handled by a prosecutor does not always reflect the workload. While that is generally true, certainly there are prosecutors who have smaller volumes of cases, but they have more complex cases and therefore they have smaller volumes. There are others who have very routine matters to deal with and they have large volumes of cases. As a general indicator, it is important to know how many cases on average are going to be handled by each Crown prosecutor, given the fact that you are now hiring another, as I hear it, around 20, 21 new Crown prosecutors by the end of the year. How is that going to affect their average caseload? How many average cases will there be in the Prosecutions Branch after hiring those Crown prosecutors?

Report

Ms. Bonnie Korzeniowski (Chairperson of the section of the Committee of Supply meeting in Room 255): Mr. Chairperson, in the section of the Committee of Supply meeting in Room 255 considering the Estimates of the Department of Agriculture and Food the following occurred: The question was put on Resolution 3.1: Administration and Finance. This resolution was carried on a voice vote and subsequently two members requested that a formal vote on this matter be taken.

Mr. Chairperson: A recorded vote has been requested.

Formal Vote

Mr. Chairperson: Call in the members.

All sections in Chamber for formal vote

In the section of the Committee of Supply meeting in room 255, considering the Estimates

of the Department of Agriculture and Food, the question was put on the following resolution which reads as follows: RESOLVED that there be granted to Her Majesty a sum not exceeding \$2,783,200 for Agriculture and Food, Administration and Finance, for the fiscal year ending the 31st day of March, 2004.

The resolution was passed on a voice vote. A recorded vote was then requested by two members. The question before this committee is: Shall the resolution, which is Resolution 3.1., pass?

A COUNT-OUT VOTE was taken, the result being as follows: Yeas 31, Nays 19.

* (17:00)

Mr. Chairperson: The estimation is accordingly passed. We will now resume the Estimates in the Chamber with respect to Department of Justice.

The Committee of Supply, please come to order. Would the minister's staff please enter the Chamber.

We are on page 120 of the Estimates book.

Mr. Mackintosh: I do not know if we are comparing apples to oranges and whether caseload measures are indicative of—well, first of all, what is a caseload? For example, files in bail court are not maintained by that particular Crown attorney.

We could look to see if there is some statistical measure. I do not know if StatsCan has even adopted that kind of a measure, but the department could have a look at that and see if there is some useful measure there.

Mr. Hawranik: On February 25 of this year, the *Winnipeg Free Press* reported that there was a meltdown in Manitoba's justice system, and that meltdown allowed two men to go free without standing trial, two men who were charged with domestic violence-related crimes. They were let go even though the victims and other witnesses who were available to testify at that trial were outside the courtroom to testify. It was reported that the Crown attorney had three trials ready to

proceed at once and could not be, of course, in three courtrooms at a time. Two out of three cases were thrown out. The two that were thrown out were domestic violence related offences. The judge in that case made the comment that the outcome in this matter was really as a result, as a consequence of the daily legal roulette that plays out in the justice system. Those were his words.

Is this Justice Minister looking into this matter, after having read that report or read that newspaper article? If so, what changes will occur to ensure that this does not happen again?

Mr. Mackintosh: As the member will recall, this was the beginning of job action by the Crown attorneys. We also have to recall that any of these decisions were ultimately that of the court. Having said that, my understanding is that much of the description of these cases was incomplete. As I recall, there was some conviction here. I can get more detail on that. I think there is a review note somewhere in my files or in the department's files on the outcome there.

As I also recall, there was a recalcitrant victim witness as well. So there was more to this situation than was reported. In any event, the Front End Project is going to be starting up in the domestic violence area. We should see less of these multiple trial dates, which has been the experience from, at least as I recall, about 1991, when we found a decision of Monnin back then acknowledging the balancing that often takes place when there are trials set down, more than one trial set down for one Crown attorney at a time. We may be able to get beyond that historical feature of Manitoba courts and, I think, courts elsewhere as well.

The other matter, I want to finish this one, is that, of course, in addition to the Front End Project we do have more Crown attorneys and some in the Family Violence Unit.

* (17:10)

Report

Mr. Harry Schellenberg (Chairperson of the section of the Committee of Supply meeting in Room 254): Mr. Chairperson, in the section of the Committee of Supply meeting in Room 254

considering the Estimates of the Department of Health, the honourable Member for Charleswood (Mrs. Driedger) moved a motion to reduce the minister's salary. The motion reads as follows:

THAT line 21.1(a) Minister's Salary be reduced to \$1.

Mr. Chairperson, this motion was defeated on a voice vote. Subsequently, two members requested that a formal vote on this matter be taken.

Mr. Chairperson: A formal vote has been requested.

Formal Vote

Mr. Chairperson: Call in the members.

All sections in Chamber for formal vote

In the section of the Committee of Supply meeting in Room 254 considering the Estimates of the Department of Health, a motion was moved by the honourable Member for Charleswood (Mrs. Driedger).

The motion reads as follows:

THAT line 21.1(a), Minister's Salary, be reduced to \$1.

The member requested that a formal vote on this matter be taken.

This motion was defeated on a voice vote and subsequently two members requested that a formal vote on this matter be taken.

The question before this committee is the motion of the honourable Member for Charleswood.

A COUNT-OUT VOTE was taken, the result being as follows: Yeas 17, Nays 30.

Mr. Chairperson: The motion is accordingly defeated.

Point of Order

Mr. Chairperson: A point of order is being raised, the honourable Government House Leader.

Hon. Gord Mackintosh (Government House Leader): Mr. Chair, is there leave of the committee to allow the sitting of Supply in 254 the Department of Justice, Committee of Supply, shall we resume consideration of the department Estimates or do you want to recess?

An Honourable Member: Call it 5:30.

dealing with Health to continue sitting beyond the clock in case it does not finish its questions?

Mr. Chairperson: Is that agreed? *[Agreed]*
Leave is granted.

* * *

Mr. Chairperson: In this section, meeting on
Mr. Chairperson: The hour being 5:30 p.m., the Chair is interrupting the proceedings of the committee. The committee will be recessed. This section of the committee will be recessed until 10 a.m. tomorrow (Friday)

LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, September 11, 2003

CONTENTS

ROUTINE PROCEEDINGS			
Tabling of Reports		Dominion Tanners Bankruptcy Lamoureux; Mihychuk	396
		Lamoureux; Ashton	396
Supplementary Information for Legislative Review 2003-2004—Departmental Expenditure Estimates—Labour and Immigration Wowchuk	389	Auto Insurance Rates Brick; Mackintosh	397
Ministerial Statements		Members' Statements	
September 11 Terrorist Attacks Wowchuk Cummings	389 389	J.R. Simplot Plant (Portage la Prairie) Struthers	398
Oral Questions		Bison Industry Eichler	399
Bovine Spongiform Encephalopathy Cummings; Wowchuk Stefanson; Wowchuk Taillieu; Wowchuk Penner; Wowchuk Goertzen; Wowchuk Goertzen; Ashton Rowat; Caldwell Rowat; Chomiak	389 393 393 394 395 395 397 398	Matheson Island Nevakshonoff	399
		Volunteer Firefighters Rowat	400
		Archaeological Dig (Selkirk) Martindale	400
		ORDERS OF THE DAY	
		GOVERNMENT BUSINESS	
Disaster Assistance Eichler; Wowchuk	391	Committee of Supply (Concurrent Sections)	
Livestock Industry Eichler; Wowchuk	392	Health	401
Farm Land Stefanson; Wowchuk	392	Agriculture and Food	419
Minister of Agriculture and Food Penner; Wowchuk	395	Justice	434