

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

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Speaker*

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MANITOBA LEGISLATIVE ASSEMBLY
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.
SCHELLENBERG, 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 25, 2003

The House met at 1:30 p.m.

ROUTINE PROCEEDINGS

PETITIONS

Dialysis Services

Mrs. Myrna Driedger (Charleswood): Mr. Speaker, I wish to present the following petition to the Legislative Assembly of Manitoba. These are the reasons for this petition:

Kidney dialysis is an important procedure for those with kidney failure who are unable to receive a kidney transplant.

Those receiving kidney dialysis treatment are able to lead productive lives despite the continual commitment and time-consuming nature of the process.

Kidney dialysis patients from out-of-province must be able to access dialysis services while in Manitoba to sustain their health and lives.

Although a person's province of origin covers all of his or her dialysis costs while she or he is visiting Manitoba, individuals receiving dialysis are currently unable to visit this province due to the lack of dialysis nurses to oversee the procedure.

The travel restrictions placed on out-of-province dialysis patients due to the growing nursing shortage in Manitoba's health care system presents concerns regarding freedom of movement and quality of life for those on dialysis.

We petition the Legislative Assembly of Manitoba as follows:

To request the Minister of Health to consider enhancing training programs for dialysis

nurses in Manitoba, such that staffing shortages in this area are filled.

To request the Minister of Health to consider the importance of providing short-term dialysis services for out-of-province visitors to Manitoba.

Signed by Ed Hoffman, Mary Hoffman, Rick Hoffman and others.

Mr. Speaker: In accordance with our Rule 132(6), when a petition is read, it is deemed to be received by the House.

Supported Living Program

Mr. Peter Dyck (Pembina): I wish to present the following petition to the Legislative Assembly of Manitoba and these are the reasons for this petition:

The provincial government's Supported Living Program provides a range of supports to assist adults with a mental disability to live in the community in their residential option of choice, including a family home.

The provincial government's Community Living Division helps support adults living with a mental disability to live safely in the community in the residential setting of their choice.

Families with special-needs dependants make lifelong commitments to their care and well-being and many families choose to care for these individuals in their homes as long as circumstances allow.

The cost to support families who care for their special-needs dependants at home is far less than the cost of alternate care arrangements such as institutions or group and foster home situations.

The value of the quality of life experienced by special-needs dependants raised at home in a loving family environment is immeasurable.

We petition the Legislative Assembly of Manitoba as follows:

To request that the Minister of Family Services and Housing (Mr. Caldwell) consider changes to the departmental policy that pays family members a reduced amount of money for room and board when they care for their special-needs dependants at home versus the amount paid to a non-parental care provider outside the family home.

To request that the Minister of Family Services and Housing consider examining on a case-by-case basis the merits of paying family members to care for special-needs dependants at home versus paying to institutionalize them.

This is presented on behalf of Connie Dyck, Janet Sawatzky, Jake Wall and others.

Mr. Speaker: In accordance with our Rule 132(6), when a petition is read, it is deemed to be received by the House.

* (13:35)

TABLING OF REPORTS

Hon. Rosann Wowchuk (Minister of Agriculture and Food): Mr. Speaker, I am pleased to table the Annual Report of the Manitoba Crop Insurance Corporation for the year 2002-2003.

Hon. Diane McGifford (Minister Responsible for Seniors): Mr. Speaker, I am pleased to table the Manitoba Seniors Directorate Annual Report for 2002-2003.

Hon. Gord Mackintosh (Minister of Justice and Attorney General): I am pleased to table the Seizure and Impoundment Registry Annual Report 2002-2003.

Hon. Steve Ashton (Minister of Conservation): Mr. Speaker, I am pleased to table the Manitoba Habitat Heritage Corporation Annual Report 2002-2003 and the Office of the Fire Commissioner Annual Report 2002-2003.

Introduction of Guests

Mr. Speaker: Prior to Oral Questions, I would like to draw the attention of all honourable

members to the public gallery where we have with us fourth year nursing students from the University of Manitoba. These students are under the direction of Linda West.

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

ORAL QUESTION PERIOD

Bovine Spongiform Encephalopathy Cash Advance for Producers

Mr. Stuart Murray (Leader of the Official Opposition): Mr. Speaker, reports this morning that dairy farmers have begun killing their herds because they cannot sell them and they cannot afford the thousands of dollars it means that it costs them to feed, highlight the absolute failures that this Government has in place to deal with this crisis.

Had this Premier actually been making the tough decisions that he said he was doing on a daily basis, those tough decisions to ensure that there was money to deal with this crisis, had he been doing it, this situation would not have happened. When it comes to this issue, this Premier has consistently failed Manitoba farm families. Today, Mr. Speaker, we ask him to do the right thing, provide the \$20-million cash advance to ensure that this situation is stopped.

Hon. Gary Doer (Premier): Mr. Speaker, it is also indicated in the same report that we are working very hard with the very good ideas of the Interlake producers that are looking at forming a co-operative to deal with some of the older cattle.

We have said all along that part of the solution to the challenge of the border being closed across Canada from May 20 on is to increase our slaughter capacity, and we have a program in place for older dairy cattle. We are moving more cattle, the older animals, more cattle to Moose Jaw as I understand it. Many more loads are going to Moose Jaw now than in parts of the summer, in August. We will continue to try to find some solutions within our own province including, not limited to just the low-interest loan program, but we obviously believe that we need to have more slaughter

capacity here in Manitoba and that is what we are working on.

Mr. Murray: Mr. Speaker, one dairy farmer, Mr. Gary Verhoog, is spending nearly \$3,000 per month to feed dozens of animals that he would have normally sold by now. He has shot and composted 12 of these healthy cows in recent weeks in an effort to avoid having to keep his operation. He is doing everything to try to keep it viable. The culling of dairy cattle has the Manitoba cattle producers feeling the worst, that this is the beginning of something that is very tragic in this province.

The Premier clearly has the power to put a stop to this if he would do the right thing. We have been asking day after day after day if he would come to his senses, do the right thing, provide the \$20 million that would provide the cash advance to ensure these families do not continue to suffer the way we have seen under this Premier's lack of leadership on this issue, Mr. Speaker.

Mr. Doer: Mr. Speaker, we have put in place a program to extend the slaughter program passed August 31 to deal with the obvious discrepancy and the prices based on the closure of the border May 20, with no support from the federal government.

* (13:40)

We have put in place a transportation drought policy to support some of the feed needs of producers, again without any support of the federal government. We have called on a national cull strategy with the federal government to no avail so far, Mr. Speaker. We have put in place a slaughter fund of \$2 million to try, again without any support to date from the federal government, to increase our capacity to deal with some of the older animals. On the muscle cut, we are pleased the federal government has got positive results on muscle cut. We would like to see more of our cattle processed under that program.

In addition, Mr. Speaker, the federal government in discussions with the Minister of Agriculture (Ms. Wowchuk), and we and the provinces are working to try to get the border opened

completely but also get the next step which is of course animals under 30 months through the border. Having said that, we would like to get a made-in-Manitoba slaughter solution to the obvious real dilemma that producers have had in place since the border was closed on May 20, with one cow that was detected and rejected in Alberta.

Mr. Murray: Mr. Speaker, we just heard a litany of programs that are not addressing the problems for families in Manitoba. This Premier should know that. Unlike dairy producers who have begun to kill some of their cattle, beef producers will not face this kind of decision until their cows come in from pasture. Then they are going to have to decide what they are going to do over the course of this winter. That is the decision facing families in Manitoba.

Will this Premier do the right thing and put a stop to this needless killing of healthy cattle in Manitoba? Will he stop that? Do the right thing. Flow the \$20 million so it will ensure there is a cash advance for those families, Mr. Speaker.

Mr. Doer: The challenge is to find a way to process the cattle that have been plugged up in all our communities because of the closure of the border on May 20. We have two ways to obviously deal with this. One is to obviously get the border opened, which all of us are committed to trying to do. The other issue is to try to find a way to manage and process and slaughter more cattle in Manitoba, the older cattle in Manitoba that are obviously challenging producers because of the feed costs over the winter.

We are trying to work on solutions on the slaughter and processing side and are prepared to put money into improving the slaughter capacity here in Manitoba. When we came into office in 1999, we were under 20 000 cattle that were being slaughtered and processed here. Obviously it makes the producer the member talked about and all producers in Manitoba much more vulnerable.

I am pleased that some of the people in the Interlake last night were talking about various options. We have talked to other people about various options. Certainly, we want to find a way to get more levers for cattle producers and

for individual ranchers, more levers to be able to make decisions here in Manitoba and not be caught in a situation when the border closes, Mr. Speaker, that nothing happens.

I would note the member opposite in his mirage-like letter proposed a low-interest loan program, Mr. Speaker, and did not propose a slaughter capacity program that we are embarking on.

Bovine Spongiform Encephalopathy Exports–Border Opening

Mr. Jack Penner (Emerson): Mr. Speaker, on July 17, after attending a legislative forum in Brookings, South Dakota, our Minister of Agriculture told a Winnipeg radio station and I quote: "I would probably have to say within the next 30 days, it is a possibility that the border could open." This Tuesday, after returning from ministerial meetings, the Minister of Agriculture stated and I quote: "I believe in the near future, we will see live animals under 30 months moving across the border."

Mr. Speaker, can the Minister of Agriculture tell us whether the United States Secretary of Agriculture, Ann Veneman, has started the 90-day review required by U.S. law to open the border?

Hon. Rosann Wowchuk (Minister of Agriculture and Food): Mr. Speaker, indeed, when we were at that meeting we did anticipate that very shortly the U.S. would be opening the border to live animals. They have since that time opened the border to muscle cuts. Since that meeting there has been movement of product into the United States. When we met with the federal minister, he told us that Secretary Veneman is working to develop that rule and there is the ability under that rule to change the reporting period, the consultation period. The federal government is working with Secretary Veneman. We hope she will be able to deliver on her word where she said she would be moving forward in an expedited fashion.

* (13:45)

Mr. Penner: Mr. Speaker, the Minister of Agriculture just attended a meeting in Boise, Idaho,

where animal health was discussed. Will the Minister of Agriculture tell us if she remains convinced that the border will reopen soon, or is she now willing to admit that her optimistic statements on the border reopening were misleading at best and have created false hope among producers of Manitoba?

Ms. Wowchuk: Mr. Speaker, in fact, yesterday in Boise, Idaho we had a very good discussion with various secretaries of agriculture from across the United States where we talked about a variety of issues. We talked about BSE. We talked about blue tongue. We talked about antiplasmosis and other diseases and how we might be able to move forward to address U.S. concerns and how we might be able to address concerns with BSE. We had a presentation where it was explained to us what the process is and, certainly, Secretary Veneman still has her commitment to move forward on this issue in an expedited fashion.

Minister of Agriculture and Food Resignation Request

Mr. Jack Penner (Emerson): Mr. Speaker, because of the inaction of this Government, the killing of healthy cattle in Manitoba has started, a clear sign that the misguided programs have failed miserably. Producers have taken matters into their own hands because this Government does not have the capacity to understand their needs and neither does this Minister of Agriculture. Will this Minister of Agriculture now do the right thing and tender her resignation to the people of Manitoba?

Hon. Rosann Wowchuk (Minister of Agriculture and Food): Mr. Speaker, the issue of BSE and the impact on Manitobans has been a priority for this Government, and we have put in better programs than are available in any other province.

Mr. Speaker, with respect to the slaughtering of dairy cows, I am not sure whether the member is aware or not, but had those animals gone to slaughter that individual would have been able to get compensation under our BSE slaughter program to help with his costs. That individual could also take the \$50,000 loan. These people are making decisions based on their farm

operations, and the individual who he is referring to has been doing a lot of compost work and the departments have been working to ensure that they are following environmental guidelines. This is an important issue and we are working—

Mr. Speaker: Order.

Manitoba Hydro Transfer Payment

Mr. John Loewen (Fort Whyte): Mr. Speaker, Hydro officials have confirmed that this year as a result of low water flows in Manitoba, Hydro will lose up to \$350 million. Yet, by doubling the water rental rates, by increasing the guarantee fee and by demanding that Manitoba Hydro pay the Doer government \$200 million in a one-time dividend, the Doer government is taking an extra \$260 million out of Manitoba Hydro.

I would ask the Minister responsible for Manitoba Hydro to explain why the Doer government would drain \$260 million from Hydro at a time when the company's income is plummeting from \$214 million in profits to a \$350-million loss.

Hon. Tim Sale (Minister responsible for The Manitoba Hydro Act): Mr. Speaker, since our Government was formed in 1999, Hydro has made profits in excess of \$800 million. Our draw to bridge a created error by the federal government was one quarter of that amount.

That allowed hospitals to stay open. It allowed schools to stay staffed. It allowed services for Manitobans to stay in place and it took one quarter of the profits of Manitoba Hydro since we formed government.

We make no apology for breaching over an error that went undetected by the previous government, went undetected by the federal government, was brought to our attention and we had to deal with it. We did deal with it. Manitoba Hydro still has \$1.17 billion in retained earnings.

When they were in government, they started out with less than \$100 million in retained earnings.

Mr. Loewen: The minister might want to check with the Minister of Finance (Mr. Selinger). I thought he took the \$150 million out of the rainy day fund to pay for the federal overpayment, but that is another story.

In reality, in the three years ending March 31, 2004, the Doer government is going to take \$777 million out of Hydro, \$777 million. At the same time Hydro is projecting in these three years their profit may only be \$50 million: \$777 million out, only \$50 million in profit.

Does the Minister responsible for Hydro actually believe that he can drain more than \$700 million out of Hydro and still not force—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

* (13:50)

Mr. Sale: I will just repeat for the member again that the \$150 million draw against 2001-02 and the \$52 million draw against 2002-03 is less than one quarter of the earnings of the corporation to the end of 2002-03 since we formed government.

For the member's information, water power rentals are charged by any government that owns the rights to water through—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. I am having a very difficult time hearing the answer. I ask the co-operation of all honourable—

Order. I ask the co-operation of all honourable members, please.

Mr. Sale: Water power rentals are a fee for the use of a resource. When a company is in business, Mr. Speaker, they pay rent. Rent is a cost of doing business. It has been there since 1940 through good years and through bad years.

Hydro has had to deal with it since 1940. It is no different in this period of time. There are charges for water rental. There are charges for guarantee fees. Those are costs of doing

business. Hydro plans for them. The Public Utilities Board plans for them.

Rate Increase

Mr. John Loewen (Fort Whyte): The member is forgetting that his Government doubled the water rental rates, his Government took \$200 million as a special dividend and his Government increased the loan guarantee fee without ever taking it to the Public Utilities Board.

As a matter of fact, last year, just prior to the election, both the Premier (Mr. Doer) and the Minister of Finance indicated that it was government policy that Hydro rates would not be increased as a result of the increased payments to government.

I would ask the Minister responsible for Hydro if he can indicate whether it is still government policy to set hydro rates at the Premier's table, in his office, or will he leave rate increases up to Hydro and the Public Utilities Board as the law demands?

Hon. Tim Sale (Minister responsible for The Manitoba Hydro Act): Let me clarify for the member opposite that the board of Manitoba Hydro makes decisions about hydro rates. They propose those rates whether it is the same or whether it is a reduction or whether it is an increase to the Public Utilities Board. The Public Utilities Board adjudicates on those rates and makes a final decision. That is the way it has been. That is the way it is. That is the way it will be, world without end. Amen.

In terms of the issue of water power rentals, the previous government was paying for projects in northern Manitoba out the back door of Hydro, not reporting to the Legislature. When we raised the water power rental rates, we raised them so that all the work that was being done would be fairly and transparently reflected to Manitobans in the books, in the open, unlike the government that was here before that hid what they were doing and did it out the back door.

Sunrise School Division Labour Dispute

Mrs. Heather Stefanson (Tuxedo): There are some critical questions regarding the Sunrise

School Division's sudden labour dispute resolution that the Premier (Mr. Doer), the Minister of Finance and the Minister of Education (Mr. Lemieux) refuse to answer. Their silence on this matter ought to concern the constituents of Lac du Bonnet and indeed all taxpayers in Manitoba.

Can the Premier confirm that Mr. Schreyer contacted MAST, when he contacted MAST he told them the Government was interested in getting the dispute settled and did Mr. Schreyer put money on the table to end the dispute?

Hon. Greg Selinger (Minister of Finance): We spent considerable time on this this morning in concurrence and I explained to the member from Tuxedo as well as other members on the other side of the House that it has been a practice of the former government, the previous government, to try and resolve labour disputes in the interests of providing services, in this case to children who were being inconvenienced in their ability to get to school because one of the groups on strike, in this case in Sunrise School Division, were transport workers.

*(13:55)

What the Government employee did was approach the bargaining agent for Sunrise School Division and the Manitoba Association of School Trustees and offered mediation. Mediation is a commonly offered device to resolve a labour dispute. In this case the strike was on, the threat was real, the problem was real for the children and the mediation solution was one that brought a successful result to an important problem.

Mrs. Stefanson: The Premier (Mr. Doer) refuses to answer the question, so does the Minister of Finance still refuse to answer the question.

Mr. Speaker, can the Premier confirm today for this House that when Mr. Schreyer contacted MAST he promised then that the half a million dollars of taxpayers' money would be built into the annual base funding the school division receives from the Province?

Mr. Selinger: When the government employee approached MAST, he offered them mediation. The mediation solution which both parties

entered into voluntarily, this was not an imposed mediation. This was a mediation that both parties freely agreed to enter into. The mediation solution was to close a wage disparity of up to 60 percent to some employee groups and to close it over three years. Two thirds of the resources for that came from the new Sunrise School Division, the remaining third came from the Schools Grants program in the Department of Education.

Mr. Speaker, what is important here is we have to remember that one of the components of that new Sunrise School Division was Agassiz School Division which we know was in serious financial difficulty as a result of previous decisions made in that division.

Mrs. Stefanson: Once again, time and time again, this minister, the Premier, the Minister of Education (Mr. Lemieux) refuse to answer the question surrounding this dispute. Why do they refuse to answer these questions, Mr. Speaker?

Mr. Speaker, as the Premier of this province and as a self-described ethics commissioner for his own Government, it is his duty to come clean about this issue. Can the Premier just answer the direct question? Who told Lloyd Schreyer, a political appointee of Treasury Board, to end the strike dispute in Sunrise School Division?

Hon. Gary Doer (Premier): Mr. Speaker, the Minister of Finance (Mr. Selinger) has answered this question for the last three days in a row, four days in a row, I am sorry. He has given full responses to the questions raised.

Members opposite are still back in the past. They were opposed; they created a commission. It cost millions of dollars to have a commission to look at school board boundaries. They wasted all that money, millions of taxpayers' dollars and they kept their feet in cement. We realize that some of the school divisions throughout Manitoba were too small. Members opposite wanted to maintain the status quo of nine school divisions in the city of Winnipeg. We modernized the school divisions and we think that is a good decision for kids and taxpayers.

Nursing Profession Shortage

Mrs. Myrna Driedger (Charleswood): Mr. Speaker, the nursing shortage has doubled under

the NDP according to last year's numbers. We do not know what the shortage is this year because the minister has refused to release this year's numbers which were compiled in April. I would like to ask the Minister of Health to tell us: What is the current nursing shortage in Manitoba or are the numbers so bad that he is afraid to release them?

Mr. Speaker: Order. It is becoming a daily occurrence where I have had to caution our guests in the gallery. It is very clear that our rules state there is to be no participation by our guests in the gallery and that also includes applauding. I kindly ask our guests in the gallery for their full co-operation.

Hon. Dave Chomiak (Minister of Health): Mr. Speaker, as I told the member during the Estimates process, I will repeat what I told the member: The report will be out before the end of the month. That is what I told the member. That is what she forgot to mention in her question.

The second point I want to say is that I will be quite prepared to defend the numbers.

* (14:00)

Mr. Speaker, I hope the member opposite discusses the Manitoba nursing strategy, which we released, which outlined the strategy report—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Mr. Chomiak: Yes, thank you. The Manitoba Nursing Research Institute reports the number of graduates of the BN program, who indicated obtaining full-time work more than doubled from May, 1999 to 58 percent in May, 2002.

I might add in May, 2002, the member opposite was working for the Department of Health, as was the professor who brought the students down today, one Linda West, who was the head of workforce development.

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Point of Order

Mr. Speaker: The honourable Government House Leader, was up on a point of order.

Mr. Leonard Derkach (Official Opposition House Leader): Yes, I am up on a point of order, Mr. Speaker.

Mr. Speaker, it is regrettable that a minister of the Crown would indeed engage into belittling and making comment about somebody who cannot defend themselves here in the gallery and in the Chamber. Taking a shot at somebody who may or may not be in the visitors gallery is not appropriate for any minister of the Crown or anybody in this Legislature.

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

Before I recognize the honourable Minister of Health, I would just like to correct when I recognized the honourable member, I should have recognized him as the honourable Official Opposition House Leader.

The honourable Minister of Health, on the same point of order.

Mr. Chomiak: Yes, thank you, Mr. Speaker. I will withdraw my comment to that individual.

Mr. Speaker: I thank the honourable member for that and now we will get back to Question Period.

* * *

Mrs. Driedger: Mr. Speaker, I would like to point out to the Minister of Health that the last Manitoba Nursing Research Institute numbers that came out showed that less than one third of nurses that graduate get full-time work in this province.

Mr. Speaker, nurses at St. Boniface Hospital were in tears yesterday because they learned that 52 nurses were being fired. I would like to ask this Minister of Health how he can justify firing

52 nurses when the nursing shortage in Manitoba is the worst it has been in years.

Mr. Chomiak: Mr. Speaker, it is simply amazing how members opposite try to have it both ways. Members opposite know that we are consolidating the cardiac surgeries at St. Boniface Hospital. Members might also know that in today's *Winnipeg Free Press*, Hubert Gauthier, president of St. Boniface Hospital said: It is true that we are deleting 52 nursing positions but we have postings for 75 new nursing positions.

I might add that we are also going to more full-time positions both at Grace Hospital and St. Boniface Hospital as a result of these positive changes as we reconfigure services around Winnipeg as a result of the cardiac review which I thought members opposite supported.

**Accelerated Nursing Program
Elimination**

Mrs. Myrna Driedger (Charleswood): Mr. Speaker, it is this Minister of Health who is trying to have it both ways.

The fast-track nursing program at the University of Manitoba is on the chopping block, a program that graduates more nurses each year in order to address the nursing shortage. I would currently like to table a letter that students received indicating that the accelerated option program has been eliminated and that the nursing summer term program is being phased out.

I would like to ask this Minister of Health: Why did he mislead the student nurses who are in the gallery today when in January he said there was absolutely no intention of discontinuing this program and yet students this summer have received letters saying the program is discontinued?

Hon. Dave Chomiak (Minister of Health): Mr. Speaker, I hope members opposite take some opportunity to refer to the statistics regarding nursing. We have tripled the number of nursing students graduating this year to over 600 from 200 when members opposite controlled government. That is the first thing.

The second thing is we brought back over 600 nurses as a result of our nursing recruitment retention plan.

Thirdly, Mr. Speaker, as we said, and it has been written up by an independent body of the University of Manitoba, that full-time positions offered to BN graduates have risen from 24 percent in '99 when the member opposite was working for the Department of Health as the assistant to the minister to over 50 percent this year.

Finally, we are working with the union on a strategy and an implementation plan to go to 65 percent full time, to do that for the nurses who want that.

Public Schools Safe School Strategy

Mr. David Faurshou (Portage la Prairie): Mr. Speaker, the Portage la Prairie School Division has taken the extraordinary action of suspending all high school dances, something that has not occurred since the Second World War. This action was felt necessary to protect the children whose safety is entrusted to the public school system.

The minister has said on record, as far back as 1996, that he supports safer schools and has promised a safe school charter. Will the Justice Minister (Mr. Mackintosh) today tell Manitobans why this Government has failed to act on this critical issue of school safety? How many more violent incidents like the one in Portage la Prairie will it take before this Government takes action?

Hon. Ron Lemieux (Minister of Education and Youth): Mr. Speaker, this is an important issue with regard to schools. We are working very closely with Safe Schools Manitoba and all the stakeholders. We have met on numerous occasions putting together a policy with regard to which is the right direction to go, whether or not one policy might be too punitive, others may not, but the views that we are looking at are from across the country. We will be meeting very shortly to discuss this very important issue.

Mr. Faurshou: Mr. Speaker, I would like to address the next question to the Minister of

Justice (Mr. Mackintosh), if I may. A Portage la Prairie teacher was assaulted attempting to protect her students, other staff and volunteers at a school dance. Teachers and students are worried about their personal safety. Parents want action. Action must be taken now.

Mr. Speaker, is the Minister of Justice (Mr. Mackintosh) prepared today to commit the necessary resources to address this extremely serious situation in Portage la Prairie?

Mr. Lemieux: Mr. Speaker, I can certainly attest that teachers work very, very hard every day, day in, day out on a voluntary basis. As a former school teacher, I know there are a lot of challenges with regard to the education system.

Once again, we are working very, very closely with the stakeholders involved with Safe Schools. For 10 years that they were the government, Mr. Speaker, they did not do a thing with regard to Safe Schools. This Government intends on moving on Safe Schools and will do so shortly.

* (14:10)

Mr. Faurshou: Mr. Speaker, once again I would like to direct the question to the Minister of Justice (Mr. Mackintosh). Our front-line educators are being assaulted in their very own schools. If our teachers are not safe, then our children are not safe.

It is time this Government stood up and protected the safety of our teachers and our children in this increasingly, increasingly hostile environment. Mr. Speaker, will the Minister of Justice tell this House what action this Government is prepared to take to deal with the growing problem of violence in our schools or will he remain soft on crime, leaving our children and teachers at risk?

Mr. Lemieux: Mr. Speaker—

Some Honourable Members: Oh, oh.

Mr. Speaker: I cannot hear a thing. Just wait. Order, please.

Mr. Lemieux: Thank you very much, Mr. Speaker. I know it is regrettable that incidents

like this do happen but let us put it into perspective. The schools in Manitoba are safe. Regrettably, there are incidents that do take place. With looking at Safe Schools and Safe Schools legislation, the charter that we are looking at, we are certainly wanting to look at all the ins and outs with regard to what a policy and what legislation would look like.

It is regrettable that incidents like this do take place. I know that teachers work very, very hard every day, day in, day out, working closely with families as well as children within their particular jurisdiction.

Mr. Speaker, we are taking a methodical approach with regard to this issue. We are looking at it. We want to make sure that we move in the right direction. We are working closely with all the stakeholders involved in the school system to make sure the legislation is correct.

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. I would like to once again ask the co-operation of all honourable members. It is very difficult to hear the questions and the answers. I ask the co-operation of all honourable members.

Provincial Nominee Program Preferential Treatment

Mr. Kevin Lamoureux (Inkster): Mr. Speaker, my question is for the Minister of Immigration. In Estimates, at times it was fairly confusing as the Minister of Immigration tries to say something and we try to decipher what it is that he is saying.

What I would ask is for clarity of what the minister is trying to say. I would quote and this is in reference to Mr. Luna. "There is no indication that this individual had any influence in the Provincial Nominee program." Further the minister continues: "My understanding is that Mr. Luna was the executive assistant which is essentially the constituent's assistant, if you like, for the minister, did not work directly with the immigration program."

Is the Minister of Immigration today trying to tell us that Mr. Luna did not have any official

communication with the Provincial Nominee staff?

Hon. Steve Ashton (Minister of Labour and Immigration): Well, I think the member might also want to put on the record that he came into committee and asked about ministerial staff, refused to name that ministerial staff, then placed on the public record an unsigned document which made some—*[interjection]*

Mr. Speaker: Order.

Point of Order

Mr. Speaker: The honourable Member for Inkster, on a point of order?

Mr. Lamoureux: On a point of order, Mr. Speaker. The minister is obligated to be straightforward. I did not table the document as the minister should acknowledge. I did not table the document.

Mr. Speaker: Order. On the point of order raised by the honourable Member for Inkster, he does not have a point of order. It is a dispute over the facts.

* * *

Mr. Speaker: The honourable minister, to conclude his comments.

Mr. Ashton: Thank you, Mr. Speaker. Both the Member for Inkster and the Labour critic produced a document. Whether it was tabled by the one or the other, they were passing the document around. The document was an unsigned letter that was also provided to the department in July.

Mr. Speaker, I indicated very clearly, notwithstanding it was unsigned, that we check to see if there had been any indication there were any difficulties in terms of the Provincial Nominee Program because we take very seriously a very successful program and its integrity. There was no indication of that.

Mr. Speaker, I also said to the member if he had any specific allegations over and above that of any indication of wrongdoing that I would also investigate that.

Mr. Lamoureux: Mr. Speaker, one could say I rest my case. The minister did not even come remotely close to answering the question.

Mr. Speaker, there is no consistent response to what criteria, as another example of the minister's confusion during Estimates, no consistent response as to what the criteria is for semi-skilled workers today.

Can someone that is semi-skilled today be given a Provincial Nominee certificate if they have no work experience here in Canada? At one time I was told that, no, that was not the case. Specifically I was told you needed to have two years of work experience.

What are the criteria, or does the minister know that?

Mr. Ashton: Well, Mr. Speaker, I am very surprised because I indicated on the record we have the most successful Provincial Nominee Program in Canada. In fact, we have increased the numbers by 40 percent. I announced on the record that we are going to go further by having more recognition of family sponsorship, community sponsorship, regional needs, skilled and semi-skilled workers.

The point is that many semi-skilled workers are not able to get in under the Provincial Nominee Program. We are going to change that. I thought the Member for Inkster would be saying thank you. That is what people out there in the community are calling for.

Mr. Lamoureux: Thank you, in the sense that you are finally recognizing that there are some benefits to a program that was created in 1998.

The minister is quickly having a credibility problem here. There was a letter that was tabled. I did not table it but there was a letter that was tabled. The minister himself acknowledged that he did in fact have others that he could actually put a face to some of the allegations. Yet I quote from Hansard, Mr. Luna came forward himself and said: There are rumours about me out there. They are not true.

The question I have for the minister is he met with others that have levelled allegations.

Can the minister today inside this Chamber, does the minister believe all the allegations, the people he has met with, that he can put a face to those allegations? Are all of those allegations completely bogus? Does he believe that to be the case?

Mr. Ashton: Mr. Speaker, I indicated in Estimates, I will indicate here again, if you have an allegation that is made it does not matter if it is repeated 10 times, either it is true or it is not. There was no evidence of any lack of integrity with the Provincial Nominee Program.

Mr. Speaker, I also want to put on the record to the member opposite that we would have increasing immigration levels if the federal program matched what we are doing in this province. I want to suggest to the member opposite he join with us because we are committed to increasing immigration. With the changes we are announcing, within a matter of days we anticipate going from 4600 this year to 6000 next year to 7900. We are going to get to 10 000. That is our target. We will do it.

Livestock Industry Co-op Slaughter Facility

Mr. Tom Nevakshonoff (Interlake): Mr. Speaker, I, too, am—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order

Mr. Nevakshonoff: Thank you, Mr. Speaker. I, too, am deeply concerned about the fate of the cattle industry, as I represent a great number of producers in the Interlake. How the industry deals with culled cattle is the greatest challenge our producers face as gaining access to foreign markets is likely to remain difficult in the days to come.

Mr. Speaker, can the Minister of Industry, Trade and Mines brief the House on the interest that was indicated last night by Interlake ranchers and others in establishing some type of co-op slaughter facility to process the culled cows of our province?

Hon. MaryAnn Mihychuk (Minister of Industry, Trade and Mines): Thank you very much for the question. I am—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Ms. Mihychuk: I am sure that members across the aisle would be interested in the answer. Last night 200 cattle ranchers met in Camper, Manitoba, to look at options to create a Manitoba-owned and based slaughtering facility. Interest was strong and there were a number of individuals, many signing up and taking out the first memberships of the ranchers' meat co-op, which will be right here in Manitoba taking care of our culled cow problem.

Mr. Speaker: Time for Oral Questions has expired.

MEMBERS' STATEMENTS

Literacy Program

* (14:20)

Mr. Jim Rondeau (Assiniboia): Literacy is a very important issue in our society. Literacy correlates directly to health, wellness, employment, income and the ability to function within our society. It tends to perpetuate over generations. So I am very pleased to talk about Raise a Reader program that Global, the *Free Press* and others put on today. CanWest with Gail Asper, Cindy Dowse and a number of people there raised money for family literacy programs. I am very pleased that, along with 280 volunteers, 6 fellow MLAs from Fort Garry, Gimli, Minto, St. James, St. Norbert raised \$18,000 today in addition to other sponsorships. I think this was wonderful. I praise CanWest Global and all the partners that ran this wonderful program, and I hope the literacy continues. The *Free Press* was also a very, very important sponsor in this program.

It is nice to see co-operation with business, community and all the volunteers to raise literacy and the profile.

I would also like to bring all members' attention to a wonderful event that occurred on Saturday. The Assiniboia Optimist Club, the Member for St. James (Ms. Korzeniowski), Stevenson-Britannia Adult Literacy Program and I sponsored a literacy day barbecue at Ness Middle School. Silver Heights Choir, Buchanan School

Choir, John Taylor Jazz Choir, the Literacy Partners Speakers Bureau and the Optimists all put on, joined together and created a wonderful function.

Approximately six cases of good children's books were collected for elementary schools and day cares. Four cases of school supplies and about \$500 was donated to help kids in their work in schools. This money went to kids in Assiniboia that would not normally have the ability to do this.

I would like to thank all the partners who made this possible. By continuing to work together we will make our community a better place to live in, increase the literacy and improve the standard of education in Manitoba. Thank you very much.

Silver Saddle Grill

Mrs. Leanne Rowat (Minnedosa): I am excited today to share a few words about the recent opening of the Silver Saddle Grill in the community of Minto. In April, the Silver Saddle Grill was opened, which was an especially important event for the people of Minto since they contributed many hours of labour and raised thousands of dollars towards the construction and financing of this fine restaurant.

About two years ago, the old Minto Hotel closed, leaving the village without a restaurant. However, with the help of the Turtle Mountain Development corporation, investors and volunteers came forward to build from scratch a new diner for the local community. Whether hammering nails or serving up dinner for the contractors and volunteers, the people of Minto have worked hard and can now experience the fruits of their labour.

With the region's economic development officer and local citizen Ruth Mealy as the chair of the citizen's group, the community's can-do spirit and the contributions of the individual citizens to the diner were phenomenal, shaving \$20,000 off the predicted cost to build and equip the new restaurant. Thanks to everyone's above and beyond effort, 95 percent of the restaurant has been financed through local investment. Debby Dale, head chef and manager, has been

hired, and with the help of five other staff, the Silver Saddle Grill provides tasty meals each day. The Silver Saddle Grill was truly a community project and is now a thriving business in Minto and will be serving the local residents and visitors for many years to come.

Mr. Speaker, it has been a privilege to share with the honourable members this exciting venture in the community of Minto and on behalf of this Assembly, I extend sincere congratulations to all of those who participated in the construction and the opening of the Silver Saddle Grill. I look forward to dining there again very soon. With a vision for the future, community co-operation and the generosity of local folks, there will be many more success stories like the Silver Saddle Grill across Manitoba. Thank you.

Samuel Burland School

Ms. Theresa Oswald (Seine River): It is my pleasure to rise today to speak about the outstanding student leadership program at Samuel Burland School. The program provides enrichment opportunities for young people to work in the school and community to develop such skills as coaching, mentoring, teaching, organizing, advocating and event planning. Students learn the theory and principles of good leadership and then apply what they have learned in authentic situations in the school and in the real world. Students at Samuel Burland annually engage in community-building activities, including Terry Fox activity and fundraising days, the Winnipeg Harvest drive, the MS walk, elementary intramurals, the family dance and Grandparents' Day.

It is very important to note that the Leadership Program at Samuel Burland finds its roots in a model created by Mrs. Irene Nordheim. Mrs. Nordheim, currently the vice-principal of J. H. Bruns Collegiate, developed a pilot credit course for leadership at Glenlawn Collegiate in the early nineties, and since that time teachers across the province have sought her advice and professional development expertise and have implemented leadership programs that benefit communities around Manitoba. Mrs. Nordheim is a visionary in physical education, leadership and school administration, and she has provided a legacy of good ideas and great programming for all Manitobans to enjoy.

Leadership students at Samuel Burland thrive in the positive school environment created by its caring teachers and administration. It is a place that values co-operation over competition. It is a well-known fact that at Samuel Burland School generosity rocks. We are thankful to all those who make the leadership program a continued success. Thank you, Mr. Speaker.

Elk Industry

Mr. Ralph Eichler (Lakeside): Mr. Speaker, I rise today to bring attention of the devastation of the elk industry. I have before me invoices to show how costly it is, due to overregulation by this Government, to market elk in Manitoba.

Note that the Canadian Food Inspection Agency does not require slaughtered animals to be tested for CWD to establish and maintain national herd certification; the USDA does not require testing of boxed meat. However, Manitoba Agriculture requires both on farm deaths and slaughter animals to be CWD tested.

Mr. Speaker, these invoices show that, due to Manitoba government overregulation, it costs the elk producer today over \$600 to bring an elk to market.

This makes it impossible to sell carcasses to a distributor or consumer. It makes bringing meat to the market cost prohibitive in Manitoba. It places elk producers at a distinct competitive disadvantage compared to other jurisdictions, including Saskatchewan where the government is working co-operatively with the industry to nurture its growth.

Mr. Speaker, the elk industry is a growing industry with international markets and deserves better treatment from this Manitoba government. Thank you.

"Winged Victory" Statue

Ms. Bonnie Korzeniowski (St. James): Mr. Speaker, I was honoured to attend the rededication ceremony of "Winged Victory," a statue dedicated to Canadian war veterans, Friday, September 19, at the Deer Lodge Centre.

The Canadian Pacific Railway War Memorial, commonly referred to as the Angel Statue,

was placed in front of the CPR Station on Higgins Avenue in 1922. The memorial, an angel lifting a fallen soldier, honours CPR employees that died while fighting in the First and Second World Wars and the Korean War. When the CPR Station closed, the statue was moved in front of an office complex on Henry Street where it stood all but forgotten for many years.

The Intrepid Society, in partnership with the Deer Lodge Centre and CPR, started a campaign to move the statue to a more appropriate location in the city. Together they have rescued this wonderful monument from relative obscurity to stand in a fitting and glorious place. This effort shows initiative and dedication to their community and to the veterans to whom the memorial is dedicated.

Thankfully, the statue has found a new home at the Deer Lodge Centre. This is a highly fitting location neighbouring the centre and the Women's Tribute Memorial Lodge. The true sense of tranquility that the statue conveys must be a comfort to the veterans in residence at the centre.

The Deer Lodge Centre has a long and proud history of caring for veterans, beginning with its establishment as a military convalescent hospital in 1916. Now a prominent WRHA centre of excellence, Deer Lodge provides services for inpatients, outpatients and continues to provide a permanent home for veterans.

I would like to congratulate the Canadian Pacific Railway, Deer Lodge Centre and the many dedicated people who assisted in this worthy campaign. Congratulations especially to Mr. Syd Davy and the Intrepid Society who had the diligence and vision to see this project through. Our "Winged Victory" is now in its rightful place, a place where it commemorates the sacrifices of those who died fighting for their country and reminds us how precious and hard won our freedom truly is.

Mr. Speaker: Order. Does she have leave?
[Agreed]

Leave has been granted.

* (14:30)

Ms. Korzeniowski: Mr. Speaker, the events of September 11, 2001, have raised awareness and appreciation of the sacrifices that members of our armed forces have made and continue to make. Let us never forget our fallen soldiers and let us honour our veterans who fought bravely for the lives that we live to enjoy today. Thank you.

Mr. Speaker: That concludes members' statements.

House Business

Hon. Gord Mackintosh (Government House Leader): Mr. Speaker, in accordance with the motion agreed to on September 8, I would like to announce that the House will sit on Monday morning from 9:30 a.m. until 12 noon, in addition to the usual Monday afternoon sitting, in order to deal with concurrence, and that routine proceedings will take place on Monday afternoon as usual.

Mr. Speaker, would you canvass the House to see if there is agreement for no votes and no quorum for Monday morning?

Mr. Speaker: In accordance with the motion agreed to on September 8, it has been announced that the House will sit on Monday morning from 9:30 a.m. to 12 noon, in addition—[interjection] Order, please. We are trying to announce it in the House so some member cannot come back and say I did not hear it and then they show up for 1:30. I think it is very important for all members to be able to hear this very important announcement. There is lots of room in the loges for members if they want to have conversations.

In accordance with the motion agreed to on September 8, it has been announced that the House will sit on Monday morning from 9:30 a.m. to 12 noon, in addition to the usual Monday afternoon sitting, in order to deal with concurrence and that routine proceedings will take place on Monday afternoon as usual.

Is there agreement for no votes and no quorum requirements for Monday morning?
[Agreed]

ORDERS OF THE DAY**GOVERNMENT BUSINESS**

Mr. Speaker: We will now resume debate in Committee of Supply.

COMMITTEE OF SUPPLY**Concurrence Motion**

Mr. Chairperson (Conrad Santos): Committee, please come to order. The Committee of Supply has before it for our consideration the motion concurring in all Supply resolutions relating to the Estimates of Expenditure for the fiscal year ending March 31, 2004. The floor is open now for questions.

Mr. Gerald Hawranik (Lac du Bonnet): Mr. Chairperson, on September 12, during the Estimates almost two weeks ago, I asked the minister whether he would provide me with some information, specifically the number of known active gang members in the city of Winnipeg in 2003 as well as that number for 2002 and 2001. I also wanted the number of inactive gang members in 2003 in Winnipeg and what criteria are used to determine whether or not a gang member is an active member versus an inactive member. I wanted those comparisons relatively quickly. In fact, during that question I noted that the number of known gang members in Winnipeg in 2001 was 1936.

Mr. Chair, according to the Estimates processed last year, the minister indicated that the known active gang members in Winnipeg in 2002 was 1836 members. Now, he had that information in last year's Estimates. He did not have that information for me this year. I have been waiting for almost two weeks already for the minister to respond to that question. The minister stated during the Estimates that he would use his best efforts to seek that information. Well, it has been 13 days since I asked for that information, and I do not have it. When can I expect that information from the Justice Minister?

Hon. Gord Mackintosh (Minister of Justice and Attorney General): Understood. In preparation for our meeting, I asked the department if

the request had been made to Winnipeg Police, and I am advised that a request has gone to Winnipeg Police Service. Those figures are Winnipeg Police Service figures. They are not Justice Department figures. I will, certainly, provide the information on receipt. I can also tell the member that, as I recall, there is a criteria that the police have used to identify active and inactive. We will pass that on as well.

Mr. Hawranik: I ask the minister have there been any charges laid relative to The Fortified Buildings Act since it was passed? Can he also indicate to me whether there have been any convictions related to those charges, and what was the nature of those charges that were laid and convictions that were received?

Mr. Mackintosh: The Fortified Buildings Act sets out a process of entry and a process of inspection. It is my understanding, and I will confirm this with the member—I want to make this brief because I know that time is valuable—it allows the Director of Public Safety to designate a building as a fortified building and a threat to public safety if the level of fortifications exceed that of normal residential security provisions. The Public Safety Branch Investigation Unit—that is the unit that also does the investigations under The Safer Communities Act—conducts the inspections under that act. There is a registrar and three investigators.

Mr. Chair, to date, the Public Safety Branch Investigation Unit has conducted four inspections under the act. Two inspections were conducted under a warrant to enter and inspect. Both resulted in a removal order. The first order was in relation to a residence associated to the Hells Angels. There was compliance, and listed fortifications were removed. The second removal order targeted a fortified drug house. It was found to be a \$1.4-million street value marijuana grow operation. That order was executed. I understand that there is continuing policy investigation as a result of that initiative. There is a third inspection that is now before the director. A fourth has resulted in an informal resolution, when the landlords served the occupants with notice to vacate and remove the fortifications before the order was issued.

This is a new tool. It is one that there are voices to expand this tool in other jurisdictions.

We will continue to monitor the effectiveness of this tool. Already, clearly there has been some success, and one that was relatively high profile. I think, though, that there are ongoing discussions amongst the branch and my office about how the procedures under the act may be improved. If it looks like there are proposals to come to the Legislature, I would look forward to meeting with the member to gain his co-operation in ensuring that they move through the House in a timely way and we are able to answer his questions.

* (14:40)

Mr. Hawranik: November of last year, 2002, the Government passed the new Civil Remedies Against Organized Crime Act. This gave judges the power to revoke tax or liquor licences from a business, provided it is proven as being a front for criminal gang activity. A judge can also close a company's doors and liquidate its assets. This act, as I remember it, was primarily targeted toward the new Hells Angels store just a couple of blocks south of the Justice Minister's constituency office.

Mr. Chair, I note that, under The Civil Remedies Against Organized Crime Act, one member of a gang located out of Manitoba was charged with displaying gang colours in a Winnipeg bar. That was reported recently in the *Winnipeg Free Press*.

Have there been any other charges related to the minister's anti-gang legislation? Secondly, were there any convictions as a result of those charges? Can he give me an indication as to what the nature of those charges and those convictions are?

Mr. Mackintosh: My recollection from information I had about two weeks ago is that there have been approximately 12 charges laid under that legislation. I do not have the status of the charges in terms of convictions. I can provide that to the member. It is my understanding that those charges relate to the gang colour provisions of the bill.

Mr. Hawranik: I note in an article in the *Free Press* in March of this year that the minister has plans to introduce further legislation this spring, which obviously did not happen, that would

allow the Government to seize the proceeds of criminal gang activity. Is there going to be legislation tabled this fall in the November session with respect to that?

Mr. Mackintosh: Yes.

Mr. Hawranik: Mr. Chair, a commitment made by the Government during the last election and in fact even the 1999 election was to make our communities safer. Yet it was reported that provincial Crown attorneys recommended only a two-year sentence to a Bryan Larsen, who is a convicted pedophile and charged with possessing 300 000 images of child pornography. He also sexually assaulted two young girls, one of whom provided an impact statement to the court which asked the judge to "please help me and put him away for life."

I ask the minister—and he will note that in Question Period this week I was quite concerned about sexual offences against children and against women because they are vulnerable in our society—why is he not taking child pornography offences and sexual offences against children seriously and instructing Crown attorneys to ask for longer sentences?

Mr. Mackintosh: Crown attorneys take this matter, this crime very seriously and, of course, operate on a professional basis based on the available evidence and the law.

Part of the problem is the law. From time to time, part of the problem is the available evidence, so what we are doing, Mr. Chair, is a multifaceted strategy. I was pleased this week to announce that the child exploitation prosecution initiative was coming into place over the next week which would establish for the first time perhaps in any province—I am not aware of this happening anywhere else, although it may be somewhere else—a specialized prosecutor to oversee the co-ordination and the movement of child porn cases. The cases would be prosecuted not by any prosecutor in the division, but by a cadre of, I understand, about four or five prosecutors in the Family Violence Unit.

With this cadre and the child exploitation case co-ordinator, we now have a targeted and

specialized response to child pornography cases right from the public. I am talking now about Cybertip.ca which is the method to report on-line child pornography to the Integrated Child Exploitation unit or the ICE Unit of the Winnipeg Police Service and RCMP with involvement in Brandon and now the child exploitation prosecution initiative.

We think that this is a way to strengthen the prosecution of child porn cases. These cases are proving to be very complex and very demanding in terms of the volume of evidence and of the technology that has the evidence. The disclosure issues are very complex, but, as well, we need a really concerted effort to ensure that we rally all the best practices and develop a specialization in this area, in particular because the volume of these cases is growing and is expected to grow more because of Cybertip and the ICE Unit. That is how we hope to proceed from here.

I certainly can say that it is our understanding that that kind of approach, from public to prosecution, is one that is unique in Canada. At the same time, we have to make sure that child victims are able to testify without having to look into the eyes of an accused. That is why the child-friendly courtroom exists in Winnipeg.

We are continuing to look to see how we can improve our response to child victimization by way of changes in the court system.

Mr. Hawranik: In your comments you mention that the Crown prosecutors operate on a professional basis, and I agree with that, that they are professionals, and they take pride in what they do, and judges make decisions on the basis of precedent.

However, we have seen in the last six months, in particular, several cases where judges on appeal have increased sentences even beyond what is the normally established precedent for the type of facts and circumstances that is before him.

Does the Justice Minister, through the director of Prosecutions or directly to the Crown

prosecutors, has he ever given directions to his Crown prosecutors with respect to sentencing?

* (14:50)

Mr. Mackintosh: Well, there are many, of course, policies that the Crown prosecutors follow. It is right, of course, that the Attorney General and the Deputy Attorney General do have the ability to put together policy directives for Crown attorneys.

What the member is asking is a matter that, of course, has been of considerable debate in Canada and by Justice ministers. That is, when instructing Crown prosecutors, how do you ensure that you do not undermine the integrity of Crown prosecutors by political interference? I give the example, if, for example, the Prosecutions branch was ordered by an attorney general, due to political considerations, to go and seek the maximum sentence for, let us say, break and enters, the maximum there being life, I understand, the consequence practically in the courtroom would be for the judge to dismiss the argument of the Crown attorney, because, of course, it would be way outside the bounds of any accepted precedent that is established and has been determined even in the Manitoba Court of Appeal.

So I do not think we should be making policies that would undermine the status of our Crown prosecutors, because that would have the effect of essentially removing the voice of Crown prosecutors from sentencing hearings and relinquishing the voice to the defence counsel.

But, Mr. Chair, I understand where the member is going. I appreciate and I respect his opinions and suggestions around prosecution policy when it comes to sentencing positions. But, in prosecutions, and I have reviewed cases from time to time that have concerned me, I have discovered that there are very often difficult issues of victim reluctance or refusal to testify that often is a serious matter in considering whether a charge could be supported if there was a trial. With child victims we try to reduce that by way of the child-friendly courtroom and waiting room and other aids and supports.

So the Crown prosecutors are often engaged in a very difficult balance. But what I do see is, where the evidence is available, the Prosecutions branch is at the high end very often in terms of asking for within a range that has been set down by the Court of Appeal.

Mr. Chair, that is where the federal Criminal Code comes into play. There are many changes that should take place to the Criminal Code. There are many changes, in fact, some are just to me so self evident and supported by consensus across the country. I hope that with changes in Ottawa over the next few months that there will be some movement to get some of these issues off the table and start a better dialogue with the provinces. I say that with the highest of respect for the current incumbent, but there is uncertainty within the federal administration right now.

So, yes, there has to be, I think, some fortification of some of the approaches in the Criminal Code, but at the same time, I am certainly prepared to look to see what we can do provincially. Prosecution policy, as the member says, is one of them. It is a question of what kind of policy would be effective in starting to change the precedent that has been set down.

What it does take sometimes is a judge who will take a case and accept perhaps the Crown's position and move the maximums up. Sometimes it takes a judge who is prepared to go outside of the range that has been established by the Court of Appeal and allow the sentence to go on appeal and proceed and perhaps establish a new benchmark.

So it is, certainly, a complex matter, and one that has to be done without, as I said earlier, undermining the integrity or the prosecutorial discretion of prosecutors who, in my opinion, are very professional and want to get a good result in every case, but sometimes have some very difficult evidentiary matters and witness matters to take into account.

Mr. Hawranik: In my view, Mr. Minister, we should not depend on judges to give policy direction to the Crown prosecutors, particularly since we have seen in the last six months to a year a number of judges going outside the range

of precedent, going higher than what is recommended, higher sentencing than what is recommended by the Crown prosecutor. I think it is incumbent upon this minister to give policy direction to his Crowns with respect to sentencing.

Has the Justice Minister provided policy direction to his Crowns asking for increased sentences in certain cases like pedophile offences or sexual assault offences?

Mr. Mackintosh: I can check the policies with regard to directives. Of course, the directives sometimes go back a long time and may have emanated from other offices, whether it is the head of Prosecutions or deputy's office or from maybe political offices of earlier administrations, but there is a range of policies in place. Certainly, I was involved, to a certain extent, in the design of child victim policy. That is one that I am familiar with, and I would, certainly, be prepared to have a copy provided to the member. I think that is the policy probably that he is alluding to.

Mr. Hawranik: In one of your answers to one of my questions you alluded to break and enter having a maximum possible sentence of life in prison, and that is quite right, break and enter into a dwelling house that is. I noticed that over the last couple of months, the minister has made statements with respect to lobbying the federal Justice Minister for a separate category of offences within the Criminal Code to take into account home invasions, thinking that that in fact is going to increase the sentences, or that somehow that increases the severity of the crime. Well, currently what happens is that the Crown prosecutor and the police charge home invasions in a number of ways, one of which is to charge for break and enter into a dwelling house.

Now, break and enter into a dwelling house already carries a maximum life in prison. How much more serious can it become? So why is it so important, in the minister's view, to create a separate offence for home invasions?

Mr. Mackintosh: I feel strongly about this proposal, a proposal that I can tell you has been explicitly rejected by the federal minister. I will

say, though, that while I was very disappointed that he rejected that proposal, at least he had the courage to advise me and other ministers and did not just allow this to continue to lumber along on someone's desk in Ottawa.

Now, having said that, it is our view that the crime of home invasion deserves and requires a separate category for a number of reasons. The gravity of the crime simply is not emphasized by being housed, either in break and enters or even in robberies for that matter, and that is where it will show up. It is qualitatively different than those crimes. It is not just a break and enter with violence. It is more than a sum of its parts. It is a repugnant, abhorrent crime. I think it is horribly victimizing.

I think Canadians would be surprised to know that there is no crime of a home invasion, but it strikes terror into hearts of people in communities. So I think it is an important signal then to the courts on how serious the crime is. It is a way for the general public to speak directly to the courts through the Criminal Code, and I think we could get more meaningful sentences and a message of denunciation from it being a separate offence.

As well, I think it is also very important that we not masquerade the actual criminal record and the criminal wrongdoing of an offender who commits a home invasion, because right now it is recorded as perhaps a break and enter or a robbery. It should be recorded as a home invasion. We do not want to, I think, be complicit, as officials in the justice system, in misinforming the public or other police officials or courts later on as to the risk and background of an offender.

As well, we do not know the actual incidents of home invasions as a result of it not being a separate offence. Different police agencies define home invasion differently. You know, is a home invasion something that is planned before you enter the house or is it still a home invasion if one enters a house as a B and E and then terrorizes the people after entering? Those are two different measures. So we do not even get a proper measure. We do not have the proper intelligence, the offender and victim profiles, the locations of these kinds of crimes in order to better combat and prevent them.

For all those reasons, we think it is important. But, just getting back to the main trigger for the question, it is our view that it would enhance the sanctions provided by the courts. It will send a different message.

* (15:00)

Mr. Hawranik: My concern about creating a separate home invasion crime in the Criminal Code is the fact that the Justice Minister may not in fact have a penalty that is even equal to the break and enter in a dwelling house, and may in fact go with a 14-year maximum penalty or a 10-year maximum penalty. Right now we have a break and enter offence, depending on the seriousness. The facts speak to the seriousness of the offence. Break and enter in a dwelling house carries a maximum of life in prison. You cannot get any higher than that. That is my concern.

Mr. Chair, if the Minister of Justice is successful, along with other ministers, I think other ministers are in fact suggesting similar action to the federal minister, if he is successful in getting a home invasion offence within the Criminal Code, would he undertake at least to make representations to the minister that it should carry a maximum of life in prison?

Mr. Mackintosh: It would undermine the message that could be delivered by a separate offence if the maximum was less than the break and enter, so I agree with the member on that. We should recall that home invasions have started to attract more significant sanctions in Canada. I think, in Manitoba, it is in the seven-to-ten-year range. I would suspect that with a new offence and a new message it could be increased. That is why we have called for it.

Mr. Hawranik: I ask the Justice Minister, with respect to the legal aid dispute, that forcing the defence lawyers, who are representing legal aid associates in court, to ask a judge to determine reasonable compensation to be paid by Legal Aid in the Hells Angels trial, I believe, is a terrible waste of time, energy and resources of the courts. Surely the court time and the judges' time and the time of the Justice Department could be put to better use.

I ask the minister: Why does the Minister of Justice not, given those facts, implement a fair

tariff for complex criminal cases, which would likely avoid all this terrible waste of court time and resources?

Mr. Mackintosh: I have to be extremely careful. The matter is being reserved as we speak. So I can only say this, which is just a factual background, very briefly, this unfolded because there was a rejection of what was a legal aid strategy to fund cases like this.

Mr. Hawranik: Everyone is entitled to representation and counsel. That is guaranteed by the Canadian Charter of Rights and Freedoms. I do not deny that, but legal aid is designed to pay for legal services for those who cannot afford to otherwise pay for them. The payment is only made to an accused if it is determined by Legal Aid that they had little income and very few assets.

Can the minister tell me whether or not Legal Aid Manitoba or the Justice Department has investigated the assets and the income of the Hells Angels associates before issuing them a legal aid certificate?

Mr. Mackintosh: Two things. First of all, I will just quote from the decision of Justice Beard, from September 16, where she says: It is clear that there is no right given to the Minister of Justice to supervise the daily operations of Legal Aid Manitoba or give any direction to the members of the board of directors or the employees of Legal Aid Manitoba. The minister does not control any expenditures or participate in discussions regarding who will or who will not receive funding from Legal Aid Manitoba and he does not determine who will be legal counsel for those persons qualifying for funding.

What can the minister do? I can advise that, first of all, the department has made inquiries of Legal Aid to get information on the precise process that it uses to determine the financial means and assets of an applicant. It is our understanding, of course, that Legal Aid follows a process to determine the financial means of applicants for legal aid and makes appropriate inquiries.

Mr. Hawranik: I think if I asked most residents in Manitoba whether or not Hells Angels

associates should in fact receive legal aid certificates, they would probably say that they should not on the basis of principle. But, nevertheless, we have a situation now where the associates do have a legal aid certificate, and presumably Legal Aid Manitoba has done an investigation into whether or not they can afford to pay their own legal fees or not. We do not know that. The minister does not know that.

I think it would be appropriate, but what does the minister think in terms of the appropriateness of investigating whether or not a criminal organization, in fact their criminal organization should pay for their defence rather than Manitoba taxpayers?

Mr. Mackintosh: Firstly, I cannot talk about any particular case. I would say generally that whether or not any particular applicants for legal aid are members of any criminal organization is a matter that may well be before the court or a trial. I can advise the member that I have asked the department, further to preliminary information from Legal Aid about their process, whether further investigative improvements by Legal Aid are needed, and we will work with Legal Aid to address any issues there, including whether legislative changes are necessary. I have asked the department to bring forward any options as to whether persons proven to be members of criminal organizations should be treated differently in the application process. So that is a matter that began, I guess, about a week or two ago. The most recent request follows some preliminary information received from Legal Aid in response to a request from the department several days ago.

Mr. Hawranik: My concern is that the Hells Angels, being a criminal organization—and in fact it was admitted to be a criminal organization by nine members of the Hells Angels in Québec just recently when they pled guilty to several offences. They do not deny that they are a member of a criminal organization. It seems to me that these organizations, which in fact are formed in many ways for the purpose of either stealing from the general public or selling drugs or operating as fronts for prostitution, take money away from taxpayers by criminal means. What is the minister's position? Why should members of criminal organizations be funded for legal aid? What is the minister's position on that?

Mr. Mackintosh: There is a case that is under reservation right now, so I am not talking about any particular case. I will say this, that the integrity of the legal aid system across Canada depends on assurances that valuable dollars from the federal, provincial and other sources are flowing to accused in need. That is the basis on which my request to the department is based.

* (15:10)

Mr. Hawranik: I notice that the minister, in the newspapers and in the media, has taken a position that, with respect to assaulting police officers, he feels that the penalty for assaulting a police officer, the maximum penalty should be increased from five to ten years because it is no different than a common assault. The Canadian Association of Chiefs of Police, in fact, have said the maximum penalty is irrelevant, and I would agree with them. It is the minimum penalty that counts.

Why is the minister not taking a position that there should be a minimum penalty in accordance with the Canadian association and in accordance with the policy that we developed as a Progressive Conservative caucus?

Mr. Mackintosh: I am not aware of the Chiefs of Police rejecting the request to raise the maximum. I do know that the Canadian Professional Police Association has welcomed proposals to be tabled by Manitoba at the federal-provincial-territorial meeting of ministers responsible for justice in the next few days.

What the package of proposals includes is a doubling of the maximum from five to ten years for assault, eliminating eligibility for parole for murderers of police officers but also to introduce mandatory minimum sentences for assaults where the assaults cause serious bodily harm or are committed with a weapon.

As well, I should just add that we are calling for an increase to the maximum sentences for disarming a peace officer from five to ten years and to move from two years to five years for obstructing a peace officer.

The significance in the view of the department, myself and many others is that by

increasing the maximums and increasing a mandatory minimum, which I suspect is going to be—the latter will be difficult for Ottawa to accept, because it has been rejecting mandatory minimums consistently. That is why we wanted a multifaceted approach to this. We believe that it will interrupt the whole sentencing regime around assaulting police officers and will elevate the sentencing.

Right now the courts, the prosecutors are tied by precedent around this. I think it is precedent that has to change, and the way to do it is by increasing the maximums. The mandatory minimum, I think, could be very useful and, as well, of course, sending a strong message on the issue of murders of police officers.

It is my early sense that there is going to be good support for this from other provinces, and I had some early and informal interest expressed, I am glad to say, from the federal government. They do not appear to be in a position to dismiss this proposal.

But I am very pleased to have worked with the police and community in putting together this package, as well, I might add, our legislative proposal for Manitoba to more easily facilitate cross-border policing. I will be asking my colleagues from across Canada to introduce similar legislation that Manitoba was able to introduce and have passed at the Uniform Law Conference in August.

Mr. Hawranik: The minister introduced a \$15 surcharge on all provincial fines including fines applying to photo radar and red light camera tickets. This was done after the legislation was passed last year.

How much revenue has the \$15 surcharge brought into government coffers since April 2003?

Mr. Mackintosh: The surcharge will come into force, I believe, if memory serves me right—I am subject to correction on this one—January 1, 2004. That is part of the budgetary proposals.

I have had revenue projections provided to me. I do not have them with me. If the member wishes, I can provide those to him.

Mr. Hawranik: Mr. Chairperson, I request that the minister does provide me with those projections for my use.

Does the minister know how many tickets have been issued for red-light camera infractions to date and approximate amount?

Mr. Mackintosh: Mr. Chairperson, I have a briefing note from the Courts Division that, as of September 1, the Winnipeg Summary Convictions Court has received over 107 000 photo enforcement tickets, but I have no note separating the red-light camera from other photo enforcement. It is all grouped together.

Mr. Hawranik: Photo radar units were to be placed at construction sites according to the legislation that was passed. It was to be placed at construction sites and in school zones. This was a promise made at that time by the Government. I have been fielding complaints by many people who were ticketed speeding in school zones during July and August when school was not in session. I am wondering why the photo radar units would be operational in a school zone when the school is not operating.

Mr. Mackintosh: As the member knows, the Winnipeg Police Service or the City of Winnipeg administers this program and makes location decisions within the ambit of The Highway Traffic Act amendments brought into this House. I understand that the legislation does target speeding in school, playground, and construction zones. I only ask this rhetorically, but a school zone remains that way year round. I should not assume anything, but perhaps the objective of the police positioning photo enforcement in those zones is to create an awareness of the location of the school to change motorists' behaviour in the interests of child protection. That is a question that would be more properly addressed to Winnipeg Police Service.

Mr. Hawranik: One section of that legislation, the photo-radar legislation, indicates that the fine revenue is supposed to be used to recover the cost of acquiring and using the system; as well, that the municipality and the Province, whoever generates those profits, the profit revenue is to go for safety or policing purposes.

On May 23, in the *Free Press*, I read an interesting article where Mayor Glen Murray was quoted as saying: The revenue will be used to cover rising police costs and to avoid tax increases.

Who will be enforcing that section of the legislation, the section of legislation that deals with where the money is to go and that money is to go for safety and policing purposes, not to avoid tax increases? Who is going to be enforcing that legislation to ensure that it goes toward safety or policing purposes? What is the position of the minister in that respect?

* (15:20)

Mr. Mackintosh: I think it is first important to confirm whether and to what extent the profit revenue has flowed to the City of Winnipeg. I would want to confirm that first. Clearly, the legislative requirement is as set out by the Legislature and that was a very important aspect of the legislation for the Government. I expect that the City of Winnipeg, which was part and parcel of the development of legislation, fully understands its obligations under that statute.

If the member has any information that suggests that they are using revenues for other purposes, I would, certainly, pursue that.

Mr. Hawranik: My next question is with regard to gun registration. In January, Vic Toews, the MP for Provencher, uncovered a policy that was in fact in writing in the library of Parliament indicating that if a federal Crown agrees to prosecute, the file will be forwarded to it. If it refuses, the provincial Crown will prosecute the offence, but at the conclusion of the case, it will forward a bill to the federal Department of Justice seeking reimbursement for all the resources expended on the prosecution.

I know the Justice Minister has said that he has since changed his policy or at least he has said to the media he has changed his policy. My question to the minister is: Has this policy been changed in writing? If so, can he provide me with a copy of that policy.

Mr. Mackintosh: Yes, and I refer the member to the Parliamentary Research Branch, Library

of Parliament's work on this of April 24 called federal-provincial responsibilities in relation to the costs of administering and enforcing the registration provisions of the firearms legislation. At page 13 there, they note that thus far, as of April, Manitoba is the only province that has publicly indicated it will not prosecute the registration offences in the Code. I can provide the member with that prosecution policy.

Mr. David Faurschou (Portage la Prairie):

Mr. Chairperson, I would like to ask the Justice Minister about the level of support to the policing of our province. The consideration is known by this member that we are at full complement outside of Winnipeg in the current formula of support derived from federal and provincial negotiations.

However, it is recognized in the City of Winnipeg that Winnipeg has to deal with activities of individuals not residing in Winnipeg. Persons that are transient, away from their own homes do create problems in the city of Winnipeg that have to be dealt with by the police services. The same situation exists in Portage la Prairie, Brandon, Thompson, that the individuals that are coming into the problems with the law do not reside within those communities. Those communities are having to deal with the activities of individuals that are not residents.

It is recognized in Winnipeg that this does take place. What I would like to ask the minister today is a question that I asked on other occasions: Will the minister please recognize and provide additional resources to address the serious situation that exists within the community of Portage la Prairie and, potentially, Brandon and Thompson as well, whereby the number of files handled by each individual police officer at the present time is the highest in not only the province of Manitoba but runs only second to the highest jurisdiction, that being downtown Vancouver?

Mr. Mackintosh: It is gratuitous advice to the member, but he might have raised this with his leader during the election, the leader who promised more police, perhaps after tax cuts were considered and implemented, but only in Winnipeg, no mention of additional policing whatsoever outside of Winnipeg. We took a

different approach during the campaign and have committed to additional policing resources outside of Winnipeg.

Mr. Chairperson, one project in particular that will be included in the budgetary considerations of the re-elected government is a mobile strike force to deal with outbreaks of criminal activity out and around in Manitoba. The reason for this mobile strike force is really based on experiences in Portage la Prairie over the last year or two, and an outbreak of auto theft, in particular. While the local officials, officers and others, including Chambers of Commerce and citizen patrols, got together and, I think, did a tremendous job collaborating, co-operating, notably we saw police detachments get together and start to work in a more organized way to counter this threat. It was recognized that there has to be a quicker response.

So, for the first time I know of anywhere, as a result of consultations with the RCMP, the mobile strike force will be a new initiative that, hopefully, will provide a speedier and more effective response to these outbreaks. As we recognize, and the member knows, sometimes many, many auto thefts can be done just by one or two people. The problem can be nipped in the bud if there is a co-ordinated law enforcement strategy that is nimble.

Now, I know the member is aware that the City does receive from the Province some direct funding to help offset the cost of 40 officers. He is aware that on the other side, the other book-end, Brandon, the City receives a funding to offset the cost of two additional officers. If you just take a population formula there, I do not know if Portage will be able to make a case for directly funded officers for Portage. But having said that, in addition to the mobile strike force commitment, we have funded the RCMP to enable it to go to full complement. It is not cheap. The complement has grown. It has grown by 14 in the last mandate, and they are managing to full strength. I know the member hears about that and the Portage area recognizing too that it has both a rural and city detachment.

The investment is historic, and I believe that it is making an impact. That is the information I am getting back. At the same time these local

concerns are important ones. Portage should be commended for a lot of its mobilization of citizens. Citizen patrols and community justice are important, but at the same time we have to recognize that municipalities do have accountability to local citizens and responsibility in funding municipal contracts for policing. I think that what the member is hearing is a responsiveness to his concerns that I am sure he was disappointed not to hear from his own party in the last election.

Mr. Faurschou: Very specifically, I am disappointed in not hearing from the minister that he would like to commit at least two more police officers to the complement in Portage la Prairie. That is the disappointment I express this afternoon. I do recognize, and I do want to put on the record today that the minister and his department have provided additional resources in the Crown's department as well as in the judiciary. The associate chief justice has made provisions to provide for additional court sitting time. A third Crown attorney is now in place in Portage la Prairie. I know that that is a welcome addition to Portage la Prairie, especially appreciated by the staff that were there before the additions came.

I do want to conclude, though, by emphasizing that there is a need. I hope the minister will review and ask the pertinent questions, because we do have problems in Portage la Prairie emanating from problems elsewhere. The situation at Swan Lake First Nation, the occupation of their administrative buildings, persons are coming now to Portage la Prairie. The Sandy Bay election fiasco that is going on up there has caused unrest up there, and they are now coming to Portage la Prairie. The situation that I spoke of in Question Period is a concern and involves individuals that are not of residency right in Portage la Prairie proper. So I ask the minister's consideration. I appreciate his understanding, and I look forward to an announcement.

* (15:30)

Mr. Mackintosh: In discussions with city officials at Portage recently, I did suggest, and I will suggest to the member that another commitment from the election campaign was to double the number of Lighthouses to 40. There

is movement now on 5, I think, as we speak, in varying stages, but I think that there is a program operating in Portage that is proving to be very successful in attracting youth at risk. It may be that that program can be fortified by way of a Lighthouse, and that is something that I am sure would be evaluated according to the criteria.

Mr. Hawranik: I know that the Province, at times from Mothers Against Drunk Drivers, has been complimented for its stand on the penalties that the Province has implemented for drunk drivers. I am concerned about an article that I read in *The Winnipeg Sun* the other day.

First of all, with respect to ignition interlock devices, the article states that in Ontario, as soon as someone is convicted of drunk driving, the first time that they are convicted of impaired driving, they get a one-year suspension and, in fact, the ignition interlock device is a required requirement. It has to be installed within the vehicle for that period of suspension, and there are no exceptions. If they want their licence back after that year, they have to again agree to have the ignition interlock system installed in their vehicle for the entire year. If they are convicted in Ontario for the second time, they have to have the device in their car for a three-year period. If they are caught a third time, they have to keep it in their vehicle at their own expense for the rest of their lifetime.

In Manitoba it is different. You get a one-year suspension if you are convicted of impaired driving. After serving that year, you are not required to have an ignition interlock device installed in the car. If you want to apply to have your one-year suspension reduced to three months, only at that time is when you are required to have an ignition interlock system. After the nine months are up after your suspension, you can have it removed. I am wondering why the Justice Minister has not moved toward the Ontario model and is not being tougher on impaired driving.

Mr. Mackintosh: Well, the member should be aware that that legislation, developed in close consultation with Mothers Against Drunk Driving and many others, was passed unanimously by this House. The Opposition, I took it, was in

favor of the legislation. No amendment was proposed in this regard.

I might also add that one has to be careful with the comparisons. Ontario has a unique system whereby they do not have the licence suspension appeal board process that, historically, has existed in many, if not most, other jurisdictions. But the Manitoba interlock scheme is targeted at those at risk. Mr. Chair, in that sense, the Manitoba scheme, I think, could be interpreted as a tougher scheme. It is not just right across the board. It is focused on risk.

This is the other point that I want to make, and what the article did not point out, and that is that there are two categories of people who must have the interlock installed. The first is those who have received restricted or conditional licences, and before they can have that restricted licence they have to install the interlock.

The second category, and the criteria are being developed, is where the registrar determines or deems a person at risk of re-offending. So it is that second criterion, as well, that must be considered in Manitoba's legislation. That is why I just urge the member to be careful and look at the actual legislation that we have.

I might add that the legislation in other provinces like Québec and Alberta have an interlock installed with no restriction on licence at all, so the Manitoba scheme is tougher in that it is on top of a restricted licence in terms of times of day and other restrictions.

So when the interlock program is announced in early December, the kind of driver who will be required to have an interlock as deemed or decided by the registrar will be publicly announced. I suspect the member may have a different view of things in looking at the legislation and awaiting that second component or classification of who will be mandated to have and pay for an interlock.

Mr. Hawranik: I note on March 1, the minister made an announcement that he is planning a women's justice clinic, which was to be a one-stop service for those women who are high-risk victims of domestic violence, bringing together

different professionals under the same roof in order to deal with issues of abuse.

I also note that the minister was quoted as saying: That the clinic was to be up and running before the end of this year. His department and Legal Aid were working on a funding formula, and funding partners, and looking for office space in downtown Winnipeg.

Can the minister tell me what the status of this women's justice clinic is at this point?

Mr. Mackintosh: I will have to report to the member on that. That is an initiative that is in partnership with many agencies including representatives from my department, I believe Family Services and Housing, as well as community agencies, and is being driven in no small way by community interest.

I will report back to him on the status of that.

* (15:40)

Mr. Hawranik: A number of Winnipeggers and Manitobans and nonprofit groups have been fundraising over the last year to raise money to purchase a helicopter for the Police Service in Winnipeg.

What is the position of the Justice Minister with respect to the police helicopter in the city of Winnipeg?

Mr. Mackintosh: Well, that is a city policing issue. I know that there are officials in the City of Winnipeg and the police executive looking at that, so I defer to their expertise on the pros and cons of that kind of initiative for Winnipeg. If they have conclusions they want to share with me, I would look forward to seeing what they discover.

Right now, I understand it is just in the evaluation stage at the City of Winnipeg. It has not come over to the Province in any way.

Mr. Hawranik: Are there any plans to provide any budgetary support to the City of Winnipeg for the operation of that police helicopter, or have there been any requests even from the City

of Winnipeg to the Justice Minister with respect to that?

Mr. Mackintosh: No, there have been no requests. Like I say, it is not a matter that has come over from City Hall.

Mr. Kevin Lamoureux (Inkster): I have a number of questions to ask of the Minister of Justice. I will try to keep my questions as brief as I can, to the point, and would appreciate the responses to be of a similar nature.

The other day I had a question asked of the minister regarding just monies that Hells Angels, as an organization, is quite frankly perceived to have. In Québec it was reported that it was in excess of \$100 million in revenue in that particular province that was just associated with drug money income.

I guess the first question I would ask of the minister here is: Does the minister believe the Hells Angels here in the province do not have any money?

Mr. Mackintosh: Well, again, I have to be careful with what I say here. I am not going to talk about any particular case. The member has not pointed out a particular case, but we have to watch the context because the matter is under reserve by a justice right now.

I think I answered a lot of this a little bit earlier, but the foundation of legal aid is that money should flow to people in need based on evaluation criteria. So it is my understanding from Legal Aid that the eligibility criteria are set out and that Legal Aid follows a process to determine the financial needs of an applicant for legal aid.

I can also say that, as a result of public concerns around this issue, the department has sought more detailed information on what precisely Legal Aid does when there is an applicant for legal aid. There are questions about the financial means of that applicant.

I might add that, when I meet with my counterparts from across Canada I am going to be raising this issue with them to find out if in other jurisdictions, notably jurisdictions where

they have had megatrials involving criminal organizations, in particular, if there is any different treatment of members who are alleged to be connected to criminal organizations.

I think the trigger here, and what we have to be careful about is, what proof may exist as to the relationship between a particular individual and a criminal organization. That is the first question. If there is a proven link, which may be problematic, very problematic in finding evidence about, there would be a question as to financial means.

I have asked for an analysis of whether further investigative improvements or tools by Legal Aid are needed and whether even legislative changes may be needed. That is an analysis I look forward to seeing the results of. I can tell the member I have asked the department to move quickly with that one, but it may be that there are different approaches in other provinces that I am not yet aware of. I look forward to that kind of information.

Mr. Lamoureux: I guess we have been aware of gang activities for a good deal of time now. I think the public as a whole really resents the fact of the types of dollars that they hear about, public tax dollars having to be used, when in the backs of their minds, my mind included, I must say, that there are organizations that, quite frankly, have a great deal of money, and there is this resentment towards why it is. I am glad to hear that the Minister of Justice is asking about how it is that we might be able to address this issue. That pleases me, surprised that it took as long as it did in order to look into that.

The next area is that it would be interesting to hear the minister if, in fact, he could clearly demonstrate to Manitobans that they do not have the money, and that criminal gangs in this particular case—I could cite Hells Angels or whatever gang—do not have money. I think that Manitobans would like to hear that from the Minister of Justice, if in fact he believes that to be the case.

Because of the issues, at times we get self-representation through the courts. There was an issue that came up in the newspaper in regard to the releasing of information to those individuals

with self-representation, as opposed to having a lawyer. I am wondering if the minister could just inform the Chamber as to what role, if any, outside the Crown, the Government, in particular his department, plays as information is released to individuals that choose to represent themselves? Is there some sort of a check in place to ensure that the public's interest is being properly taken care of?

Mr. Mackintosh: It is the role, of course, of the Prosecution service and each prosecutor to represent the public interest and disclosure and what the safety issues are, also the interest of the court, the judge or the justice that supervises particular cases. I think, too, it is important to watch the case before the court and not, from this place, in any way jeopardize that and allow the current matter to be determined. I understand that the matter is under reservation right now, and the justice will be making a ruling on that very soon. So this is a very dicey, sub judice convention. I think I would ask the member to respect that at a minimal, at least until the judgment is rendered on the issue of representation.

Mr. Lamoureux: Mr. Chairperson, I am going to move on to another area, but just prior to doing that, just to make one clarification in terms of the issue of self-representation. I believe that due diligence should always be done when information is released, ultimately, even to a defence counsel. One would expect that that is in fact done. There is no reason for us to believe that that is not the case, and I would commend those that give the due diligence. Having said that, I think that we have to be extra careful whenever there is an organized crime element to it. I trust the minister shares the concerns that we on this side actually have with respect to that. Unless the minister wanted to comment on that, I am going to move to an area on which we had briefly commented on during the Estimates.

I have always been a big fan of the potential of the provincial government moving towards the underage, under-12 program. The minister made reference to his turnabout program that was announced. So what I did is, I went and did a little bit of research on it. It was interesting. I came up with one article that was written, and it is stamped April 22, 2001. It, on the surface, appears to be a fairly decent article. The minister

was, in fact, interviewed for part of it. I believe it is the *Free Press*, the reporter was Bruce Owen. But what I thought was interesting is then I got a copy of the press release. In the press release—it was sent out on October 2, 2002. Here is a news article in April, 2001. It starts off: Justice Minister Gord Mackintosh is set to unveil a province-wide police program to tackle the program of underage criminals who are too young to prosecute. No one has the under-12 protocol for youth who commit offending behaviour.

I am wondering why it would have taken so much time, because, obviously, this is in the minister's mind back in April of 2001, at the time of this particular interview, and the actual announcement, which would have been October 2, 2002. If it was a high priority area, why did it take so much time to make this particular announcement?

* (15:50)

Mr. Mackintosh: Firstly, in terms of the article from April '01, the words were that of the author of the article, that I was set to unveil something as if it was imminent. I think he was aware that the initiative had begun to unfold and had become aware that, I think, there was a consulting firm that was doing consultations, that there had been departmental staff and police staff assigned to working together to design the program.

It was done in a sure-footed way. It was done in a way that, I think, the result was worth the consultation. A critical part of turnabout was an effort not to create some huge new bureaucracy with all these intervention programs that were new. It was to build on the existing intervention programs throughout the province. There were tremendous consultations done all around this province with many, many agencies and a consultation report, recommendations on how to proceed.

Then we got to the stage of working with the federal government. This is an initiative that was helped along in no small way by the federal government. Of course, every time you engage other funding partners like the federal government because it is a big operation, things can sometimes not flow as quickly as you might

anticipate. In the result we are pleased with what has come of that initiative. I think the developmental stage was very useful in making sure that this is a program that is going to make a difference.

Mr. Lamoureux: Mr. Chair, in just listening to the comments, because of the amount of time that lapsed, I would have figured that I would have seen some other aspects to the press conference.

For example, Mr. Chair, I believe that there is a role for our schools, in particular some of our administrators, i.e., principals. There are things that happen within the school. One could call it minor pushing, minor assault possibly, that is not necessarily brought to the attention, for example, of the police. There are incidents of theft that occur in the stores, whether it is the Wal-Mart, Zellers, you name the store. I think that the department has overlooked certain areas which would make the program that much more successful.

You are not just looking for the naughty kid, if you like. This should apply to all children in the province. You can have a serious impact on the change of potential behaviour, potentially, depending on how, let us say, dispositions are ultimately arrived at, on how the youth has to possibly go before quasi-judicial groups or whatever it is that it might be. I believe that there have been some areas that quite possibly have been overlooked. When I had seen the time difference, that is what made me say, well, geez, why is it that that would have occurred?

Because I know there are other members that want to ask questions of the minister, I would extend an offer to the minister of sharing with him some thoughts on how he might be able to get this program up and running sooner, as opposed to later. There were discussions that did take place prior to this particular government taking office. I think that where there is a good idea and you have all-party support in terms of moving forward, we should attempt to work together in trying to get this moving as quickly as possible. At some point I would be interested, because I am sure the minister likely does not have the number at his hand, in knowing how many youth under the age of 12 have actually

been dealt with since this particular press release of October 2, 2002.

I appreciate the member from Lac du Bonnet providing me some time to be able to ask some questions. Thank you.

An Honourable Member: I do not have the numbers here.

Mr. Glen Cummings (Ste. Rose): Mr. Chairman, I would like to engage the Minister of Justice (Mr. Mackintosh) for a couple of minutes on safety and security issues out in parts of rural Manitoba. We saw an example of that in Question Period today. The member from Portage, I thought, raised some pretty legitimate questions that are more than just evident in the school, they are evident in some of our communities in rural Manitoba.

I am going to preface my remarks by saying that I do not criticize the police force in rural Manitoba, the RCMP. I think that in many cases they are stretched thinner than they should be. But I would like this minister to tell me and tell my constituents, is the RCMP in rural Manitoba, or Manitoba in general, staffed to the—now I am searching for the word. The minister and I have had this discussion before. Are they staffed to the appropriate level? That is not the—but he knows what I mean.

Mr. Mackintosh: In terms of the complement, it has gone from, I am advised, 613 in August of 1999, to 627 as of January '03. That is an increase of 14. It is my understanding that due to budget increases—in fact there has been an increase of \$11 million or a 20% increase in RCMP funding since we have come into office. As I said earlier, it is not cheap, but it is my understanding that that can enable the RCMP to manage to full strength. We also recognize, of course, that there are fluctuations even on a daily basis depending on maternity leaves and sicknesses and so on. I am led to believe that as a result of the funding increases there are staffing improvements that are historic, at least over the last couple of decades or so. That is what I am advised. I know I have had discussions with the member about, sometimes, what is on the paper, and what is on the street may not always jive, but the best information I have is that, certainly,

there have been tremendous marked improvements in the ability of the RCMP to manage to full strength. I also would add—no, I think I have answered the question and will leave it for the member.

Mr. Cummings: I have a further question. I will be quite specific. The DOTC are now referred to as the DOP. Their short acronym is DOPS, I believe, DOP, anyway the Aboriginal members that are part of the enforcement on the part of the RCMP relationship with the Aboriginal communities. In changing the complement at Amaranth and Sandy Bay, the situation where Amaranth was dramatically reduced when the DOPS took over at Sandy Bay. I certainly am prepared to be complimentary about the fact that we now have the DOPS in place at Sandy Bay, but there seems to be an excessive workload for those officers that have been reduced to a—*[interjection]* Mr. Chairman, you may call order.

* (16:00)

Mr. Chairperson: We cannot hear here.

Mr. Cummings: I want to leave with the minister my clear impression that the Amaranth RCMP detachment, being downsized after the DOPS taking over at Sandy Bay, has left them with a workload that stretches them very thin. There is an area that comprises a very large part of my constituency, frankly. It runs from Westbourne to Crane River and over to Ste. Rose and back down again to Carberry, the Spruce Plains detachment, McCreary, Ste. Rose. There is a large area that is covered out of those centres.

I wonder if the minister would undertake to review with his appropriate officials the assignment of staff in that area, because the workload, I find it rather distressing that we are told the workload is appropriate. We are just short one officer right now, and that position is being recruited to, but I talk to my constituents.

I have had five meetings in my constituency, not necessarily any of them generated by me, at which there were over a hundred people at each meeting. Every time that meeting talked about personal security, about personal property, vandalism, on an ongoing basis they are being told: Well, this is petty crime. This is personal property crime. These people, who are per-

petrators, are in the main cowards. If there is a confrontation, you should not confront them. But if you accidentally end up in a confrontation situation—we have not had somebody beaten half to death yet—the assumption is that these are, generally speaking, non-violent perpetrators. I am having trouble convincing my constituents that is the case.

I am going to take the opportunity to put on the record a couple of incidents that demonstrate, I think very clearly, why I want to raise this issue. There may in fact be something the minister could review and provide perhaps some relief in this area.

The fact is there are examples of where, in broad daylight, the perpetrators are going into property and taking personal property, smashing in shops, breaking into houses and taking material. The area is sparsely enough populated that they are going in, in broad daylight, doing whatever it is they intend to do, and leaving. But there are examples, in one case, of where they went in and they broke into the garage and stole whatever it was they were looking for, a considerable amount of private property, and there were people in the house. They knew they were there, and they went ahead with the crime anyway, because they knew the response would be too late.

Another example of where an individual came around the corner and surprised a couple of individuals who were breaking into his implement shed. I am not sure what happened, they did flee, but there were live shotgun shells on the ground where the vehicle had been, where the outlook was.

That seems to indicate that this violence is escalating. In fact, we have another situation of where a young single woman has been broken into three times, two consecutive days while she was away at work, and a subsequent third crime. People drive into her driveway and sit there with their lights on to check if she is home. They make sure they know if she is home, because they shine the lights right into her house. They stay there for a while, then they turn around and drive away.

All of these are sometimes the shortfalls of living in a rural community. We know in many

cases that security responses are not around the corner. They are several miles away or maybe more than several. They can be a long way away, particularly in the evening hours. I cannot overemphasize the fact that I did not go out looking to generate trouble for the minister or for the police. I have continually said the police, I believe, are concerned and are doing everything they can to respond.

It was serious enough that the senior members of the area came to the meetings and heard the concerns. There was one suggestion that came out of the meeting. That is that, because this has escalated, and because the people involved believe the violence is escalating, perhaps a swat team approach might be taken. I link this directly to my problems that my colleague from Portage talked about. There is an element of connectivity there. It is sort of in the same area where there has been an increasing scale of violence and an increasing record of property crime.

I lay this in the broadest way at responsibility of those of us in government to seriously consider what is going to happen. There are people who tell me they hire somebody to come and watch their farm yard when they go to a family wedding. There are people who tell me they do not take holidays because they cannot get somebody to watch their farm yard while they are away. Their property values are going down. There are people who have bought land in this area from Alberta. They moved here when the drought in Albert was severe, and now they have found themselves in a very uncomfortable position, vis-à-vis the safety of property. In some cases they fear for their own safety.

I would ask the minister to provide what information he can on the record. I want him to take this seriously. It is not something that I as a representative of the area can ignore. I will be pursuing with some diligence what he might cause to happen in this area in support of the officers that are there. I say it for the third time: I do not fault the officers or the detachments in the area, so much as, I know we have a sparsely populated area and it needs some special attention.

Mr. Mackintosh: I have been made aware from the member and of course from the communities

and from the Law Enforcement branch and from MPI about concerns in the area the member referred to.

My understanding was the auto theft incidence was declining, but if I am wrong I would like to be corrected on that one. I will discover the pattern there. My understanding was, as a result of a joint operation by several detachments and other interests, there was a ratcheting down of that problem.

If, as the member says, the problems are continuing and perhaps worsening I will raise the concerns about the detachment strength with the commanding officer when I meet with him in the next few weeks. I will undertake to do that.

Of course, it is the RCMP that does manage the complement based on different criteria, but I, certainly, will pass on the member's concerns. I think that is the appropriate way to deal with that.

I will just conclude by saying this, I said this earlier with the Portage concerns, that the mobile strike force idea within the RCMP is based on some of the positive results from the detachments working together in the areas represented by the member and the Member for Portage la Prairie (Mr. Faurschou). We have to be swifter in our response. I look forward to the development of that concept and the mobilization of that force as we move ahead with the budgetary considerations.

I will pass the member's concerns on to the appropriate head.

* (16:10)

Mr. Cummings: Well, I almost feel that I should apologize because I am not trying to put the police in the area in a bad light. They are in a bad spot. I would also say that there are statistics and then there are circumstances that seem to make the statistics not quite what the people in the community believe they are.

There are a lot of thefts, a lot of vandalism in the area. There is a lot of vandalism in the area, and the statistics do not seem to reflect what the people in the community believe they

are seeing in terms of stolen vehicles. You know, I almost hate to mess with the communities. Probably most people do not read Hansard, but I do not want to make people feel like these are not great communities to live in.

Mr. Chairperson, I would move into any one of them in a heartbeat if I had to move somewhere, but the point is that it does create a situation where there are people making life-changing decisions, because of experiences that they have had. I would suggest that there are people out there, in the community, well-meaning community leaders who are questioning whether or not—I mean, the items that are being stolen are being fenced somewhere or sold somewhere. This is not just being piled up in somebody's back yard. There is an organization of some sort that this type of activity is plugged into, and far be it for me to suggest that there is something the police do not know.

I am sure that if an officer were to read this, he would just snort with laughter. But the fact is that the perception the public has, is that there is a market out there that they are feeding into, and there is an appetite on the part of some vandals and perpetrators that is increasingly worrisome in terms of personal safety.

I would like to raise a second part to this issue. It is very specific, and it is very frustrating, I think, to the people in the community. I understand it is a very good working relationship, but there is something that people do not necessarily understand in relationship to the work of, for example, the RCMP in Amaranth.

Mr. Stan Struthers, Acting Chairperson, in the Chair

They are acting as the jailers for the DOPS, and that is perfectly all right, except that when their complement was reduced, because the DOPS went on to the Sandy Bay community to do their work. What happens is they are constantly being called back, on overtime in many cases, and perhaps, on time when they might be doing other work, to assist in terms of providing service, because it is the only secure facility.

I understand why it is done, but I think it creates a manpower shortage that, in part, is

frustrating the community as to whether or not the officers who are assigned there—on the surface it may look like enough, but in reality that time might well be short.

I would like some assurance from the minister that he will put that on his agenda as well.

Mr. Mackintosh: I will certainly do that. I will seek the views of the commanding officer, and we will see what the views of the RCMP are in terms of detachment and local needs. As well, I would be interested in looking to see what the statistics, as best they represent, indicate in terms of trends, because I, certainly, know that there have been some outbreaks in that area.

Mr. Cummings: Perhaps it is because of my experience with Autopac, but I would be interested if the minister would take a careful look at the statistics, on how they are compiled.

Mr. Chairperson, this is not Portage. This is an area where some of it could end up being claimed in Dauphin. Some of it could end up being in Neepawa, wherever the person might choose to have their claim done, and how those statistics are kept is puzzling the people in the community, that there is a difference in the way they may be viewed. The RCMP may have a very quick and straightforward answer to that.

Anytime that, within a space of a year, I have 500 of my constituents who want to talk to me about their personal security, I do not think I have to overemphasize with the minister, that if he had 500 people in River Heights or 500 people in Elmwood who wanted to talk about their personal security, that would be front page news in the *Free Press* and probably *The Sun* and on CBC radio and CJOB. The only difference is they met in five different spots in my community, but all on the same issue. It is going to be laid at the feet of this administration if they cannot drive that a little bit further.

Mr. Chairman, perhaps you might want to consult with my House Leader for a minute.

Mr. Chairperson in the Chair

Mr. Cummings: I would like to ask the minister, in his responsibility for Manitoba Public

Insurance, if he is satisfied with the rate reserve fund as the Public Utilities Board has recommended, and if he expects that MPIC is going to be able to have a rate reserve fund that will be sufficient to keep the rates low in what is a very short projection window, but in the near future. The cost of MPIC is often directly related to how well they are able to keep their rate reserve fund.

Can he comment on the rate reserve?

Mr. Mackintosh: As the member knows, there has been a tension between MPI and Public Utilities Board on what is the appropriate RSR. My understanding is that MPI is before the board, I think, even in the next few days or so, or in the next couple of weeks, very soon anyway. *[interjection]* Monday, as early as Monday, I am advised.

I am also advised that of course there will be a vigorous discussion on RSR and the presentation of data and extrapolations, and so on, but I have to defer to the expertise in this area. I have to defer to that tension, of course, and respect Public Utilities Board's determination. I do know that MPI will certainly be most vigorous in putting forward its position on RSR for this coming rate application.

Mr. Cummings: The corporation is dealing with no-fault insurance and needs to, in my opinion, have a review of the no-fault insurance compensation aspect. I would ask the minister: Is he considering an in-depth and public review of the no-fault compensation program?

* (16:20)

Mr. Mackintosh: Mr. Chair, I have had discussions with the member. I have had discussions ongoing and still further reviews of certain aspects of no-fault, including an issue that the member brought to my attention. That is the amount that is capped for attendant care. There is some further dialogue happening with Manitoba Health around that issue.

In terms of something systemic and overall, I have had discussions with Crown Corporations Council on the pros and cons of that. I can just advise the member that that is still under consideration. It is under active consideration.

Mr. Cummings: I have now completed my questions with the minister. Thank you. I believe that the Member for Steinbach—

Mr. Hawranik: I have a question, a constituency concern that I would like to address with the Minister of Conservation (Mr. Ashton).

My constituency goes all the way to the beach area, the Grand Beach, Victoria Beach area. A concern, with respect to safe harbour, came up there about a month ago. A group of interested individuals within the constituency and including the constituency of Selkirk drew to my attention that, in fact, there is no safe harbour on the east side of Lake Winnipeg, a safe harbour that would be available to sport and recreational fishers as well as for recreational users. The only safe harbour in the south basin of Lake Winnipeg, apparently, is in Gimli. Their concern, of course, is for the safety of commercial and sport fishers and recreational users in that area.

As well, Mr. Chair, the marina in the area, because of the low water levels, had to shut down because commercial and recreational users could not access their docks. Their concern, of course, is still safety on the east side of Lake Winnipeg, on the southeast basin. They have organized a group together of interested people, including commercial fishers as well as commercial owners and residents in the area, including the rural municipalities that are affected, the R.M. of Victoria Beach and the R.M. of Alexander.

What they are proposing is to provide a safe harbour in that location. In order to do that they would require funding from the federal government. They are talking about getting funding for about \$30,000 from the federal government. They want the Province of Manitoba to also provide \$30,000 of funding. The rural municipalities are prepared to put \$30,000 into the pot. As well, some of the commercial owners are prepared to put money together to dredge a channel to the marina that is there now to make it usable and to ensure that there is a safe harbour in the southeast basin.

I know that they have spoken to the member from Selkirk. I am not sure whether the member

from Selkirk has contacted you, Mr. Minister. If he has, that is fine. If he has not, I would like to bring that to your attention, and wonder if you can provide some solution to this, whether or not the Province is prepared to put in \$30,000, whether it is through funding that is available currently in the Department of Conservation, or whether there are some grants out there that could be used in order to help that situation.

Hon. Steve Ashton (Minister of Conservation): Mr. Chair, I appreciate the member raising the concerns. Of course, one of the things about Conservation, I know the former minister, for part of the department who was here, will recognize that as well. There are a thousand and one things, obviously, that we would love to be able to do. As is the case with any department, we, certainly, have to be aware of the amounts that are budgeted and the overall situation in terms of government finance.

In that sense, we always look at any particular proposal or application that comes, in terms of whether there is any existing funding or supply. What I would undertake though is to make sure that I raise this directly with the department. I believe my colleague may have already done that. Certainly, we will look at it. I do know that this is an issue in the like, generally, not quite apart from the harbor side, but also there are a lot of dredging issues that have been of concern to us, because of the federal government having withdrawn from dredging in the south basin. We are aware of the impact that it has had.

Quite frankly, Mr. Chairperson, I believe the federal government should consider being involved in the dredging side. I think it is within their jurisdiction. Historically, they have done it where necessary. I appreciate the member's concerns, and I, certainly, will raise them with the department and encourage you to keep in touch with my office on an ongoing basis on that.

Mr. Kelvin Goertzen (Steinbach): I appreciate the opportunity to address a few more questions to the Minister of Conservation at this time.

It was, I think, about a week or maybe a little over a week ago, that I asked, during

Question Period, a question to the Minister of Conservation regarding the possible impact of buried cattle as a result of a cull that might take place because of the BSE crisis that we are facing in Manitoba. At that time the minister's response was essentially, you know, a "don't worry, be happy" response. Everything is going to be okay. We are not facing that kind of situation.

Yet, today, we saw reported in one of the local daily newspapers that, in fact, some farmers are taking the drastic action of killing cattle and burying those cattle. In fact, I know the Minister of Agriculture (Ms. Wowchuk) has stated over the short session that farmers are making decisions. Unfortunately, this is one of the decisions that a farmer had to make. Certainly, from those in our area in southern Manitoba, I can indicate to the minister that I do not think that this is going to be the last report that is seen.

I want to reiterate and ask the minister again, given the events that have taken place over the last few days: Can the minister indicate if his department has undertaken a study of what the potential environmental impact might be of a significant cull in Manitoba because of the BSE crisis?

Mr. Ashton: First of all, I would like to thank my critics for some flexibility on the scheduling. It is very much appreciated. In terms of the question that is raised, I want to make it clear that I did not use any words referring to "don't worry, be happy." I think we are all aware of the situation with BSE. I say to the Opposition critic we all should state very clearly, on the record, that the solution to the BSE crisis is to get the border open. Anything that we do short of that, basically, trying to work with the industry, to sustain the industry, looking at the specific question that is raised, is going to deal some mitigation to the impact of BSE. I want to stress that.

The next point I want to stress as well. First of all, let us be very clear. Culling of livestock happens every year. Upwards of 65 000 animals are culled every year. That is approximately 10 percent of the beef cow herd, 20 percent of the dairy cow herd. It may be because of reduced

productivity, may be because of age, or may be because of illness. Culling occurs no matter what happens.

* (16:30)

Now, Mr. Chair, that is not to say that BSE does not have an impact on that. The problem for Manitoba has been that much of the culling that occurs occurs in the U.S. What we are dealing with in the U.S. is we are affected not only by the trade of livestock to the U.S., the normal trade of livestock, but the cull trade, if I can use that term. I stress, by the way, not to take one farm situation, and I indicated this yesterday in the media, and draw too many assumptions out of it. There were some assumptions, for example, that this cull was not necessarily done legally. I do not know the circumstances, but I can provide the member, I am sure he is aware of this anyway, with the procedures which clearly indicate that farmers can, under proper regulations, do culls. They can dispose of the animals on farms. This happens all the time whether it would be in terms of composting or burial. This is governed under The Environment Act. I can even quote the sections. I know we are short of time, so I will not get into all the details of it.

Mr. Chair, what we have been working on is reflecting—yes, the solution is (a) opening the border, but (b) in terms of the short-term or longer-term impacts, particularly dealing with the fact that the problem in Manitoba is very much because of lack of slaughter capacity, and that is something that dates back some time.

I point to the interests and the developments, recently, that the Minister of Industry, Trade and Mines (Ms. Mihychuk) referred to, in terms of enhancing Manitoba's slaughter capacity. That is very important. What we have done is our department has met with the Department of Agriculture, with producers, with municipalities to look at the culling situation. I want to stress again that, quite apart from the economic impact of the closure of the border, upwards of 65 000 animals are culled in a normal year. That, in this circumstance, may or may not be the number.

The member will know when the culling has taken place. Up until now, there is a market return to the animals that are shipped to the U.S.

if they are then converted to hamburger. I am talking about, obviously, not the diseased animals, but the larger percentage. So, in this case, a lot of what will happen will be dependent on whether the border is opened, the degree to which it is opened and the decisions that producers will make in terms of the economic value, whether they should be, in fact, culling the animals or actually holding on to them because they still have an economic value. I will not get into the agricultural issues. I am sure that those questions have been asked and will be asked, but I can tell the member that we have been very clear, making sure that the information is out there in terms of what is appropriate.

Disposal of the animals, that is on an ongoing basis. Virtually all producers know that. I have full faith in producers. I mentioned this to the *Free Press* yesterday. They did not print it, but the bottom line is basically, we have a system in place. Farmers are aware of the proper way of disposing of dead animals, and we are working on other ways of increasing the slaughter capacity, which will deal with the concerns the member raised.

Mr. Goertzen: Mr. Chairperson, I am a little bit concerned about parts of the answer that the minister brought forward. He notes that it is possible that the situation we saw raised in the newspapers was an illegal situation. Now I wonder if the minister is looking to proceed against that situation.

We have a situation now in the Legislature where the Minister of Agriculture (Ms. Wowchuk) stands up every day and announces programs that cannot be accessed by the majority of producers that are affected, and yet they say all the money is on the table. Nobody can get at it, so people are left to feed their cattle without any kind of hope of getting their money back. When they make a decision that they feel they are forced into because they are continually paying money into the feed without getting anything back or any hope of getting anything back, the Minister of Conservation says, well, maybe they did this illegally. The act may have been breached. We are going to try to find out what went on there, and that kind of stuff. I think that is a pretty cold response when producers in rural Manitoba are forced into a difficult situation.

I want to ask the minister, he said that discussions had been going on with his department and with the Department of Agriculture. I think he mentioned municipalities, about a possible cull strategy. Can the minister indicate if those discussions also entail looking at possible locations for burial if that is needed in the unfortunate situation?

Some Honourable Members: Oh, oh.

Mr. Ashton: Mr. Chairperson, I realize that the acoustics in this Chamber are not always the best—

Mr. Chairperson: There are two parallel dialogues going on here.

Mr. Ashton: Thank you, Mr. Chair. I realize the acoustics are not the best in here, but I did not say that I assumed the disposal was illegal. I said that if there was any assumption that the disposal was illegal, it avoids the fact that farmers can and do have the ability to dispose of livestock legally under The Environment Act. I can quote the section: Livestock, manure and mortalities management regulation 42(98).

In fact, my point was that people should not assume that farmers are out there illegally culling and disposing of animals, and that should not be the assumption in this case or in any other cases. If the member will even check Hansard, at the end of my comments I specifically said that farmers are more than aware of the regulations that are out there. I have always said the farmers nowadays have to be a lot of things, and one of them is almost a lawyer in terms of following the regulations. I have met with producers, I have met with KAP on many occasions and I know that the livestock industry, people are aware of the regulations. So I want to make it very clear. I said that people should not assume it is illegal. I think there were some assumptions, even in people reading the article today, that this farmer had disposed of the animals illegally. It is possible to legally dispose of the animals, and I can show the member the section and the provisions where you can do it. I even mentioned composting and burial.

I want to indicate that we certainly have been working on terms of contingencies. I think the comments made earlier by the Minister of

Industry, Trade and Mines (Ms. Mihychuk) refer to the one end of it, which is the increase in the slaughter capacity because obviously that is the most desired outcome. We also have been doing due diligence in working with municipalities and others to make sure that if the normal situation of culling is not available, other provisions can be made.

I want to stress again that that is focussing not just on the overall economic impact of what is happening but the fact that normally animals are shipped to the U.S. for culling, so there is a double impact of the BSE closure. So, yes, we have been working on it.

Mr. Goertzen: Mr. Chairperson, I want to ask the minister regarding some issues related to his department and responses. There was a letter, I know, that was sent to the minister in November of last year from Nopiming Lodge. It was a petition, I believe, of over 700 names that had some concerns about netting that was going on of walleye under treaty rights in Bird and Booster lakes. The lodge had raised some concerns about whether or not the netting was within the rights that are established.

My understanding is that responses have not been received back. I believe that federal representatives of that area sent correspondence to the minister in spring of this year, and then without a response, they also sent the correspondence about a month ago to the Premier (Mr. Doer), because they were concerned that a response had not come out of the department. That sort of dovetails into a couple of the experiences that I have seen happen from other constituents.

One from Lac du Bonnet, I note, had a concern that raw sewage was being pumped into the lake near to their cottage. I know that the Minister of Conservation (Mr. Ashton) has received the e-mail because I was copied on it and it went directly to him. In fact, I forwarded it to their office probably about a month ago. I did not receive a response back from the department. I understand from the individual that he did not receive a response back. Just as concerning, I notice that the constituent in the Lac du Bonnet area said that, when he saw the raw sewage being pumped into the lake, he phoned the 24-hour emergency phone number for Natural

Resources in Lac du Bonnet and left a message as to why he was calling. I received the e-mail message I think about a week or more after that message was left on the 24-hour emergency phone line and that constituent had never received a call back.

* (16:40)

I think it is very concerning when you have a situation where somebody out on a lake sees a situation that they had determined to be an emergency, with raw sewage being pumped into a lake or into a tributary, and they phone what is established as a 24-hour emergency phone line for Natural Resources, and they do not get a call back. In fact, they are leaving a message there, so I am not even sure how the staffing situation goes on such an emergency line, but no response back.

I forward the concern to the minister's office. I receive no response back, not even an acknowledgment that the response was received. There are concerns that were raised last year about fishing from Nopiming Lodge. I understand that they did not receive a response back in a timely fashion. The federal member of Parliament writes the minister in spring. He does not receive a response back. They send a letter to the Premier (Mr. Doer) in the fall. There is no response back. One wonders what kind of priority the Minister of Conservation is putting on these concerns. I know he is pretty good at dancing around issues in the House and pays a lot of lip service to it and has a skill at doing that, but really, quite beyond the skill of an orator, there needs to be some response and action on these kinds of concerns.

Well, I know my colleague from Fort Whyte mentions that maybe there was not electoral success for the party that the minister is a part of in Lac du Bonnet, but I do not think that is any excuse or any reason there should not be responses to these legitimate and serious concerns on conservation.

I wonder if the minister can indicate why it is that there seems to be difficulty getting responses out of his department on these important issues.

Mr. Ashton: I want to address this, which was fairly—I am not sure if it was a question really at

the end. I think the member is putting a series of issues on the record.

Let us deal with fishing. We had a discussion on one other aspect in terms of the situation, in terms of harvesting. The member knows the constitutional rulings in terms of treaty fishing. I will tell how we have responded in this Legislature.

Mr. Chairperson, if the member would care to check the record, we have written into legislation fines that will increase the fines for commercial fishing, illegal fishing, I must say, illegal commercial fishing—no one can fish without a licence—to as high as \$100,000, acting on the fact that one of the things that became very clear is the fact that the current regulations that are in place provide inadequate fines when people clearly are caught fishing illegally.

That came out of our experience in Lake Dauphin and Lake of the Prairies, where we were dealing with a situation where we laid 10 charges, but in many cases even though charges were laid, the fines were inadequate. It is not a question in this case of paying lip-service. That is a bill that is on the Order Paper that will clearly protect our resources. By the way, I can tell you, and I can tell the member that if he was to talk to the Wildlife Federation, if he would talk to many of the sports fishing organizations, that is what they have been calling for.

In terms of the situation in terms of Nopiming, it is no different at Nopiming than at any other place in Manitoba. That is the key element in which we can intervene legally, when there is an impact on the resource, a critical impact on the—*[interjection]* Well, Mr. Chairperson, I appreciate that the member asked the question. When he asked the question, I listened to his question. I wonder if he is really interested in hearing the answer about Nopiming.

Mr. Chairperson: When somebody has the floor, please be polite.

Mr. Ashton: Mr. Chairperson, I think it is obvious that the member does not care to listen to the fact that we have taken very seriously the needs of dealing with our resources and protecting those resources. In the case of Nopiming,

it is no different than anywhere else in the province. *[interjection]* The member seems to want to ask the question, and then prevent me from providing the answer. I am not sure if that is what he wants. I have had many people try to shout me down over the years. I am not going to let this member succeed where others have not. I can raise my volume. I prefer to not subject the rest of the House to a shouting match between the member and me.

In terms of the situation at Nopiming, once again, the key issue there is the sustainability of the fish stock. We did intervene in the case of Lake Dauphin and Lake of the Prairies, where there was clear impact. We were able to work on a co-operative basis with First Nations. That is what we have to do at Nopiming. It is not within our constitutional purview to be able to go in and shut down any kind of harvesting unless we can indicate that it has an impact on the sustainability of the resource.

Having said that, what I have directed, and I think this is something that the member will probably want to hear in terms of this specific case and others, is that we, I think, very clearly have to look at the situation in terms of spawning grounds in a different situation than we might in terms of other aspects in the resource.

I have asked the department to come back with a strategy that recognizes the legal situation but also looks at the fact that, obviously, when you are dealing with spawning grounds, that is critical to the future of the conservation of the resource and whether it impacts on the immediate harvesting situation. If you get fish when they are spawning you do not see the difference until about two or three or four years down the line.

I want to put on the record that, as we deal with that issue, I want to work co-operatively with First Nations, because, in this case, I have always said, and I will say on the record what we said in Lake Dauphin, at Nopiming, if you turn an issue like this into a political and constitutional issue strictly, what you end up with at the end of the day is someone will win and someone will lose, and there will be no fish left in the lake. What we are trying to do is work co-

operatively but seeing if we cannot work more directly in terms of the spawning. I want to put that on the record.

I think it is important to note to the member that I take this concern very seriously. We will be following through with that. I will undertake to find out what happened in terms of that report in terms of raw sewage to make sure: (a) that it was followed up on; and (b) if there was no response back to the individual, that should take place.

I can indicate with some of the lines that are put in place, the purpose of them is to get the report and then action is taken on the report based on that report that is received. I appreciate that people often do want to find out what happens afterward, but the first focus should be on the response. I would take very seriously if in this case there was no response to it. I will get the details for the member and I will follow up.

Mr. Chair, in terms of correspondence, I can indicate, because I have been in opposition too. I remember certain ministers, where it used to take nine to ten months to get answers back. If responses are not being received, the member should understand, too, that there is a difference between, say, a petition and a specific case that is brought forward, where somebody has put in writing a specific concern. I think that is quite legitimate. If there are problems in terms of correspondence, I accept responsibility as minister. I will make sure we improve that. As I said, I have been in the receiving end of this. I think one of the most important things we do as ministers is respond to MLAs.

I would encourage the member, by the way, to do what other members of his caucus have done. I make a point of meeting with individual MLAs, regardless of where they sit in the House, on issues of constituency concern. I had a recent series of meetings with the Member for Portage (Mr. Faurichou), for example. I have met with the Member for Emerson (Mr. Penner) on issues in the past. I also facilitate meetings with the department. So I represent my constituents, and I expect access to concerns when I raise those. I expect nothing less from my department. That access includes if the member wishes to meet with me as the minister to raise any of these

questions, consider it done. I will make sure that happens.

Mrs. Mavis Taillieu (Morris): Mr. Chair, just a couple of questions, which I am posing on behalf of my constituents who live along the Red River south of the floodway gates and who, after many years, still some of them have not fully recovered from the flood of '97. They have built their dikes to provincially specified heights after that.

My question would be: During the talks on the proposed floodway expansion, what is the maximum height at which water will be held at the floodway intake?

Mr. Ashton: I will do as I did in Estimates and undertake to get any detailed questions, technical questions, to the member. I would also pass on the invitation, which I have made as well to any interested MLA who wishes any technical briefings. Political questions, absolutely, the minister should respond, but I would be more than pleased to set up a meeting with our water resources branch that can run through all the technical details. I, certainly, appreciate knowing the member's constituency, that this is of very significant interest, both in terms of the ongoing situation with the Red River and the floodway, but also with the expansion.

Mrs. Taillieu: Thank you very much. I will take you up on that offer, but I am still wondering if there are studies done to show how much southward artificial flooding there would be in the proposed floodway expansion. Can we ensure that citizens south of the floodway gates will not be sacrificed if there is another flood?

Mr. Ashton: Mr. Chair, I will not get into the technical details, but what I can indicate is that one of the key elements that we have done, and this goes back to the IJC report which put forward the two options, which we have narrowed down to the one. The original two were the Ste. Agathe retention option and expanding the floodway.

One of the key elements we have been pursuing, and this follows from the IJC report, is actually mapping and modeling what the impacts of the expanded floodway would be, particularly

relative to natural levels. We have indicated we are proceeding with what is called the LiDAR study. It is a very technical study that will allow us to get down virtually to the foot, down to the, I guess, centimetre in terms of the terrain, which will then allow us to model very accurately what the impact will be.

The other important thing I should stress is that we have also committed—and this is important to the federal government as well; it is not just the provincial government that is taking the initiative, but it also is referenced in the follow-up to the IGAC—to compensation for those who were affected by artificial flooding. When I say artificial, I am talking about above the natural level, and we have made that commitment both south of the floodway and north of the floodway.

I think it is indicative of the fact that we recognize here that, yes, we have to improve flood proofing in the city of Winnipeg, but we recognize that anybody on the Red River is faced with the challenge of flooding. In this case, our commitment is to provide clear information and compensation to those affected by artificial floods.

* (16:50)

Hon. Jon Gerrard (River Heights): My question is this. The Government appears to have decided against using a joint federal-provincial panel for looking at the environmental aspects of the floodway. I would ask the minister: What are his reasons for not using a joint federal-provincial panel?

Mr. Ashton: Well, Mr. Chair, the member from his previous involvement on the national scene certainly knows the options that are available in federation legislation, and knows that we have options that are available in provincial legislation.

The key element is that it satisfies both our requirements and the federal requirements, and we wish to see a process that does that. The model he is talking about is one such option, but, whether it be in terms of some of the other hearings that we are dealing with now, what we have been doing is attempting to work with the

federal government to determine a process that meets both requirements. We are satisfied that the process we are going to be proceeding with will do that.

He talks about one particular aspect of federal environmental procedure, but I want to stress again that what we are looking at here will satisfy the federal requirements. We clearly have to satisfy both jurisdictionally and will do so.

Mr. Gerrard: The minister says that what you are looking at will satisfy the requirements, and you talk about funding. Is your concern that the federal-provincial panel would cost more?

Mr. Ashton: Mr. Chair, I can speak as Minister of Conservation in terms of the fact that any environmental review process, I think, has to meet certain tests. One of them is in terms of, obviously, having the appropriate scrutiny. Then, I think, it is very clear that in the era of sustainable development that it has to be environmental in nature, but also social and economic. I point the member to the current hearings that will be underway shortly in terms of Wuskwatim, where those factors very much are a part of it.

So, to my mind, the decision does not fall down to which option costs more money. It is which provides the appropriate amount of scrutiny and also provides, I think, some certainty in terms of the times frames involved.

Mr. Chair, the point of appropriate environmental scrutiny to my mind, I suppose socioeconomic factors as well, is to make sure that you look at all the factors and then you make the decisions accordingly. I am not prejudging any of the issues involving the floodway. As minister, effectively, of the environment, of Conservation, my concern is to make sure all those issues are dealt with.

The issues of cost are secondary. I think the key thing is to have a process that has a clearly defined scope, deals with all the appropriate issues, has a timetable that is appropriate. I believe we are going to be able to achieve that with the process that we have been talking to the federal government about.

Mr. Gerrard: What is the minister's timetable?

Mr. Ashton: What I can do on that, there are a number of things we are looking at now before we proceed in terms of the environmental licensing portion. Obviously, you have to have some baseline data in terms of testing, et cetera. This question is probably better asked in a couple of months, in terms of the environmental process. Obviously, you cannot enter into an environmental process until you have all the information that is available. I do want to stress though that it will be an appropriate environmental process and will meet the federal and provincial requirements.

Mr. Gerrard: Just briefly, we talked about Lake Winnipegosis. You talked about fishing and making sure that there is enough fish in the lake. The standard approach to fisheries would suggest that in order to manage a fishery you need to know how many fish there are in the lake, the biomass and what proportion of those could be harvestable, sustainably.

I do not suspect that you have got that information at your fingertips, but I would just request that perhaps you could ask your department to provide that to the best of their ability.

Mr. Ashton: I will do that. There has been a lot of work done in terms of Lake Winnipegosis. I am sure the member knows the history going back to the late 1980s in terms of the real pressure that is on that lake. It has got a very challenging ecosystem in the sense that some of the options such as restocking it have proven not to be as effective as other lakes. It may come as a surprise to people, because often, I think, people assume if you have a problem with fish, you look at restocking. There are some elements there in the ecosystem that have been fairly limited.

I will get what information the member wishes on Lake Winnipegosis. I also encourage the member too, if he is interested I have no problem in, I know our department is very busy, but if the member wishes a broader briefing on fisheries issues, I find a lot of times that is very useful. I just came back from the federal-provincial ministers' conference on fisheries. It is not until you really sit down sometimes and look

at the issues from that perspective and some of the increasing information that we are gathering, you realize how much of a challenge maintaining sustainable fisheries is going to be on the commercial side and maintaining the ecosystems over the next number of years.

In fact, we have 45 endangered species in terms of wildlife generally. A number of species, particularly fish species, are under a real threat here in Manitoba. I will provide the information by briefing if the member wishes.

Mr. Cummings: Just one question to the Minister of Conservation. The Crown lands office is located in my area and has a significant vacancy, I accidentally found out the other day. The vacancy rate is high enough that it is of some concern, as to whether or not the minister has anything other than the best of intentions of what he is thinking up, in reorganization. I am assuming that he intends, when the opportunity arises, to deal with what looks like a 25% vacancy rate, or whatever in that office right now, if the numbers that I was given are correct.

Let me be very clear. This came second-hand, so I am willing to be wrong. If the minister would agree to review what the vacancy rate has risen to in that office and just see whether or not that is something that perhaps has not been brought to his attention before.

Mr. Ashton: I thank the member for the raising the question. I can also indicate that if he knows our response to the Auditor General's report and the report that was done internally, we are going to be removing the disposition of Crown lands from the Department of Conservation as a follow-up to some of the clear efficiencies that were identified. We will be doing that over the next number of months. Certainly, that agency, we will have to deal with whatever staffing issues are involved in terms of that.

I just want to indicate that staffing vacancies are always a challenge. In many cases what we have been doing is trying to set priorities in terms of where our recruiting goes and our funding goes. We filled 12 positions in a row just the last few months. I think the last one now is being filled. We have been filling our health inspectors positions. We are in a position, on the city of

Winnipeg, where we have been able to come up to within one, if not full, complement.

A lot of it comes down to if you have a vacancy on the NRO side or in another office where the critical needs are. We have been very aggressive in those areas. I will be the first one to acknowledge, on the record, there may be other areas of the department that have had a more significant vacancy rate, but I know it is an important operation in the member's constituency.

Mr. Chair, I want to put on the record, too, that I, as minister, fully supported the decentralization when it took place. It has been ongoing for decades, but the last major initiative was in '89-90. Any decisions that were made about restructuring of any aspects of that side, on the Conservation side, I would expect that the decentralization issues will be taken into account as well.

Our concern here is not to move the office, but it is more of what is the more appropriate structure for Crown lands and the most appropriate structure is outside of Conservation.

* (17:00)

Mr. Cummings: Mr. Chair, I appreciate the minister's answer, and also appreciate his comments in support of decentralization. My motive for asking the question was, when you hear this information second-hand, you either go to the office and try to confirm it, or I thought it would be a good opportunity to point out to the minister that I understand that rate has been there. I appreciate his answer.

If my colleague from Fort Whyte is—

Mr. Lamoureux: I did have a couple of other questions for the minister. Before I ask the question, I did want to, because we got the gavel yesterday as the time had run out, the bells had gone, so I did not get to emphasize, I was about 30 seconds short—[interjection] Yes, exactly.

I wanted to reiterate, I am going to be providing the minister a letter that I am going to be sending off to immigration out in Buffalo

regarding a Ms. Aurora, spelled A-u-r-o-r-a. This is a case which has history, which I do believe there might be a need for some sort of intervention. You will find, in my years prior it was exceptionally rare when I would actually bring a specific case.

I believe there are excellent grounds. The Ministry of Health was involved in the past with this particular case. It is about a live-in caregiver, someone who came in as a live-in caregiver, and then there was a health problem, which made it somewhat unique to the live-in caregiver program. Ultimately, she was not able to complete the two years, which then caused a bit of a problem.

The Department of Health did get involved at that time. We were able to get it resolved. Once again, it has now become an issue. This is someone who should be in fact given landed status. So I am going to provide a copy of the letter and would ask for the minister at least to have staff just go over the letter or possibly look into the case, because the department might be able to assist this particular individual.

If ultimately it is determined that they do not want to get behind this, that is up to the Government to decide, but I do believe it warrants attention. *[interjection]* It is in fact being appealed in Buffalo currently. Yes, it is federal. So I think it is more so just getting some sort of a background of here is what the Province has done for this particular individual in the past.

Mr. Ashton: I will undertake to look at it. My apologies to the Chair. I was asking whether this was a federal or a provincial program. Notwithstanding that, we do not directly have control over the federal program. For example, there is a federal-provincial ministers' meeting coming up in the middle of October. I will be raising a series of issues about the federal program in terms of its overall vision, and I would, certainly, appreciate getting information on this, because I have already indicated, as Minister of Immigration, that where there are issues involving particular policy issues with the federal program, individual cases that I have tried to separate in my office to deal with that. I realize there are many cases where people are better directed to the appeal process. I am not trying to

substitute for the appeals process, but I can tell the member that we are trying to deal with cases where we can make a difference. In some cases, even by asking questions, getting information to make sure the file is being looked at. So I do take this very seriously, and I will provide the information.

Mr. Lamoureux: Mr. Chairperson, I appreciate that from the minister. The other issue is in regard to the skilled versus semi-skilled. The minister has indicated that the program is going to be changing, what sounds like some encouraging changes being done.

Mr. Chair, I wanted to highlight two areas. One is in the skilled area. I am hoping that nurses will be given some sort of additional consideration in this review that he is currently doing or potential announcement. In the semi-skilled, there needs to be some sort of a detailed list listing off numerous, and I underline the word numerous, examples of semi-skilled as opposed to just strictly referral to the national bank that Ottawa puts forward.

Having said that, I am told that I have to really wind it up, I have a very specific question that I would ask the minister to respond to. My understanding is, today, if you are a semi-skilled worker, in order to be able to qualify for Provincial Nominee certificate, that you have to have two years of work experience here in Canada. Can the minister indicate whether or not I am correct in that, and if I am not correct, how much experience do you have to have here in Canada in order to get a provincial certificate if you are semi-skilled?

Mr. Ashton: Mr. Chair, what I will do in the interest of time, I will respond in writing on the semi-skilled worker, the specific technical question. Just very briefly, and I will not go very long on this, but the semi-skilled workers are really a tradition that have been dealt with through the work permit system. I do not know if the member is aware of this.

I am a great believer that some of the best immigration we have had over the years has been with people who bring absolutely nothing in the way of skills, nothing in the way of money but bring a desire to make a better future. I think

one of the biggest problems with immigration in the last number of years is that we have gotten too much into complicated point systems and we have forgotten what built this country.

We will, in the short term, be making some changes on the semi-skilled side to give greater weight to a lot of the applicants, many of whom came very close to meeting the 55-point criteria, but because there is not much weighting for semi-skilled applicants, even if they have family support, for example, were unable to be admitted. We are also looking at some significant changes in the mid-term. These changes, by the way, will be in effect this year, so any applicant in the year 2003 will be looked at in light of this. But we are going to very specifically look at semi-skilled as well as skilled workers, but particularly on the semi-skilled side working with industry, to work out some industry agreements.

I just met with the Homebuilders Association today, and they are looking for skilled and semi-skilled workers as they need 150 employees. They could put them to work right now. It is taking longer and longer to build a house in Winnipeg. Some of them may be city regulations, but part of it is lack of skilled labour. When you have a relatively low rate of unemployment and a lot of hirings coming up, we are going to have a major labour shortage in the next several years at every skill, and quite frankly, of unskilled applicants. What we are looking at doing here is taking the very specific type of concern the member expressed and, basically, getting back to the original vision of our immigration system. We will reach our 10 000 target in immigration within the next number of years if we can start changing the system to be more flexible for these kinds of needs.

Mr. John Loewen (Fort Whyte): Mr. Chairperson, I have some questions for the Minister of Finance.

I am on the '03-04 estimates of revenue, and I was wondering if the minister could clarify, give us a little more detail. He has a very dramatic rise in corporate income tax. Last year's estimate of revenue was \$146.5 million. This year the estimate is \$270.2 million. Could he give us some indication of what is behind his thinking in terms of budgeting that large of an

increase, and what type of information he can share with us as to the feasibility of that budget amount actually coming to fruition?

* (17:10)

Hon. Greg Selinger (Minister of Finance): It looks like there is a dramatic increase year over year in corporate taxation. One of the factors contributing to that was the dramatic decline in taxation the previous year to the comparison year in the Budget book. The member will know that had a lot to do with the September 11 events. After September 11 there was a dramatic decline in corporate taxation. Then there was a much stronger forecast given to us on the go forward for this year. That is why it looks like there is a huge imbalance.

The other thing I need to point out to the member is that corporate taxation revenues are collected by the Canadian revenue collection agency, the federal agency, on agreement with the Province. We have not received our update from them yet. What I understand is we do not see a dramatic decline in the forecast at this stage, that there likely will be adjustments going forward, but they will be further out on the way the Estimates are derived.

Manitoba receives a certain proportion of the total corporate revenues collected in Canada as a payment from the federal government. Then adjustments are made backward three years on a go forward basis. I hope that is helpful to start the discussion.

Mr. Loewen: I raise the concern, because the minister in his opening statement in Estimates and in a number of his preambles is always warning that we are in uncertain times. He may be somewhat accurate when he identifies the reason for the dramatic drop as September 11. I think that was starting to show well before September 11, in terms of information that was coming out about corporate profitability. I have yet to see anything that indicates that profits are returning to the levels they were two and three years ago. I am just looking for a little more assurance and some maybe more concrete information that that number is in fact reachable.

Mr. Selinger: The member is correct. There had been a forecast of a softening in the economy,

globally as well as in Canada, before the September 11 events came in. That accelerated the decline very dramatically. He is right. It was not just that single incident but the trend was already starting to occur in terms of the softening of the economy. It was accelerated by the events of September 11.

We saw, toward the end of last year, a significant improvement in corporate profits and, therefore, corporate taxation. The forecast was made on the basis of the strengthening of the returns toward the end of last year. That is the reason the forecast was arrived at that we used in this year's projections.

I myself had the same kind of questions I think the member is asking about, because of the significant increase they put forward this year. So I understand where he is.

Corporate income tax revenues, due to a prior year adjustment in '02-03 corporate income tax revenues were significantly reduced. I am quoting from my budget notes here. The prior year adjustment was required because in 2001-02 estimates for national corporate income tax revenues and Manitoba's share of these revenues were both too high, resulting in an overpayment that year. There was an adjustment that dramatically lowered them in the last year's budget to make an adjustment for previous years. Then we started to see them strengthen in going forward. That is why you see what looks like a significant increase. There was an anomalous reduction last year.

Mr. Loewen: I appreciate that clarification. Just to confirm, because we heard last night in committee from the president and CEO of Manitoba Hydro that he does not expect any money to flow to the Province vis-à-vis their dividend request this year. Will the Minister of Finance confirm that is his expectation as well?

Mr. Selinger: I believe I indicated that to the member opposite during our Estimates discussion.

Mr. Loewen: Could the minister elaborate? He was, I think, talking to reporters today about an adjustment he is expecting from the federal government regarding miscalculations on the

population of the province of Manitoba. Could he give me a little more detail on that, please?

Mr. Selinger: Yes, we have received information that we will likely be credited with having an additional 7300 Manitobans in this province. The final details of what that means financially to us have not been provided by the federal government, but we know it is positive news. It was the StatsCan information we received today. We know that that will be a positive adjustment for Manitoba, and we will receive some more income as a result of that.

Mr. Loewen: The minister indicated the number of \$50 million when he was talking to reporters today. Can he indicate whether he is expecting to receive \$50 million in '03-04 or is that spread out over a number of years? Can he just give me a little more detail please on what is going on there?

Mr. Selinger: As I said, those numbers have not been finalized, but I expect to receive at least \$50 million. I think it could go higher. Now we have not got the information yet, but that was the number I was provided by my officials.

Mr. Loewen: I appreciate the minister has not got all the details. Let us just round it off at \$50 million for now, and if it is more, it is more. That is good news for Manitobans. But I am interested to know if that is a one-time adjustment or is that coming in over a period of years, or will it all, the whole \$50 million or \$50-plus million, come in during the '03-04 fiscal year?

Mr. Selinger: That is why I gave a very cautious number today. Once again, I have not actually seen a good analysis done of this by my federal-provincial officials because they have not got the confirmations, but I think that could be \$50 million this year. It might go higher if there are accrued amounts for the previous two years. So I am just trying to indicate that it could go higher if there are accrued amounts for the previous two years, and then it is not entirely clear how much of that will build into the base going forward, but it could be up to \$50 million on a go-forward basis, or it might be actually less than that. We have not had a finalization of what that means on a go-forward basis yet. So that is why I picked a very cautious number for a

discussion point. But, once again, this is subject to confirmation. I think it will be a higher number when it is adjusted back for the three years, and then I am still seeking information on what the impact will be going forward.

Mr. Loewen: With regard to Enabling Appropriations, 26.1., could the minister indicate, just for clarification, the Estimates of Expenditure for '02-03 on item (b) Red River Floodway Renewal and Expansion? Mr. Chair, \$20 million was in '02-03 and \$10 million in '03-04. Can the minister indicate how much of the \$20 million Estimates of Expenditure was actually expended in '02-03?

Mr. Selinger: I do not have that information here. I do not think it was a lot because the project had not actually launched itself. There was engineering work being done and there were studies being done, but as the member knows we did early work on the notch at the floodway gates. I think it was \$2 million, \$3 million. But I do not think much of that money was drawn, and now the floodway project is ramping up with the announcement from the federal government to come in with us on that and Allan Rock's announcement as well. So we are moving forward more aggressively on that now that funding has been firmed up. The other thing the member needs to know is there is the environmental review process which takes a lengthy period of time to complete before certain activities can occur.

Mr. Loewen: What I am trying to understand a little clearer—because in three out of the four budget years there have been very significant amounts budgeted for the floodway. Mr. Chair, \$40 million, two years running, \$20 million last year, and another \$10 million in '03-04. I am wondering if the minister would be willing to provide me a list over the course of those years how much has actually been expended.

Mr. Selinger: I will try to get for the member the expenditures on the floodway during the last four years. We will see what we can do about getting that information for him.

I can tell him that there is more effort going in to accelerate the process now that we actually

have a federal partner that has signed on as part of a \$240-million agreement.

* (17:20)

Mr. Loewen: I notice last year the minister had anticipated a lapse of \$65 million. This year he has anticipated a lapse of \$85 million.

Mr. Chair, can he give us some indication of what departments and what budgets will not be expended to allow that lapse of \$85 million, to allow him to meet his budgeted targets?

Mr. Selinger: There is an overall government review process that goes into generating the lapse. I have no specific information what that is at this time. That is managed by Treasury Board in co-operation with senior deputy ministers across the broader government entity. They are actively working on generating that lapse factor for this year, based on the specifics of each project and program and what can be accomplished within the budget year and what cannot.

The history of the lapse factor in the provincial Budget is that there is an understanding that every year some projects advance more rapidly than expected, some do not, and that out of the total budget of \$7.2 billion, or whatever, the number is for that specific year, a certain proportion of things do not occur on the one hand, and, on the other hand, other projects require expenditure greater than what was estimated, particularly in the area of disaster relief.

Mr. Loewen: Just to ask the minister one final question for today. We are seeing that his Budget is short \$52 million in the dividend from Hydro. It is possibly some significant differences in the corporate income tax. We have seen the minister ask for supplemental Estimates for \$68 million for emergency, close to \$11 million for elections.

I am just wondering, given that the history of the release of the Second Quarter statements is that it has in the last number of years been somewhere between Christmas and New Year, roughly, when it has been released, and given the dramatic change in the situations that we are seeing, would the minister be willing to put out some type of economic forecast, which perhaps

reconciled the Budget a little closer to what is actually known today?

Mr. Selinger: Mr. Chairperson, it would be imprudent to come out with something before the numbers are confirmed. A certain amount of the data is required from the federal government. They handle certain revenue collection activities on behalf of the Province, corporate and personal income tax revenues. They also handle the number crunching on what the population adjustment will mean.

Once we have confirmations of the numbers as best as we can get them, we will put out a Second Quarter report that we have some confidence in. But I think it would be imprudent to rush that out until we firm up the numbers.

Mr. Gerrard: I would ask the minister, in the estimation of the Canada Health and Social Transfer supplement which was negotiated between the premiers and the Prime Minister earlier this year, I think there was a component, about \$2 billion of transfer which was dependent on there being a federal surplus of \$2 billion.

Can the minister indicate whether that is correct?

Mr. Selinger: As I understand it, there was an element of health money allocated to the provinces that was dependent upon certain surplus targets being met by the federal government.

Mr. Gerrard: That dependency on the federal surplus and the \$2 billion which one would guesstimate might be in the order of \$60 million to \$70 million for Manitoba depending on the population numbers, was that included in the Budget or not?

Mr. Selinger: There was a very small amount considered in the Budget for that. The numbers we are getting now we believe will be significantly in excess of what we thought might be related to a population adjustment.

Mr. Gerrard: I am not talking about the population adjustment, I am talking about the transfer, which was dependent on there being a federal surplus. That transfer, I believe, was \$2 billion. Calculated for Manitoba, that would

mean about \$60 million to \$70 million. Was that \$60 million to \$70 million, which is dependent on there being a surplus, was that in the Budget or not?

Mr. Selinger: I believe there was an amount budgeted for that reflected the additional support the federal government was going to give based on their surplus projections, yes.

Mr. Gerrard: So the minister, if I understand correctly, has included in his budget an amount which is probably \$60 million to \$70 million, which is dependent on there being a federal surplus.

Mr. Selinger: Yes, the money allocated from the federal government for health care was included in the Budget, and a certain portion of that depended upon certain federal surplus being achieved.

I can indicate, also, part of the population adjustment numbers we are seeing coming out means that there will be significantly more resources underspent for transfers to provinces, because of those population adjustments, which will mean the federal government surplus will be higher than they originally forecast, based on these population adjustments.

Mr. Gerrard: You have gambled on there being a federal surplus, and put that in the Budget.

Mr. Selinger: I do not think that is the proper way for it to be characterized. Governments project budgets based on the best economic forecast data they can get from independent private sector forecasters at the time the budget is delivered. Both the federal government and the provincial government make their projections on independent private sector forecasts and use those numbers to allocate revenues and expenditures. The practice in Manitoba is no different than the practice at the federal level.

Mr. Gerrard: If there was not a federal surplus, then the Budget, as written, would be significantly short.

Mr. Selinger: Well, as the member knows there have been a number of events that have occurred since both the federal budget and the provincial

budgets have been brought down. We have discussed many of them in this Legislature: BSE, SARS, drought, forest fires, not only in Manitoba but across the country. There have been impacts on both federal and provincial revenues and expenditures, both positive and negative. But at the time budgets are prepared, they are prepared on the best economic forecasts from independent forecasters. They do not rely on one or two. They usually rely on four, five, six or seven private-sector forecasts.

Yes, there have been a number of changes over the last four months. I think that is immediately obvious to everybody and both levels of government have to adjust to that. The federal government has seen some softening in the economy. We have also seen some dramatic reductions in interest rates by the fed in the United States and by the Bank of Canada. We have also seen with this population adjustment some additional revenue available to the federal government that they had not probably forecast. There is some additional revenue available to us. When we add up the pluses and the negatives, plus the measures we take inside government to manage program expenditures, it is our intention to deliver the things we promised in the Budget, and to balance it at the same time.

Mr. Gerrard: What I would just get from the minister's comments is that, yes, there is a possibility, we do not know what the chances are at this point, of there being not a federal surplus and that the Province of Manitoba could receive, in fact, much less than expected as a result.

Mr. Selinger: There are a number of contingent possibilities out there. We have seen the incoming Prime Minister indicate in at least one of the major newspapers to date that he is going to make an unprecedented move and provide disaster relief for forest fires in certain regions of the country. That may be beneficial to Manitoba.

We have seen that the federal government may have some additional revenue from

population adjustments. We have seen a softening of the economy and a response from the Bank of Canada with respect to interest rates and projections showing the economy may strengthen in the last two quarters. There have been a number of real world events that were not forecast when federal and provincial budgets were delivered. The sums of those negatives and positives, in terms of revenues for both levels of government, will have to be taken into account as we manage throughout the year.

Mr. Gerrard: It would appear that the changing circumstances would warrant an interim financial report or economic outlook. Would the minister be prepared to provide that?

Mr. Selinger: There are a number of economic forecasts made by the banks and other independent agencies about economic performance in Manitoba. They come out on a regular basis. I will make available the second quarter report once the information has been confirmed in a reliable way, based on information made available to us from the federal government. But it would be inappropriate to put information out there that has not been confirmed from sources that are not within our control. We, certainly, will make the information available in our second quarter forecast. There are a number of economic forecasters out there talking about the situation in Canada and the specific provinces on an ongoing basis which are available to the member.

Mr. Chairperson: Order, please. The hour being 5:30 p.m., committee rise.

Call in the Speaker.

IN SESSION

Mr. Deputy Speaker (Conrad Santos): The hour being 5:30 p.m., this House is adjourned and stands adjourned until Monday at 9:30 a.m.

LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, September 25, 2003

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