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DEBATES
and
PROCEEDINGS

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Thirty-Ninth Legislature

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LEGISLATIVE ASSEMBLY OF MANITOBA

Friday, May 8, 2009

The House met at 10 a.m.

**ORDERS OF THE DAY
(Continued)**

GOVERNMENT BUSINESS

**COMMITTEE OF SUPPLY
(Concurrent Sections)**

FAMILY SERVICES AND HOUSING

* (10:00)

Madam Chairperson (Marilyn Brick): Will the Committee of Supply please come to order.

This section of the Committee of Supply will now resume consideration of the Estimates for the Department of Family Services and Housing. As had been previously agreed, questioning for this department will proceed in a global manner.

The floor is now open for questions.

Mrs. Bonnie Mitchelson (River East): As we were ending yesterday, I was just asking some questions on one of the agencies, and I'm just having a little difficulty with the name. I can't remember exactly what question I asked now, but maybe staff can recall what I had asked.

Hon. Gord Mackintosh (Minister of Family Services and Housing): This agency, it has a mandate to provide services, protection and other services, for children and families in the Winnipeg area that have their roots, or their band membership, in Ontario. I think it disproportionately will be northwestern Ontario, but people from my neck of the woods that have moved to the Winnipeg area. That's my understanding. I guess it should be clarified that the agency doesn't provide services then to the Ontario First Nations communities.

Mrs. Mitchelson: Could the minister indicate approximately how many children we're serving?

Mr. Mackintosh: In '05-06, 155; '06-07, 179; and '07-08, 213.

The number of families that are receiving services, who live here: 100 in '05-06; 107 in '06-07; and 129 in '07-08.

There's another category here I should put on the record, unmarried parents that have support cases: 4, '05-06; 4, '06-07; and 7 in '07-08.

Mrs. Mitchelson: When was this agency set up?

Mr. Mackintosh: The date it was first mandated is October 24, 2005.

Mrs. Mitchelson: Can the minister indicate who pays for these children?

Mr. Mackintosh: As these are residents of Manitoba and are living off reserve, the Province is paying.

Mrs. Mitchelson: Do we have any ability to recover, from Ontario, for these families?

Mr. Mackintosh: As other off-reserve residents are treated, the costs are paid for by the Province. There wouldn't be a contribution from Ontario, unless under their provincial protocol that's in place, an Ontario agency may have utilized services in Manitoba, in which case there's a protocol in place as to who pays.

I'm just advised that, for example, if there was an individual from Ontario sent to Winnipeg for some treatment, the protocol could kick in and there are some cost arrangements that are in that protocol.

But I think the answer to the question is that because they're not Ontario residents the Manitoba government has responsibility for paying for these services.

* (10:10)

Mrs. Mitchelson: I'm of the understanding that, when devolution occurred, no one really thought about these residents from Ontario and their home communities and bands and, as a result, there is a bit of a scramble to try to find out where these children fit. Would that be a fair assessment? I'm wondering whether there were additional costs after the fact in setting up this agency. Does the minister have any indication of what the cost was? Could he share that with us?

Mr. Mackintosh: I'm advised just from the piecing together that staff has been attempting here of the history of this agency with the discussions around devolution. It was recognized that Aboriginal people living off reserve that where their roots were not in

any First Nation in Manitoba also should be entitled to the option of culturally appropriate services through an agency, and it was recognized that, therefore, this agency would operate under the southern authority's direction, and the necessary start-up costs were provided. I understand that subsequently the core functions have been enhanced at Animikii as well.

Mrs. Mitchelson: I've heard the figure of \$7 million being thrown around as the cost of setting up this agency as a result of it being forgotten. Can the minister confirm that for me?

Mr. Mackintosh: I'm advised we don't have the historic data on the start-up costs, but what should be recognized is that it was certainly a new agency and that amounts would be set aside for them, the central administration and operating. But we'll have to obtain for the member the start-up costs of Animikii.

Mrs. Mitchelson: I thank the minister for committing to that update and for finding that information for me.

Can I just move on to ANCR? Can the minister just give me a little history of—I know and I believe it was maybe through Changes for Children—and some of the reports that were done that recommended a different type of intake process—that ANCR was set up. So if the minister could just share with me that and maybe at the same time indicate to me what the different functions of ANCR are.

Mr. Mackintosh: The genesis of ANCR was the Winnipeg intake, which had been the predevolution intake function for the area, and although there was a—it morphed into what is now ANCR, and we'll talk about the functions. The ambit of the intake is comparable to the Winnipeg intake, in other words, that there would be one intake for the city of Winnipeg and some of the surrounding communities.

* (10:20)

The purpose of ANCR was to guard against the other agencies that now had off-reserve responsibilities having intake functions for the Winnipeg area. It was thought it was important to maintain, as Winnipeg intake had, a geographic jurisdiction. In other words, it was a single door for Winnipeg abuse investigations, for—you know, now, the family enhancement pilots and the response unit for after hours emergency and general intake on behalf of the four authorities.

ANCR is housed for administrative purposes with the southern authority. That's the oversight, but it has representation on its board from all four authorities.

That's the first question, I believe, and then the second in terms of the functions. We touched on this briefly the other day and just to tweak it somewhat, it's responsible for all intake and emergency services in Winnipeg, Headingley and I think I had said St. Clements, Madam Chairperson. They say in here East and West St. Paul.

Mrs. Mitchelson: And that is for regular working hours and I just want some clarification on it. You talked after hours and that ANCR was the intake process for all agencies? Would that be every agency throughout the province? Would that be a number that intake would roll over to after sort of the normal—I don't know if it's 8-to-4 or 9-to-5 hours of operation of other intake units.

Mr. Mackintosh: The ANCR does provide 24/7 services within its area, and outside of its area the other agencies of Manitoba through the DIAs provide those services.

Mrs. Mitchelson: So are there 24/7 intake functions in all of the DIAs throughout the province?

Mr. Mackintosh: I'm advised yes.

Mrs. Mitchelson: So then there is no different function, then, after hours? You're saying that the intake is for all of the city of Winnipeg and a few surrounding areas. You've outlined those, but the after-hour services just for those specific locations, or does it include anything else?

Mr. Mackintosh: I'm advised that the DIAs all have their own after-hour services. There is a rare exception where there may be one of the DIAs that makes an arrangement with ANCR; for example, if it's a holiday at Christmas or Easter or something like that, I understand. Those are rare, but those arrangements have been made from time to time to cover some area other than ANCR's traditional geographic jurisdiction.

So, aside from general intake and emergency services, there is a Crisis Response Unit. Does the member want me to go through those units?

Mrs. Mitchelson: That would be really helpful for me, because I'm just trying to get an understanding. There would be one central line, I guess, to call for all intake and then based on the call, those calls would be channelled, I believe, to different—

[interjection] Yes, I heard the minister say triage, so that's basically what it is, and they would be channelled then to the area that would be most appropriate to provide the services that might be required.

If I'm correct, if we can just go through the functions of ANCR.

Mr. Mackintosh: The Crisis Response Unit does the initial screening, then, of referrals to make sure that there's access to the appropriate services. Specifically, the jobs are to determine whether a child is in need of protection. Second, to investigate further as to whether the child is in need of protection. Third, to apprehend if the child is, indeed, in need of protection and take the child or leave the child in a place of safety. As well, provide crisis stabilization services for the well-being of a child, and also to provide referrals or linkages to other programs or services as deemed appropriate. So that's the Crisis Response Unit, called the CRU.

The after-hours unit operates from 4:30 till 8:30 a.m., Monday to Friday, and 24 hours a day on Saturday and Sunday, and on all statutory holidays. It's called the AHU. It's responsible to provide intake and emergency services, respond to referrals and requests for services after regular hours within the geographic jurisdiction. Its responsibilities, then, are similar to the CRU.

Then the third function, the intake program—this is an area that's expanding, I understand. So I'm advised that there's a north Winnipeg intake and a south Winnipeg intake, with two teams in each unit. The intake program is responsible to provide ANCR's intake. It's responsible to provide child protective services, assess the need of ongoing service by mandated Child and Family Services agencies and transfer service to the appropriate mandated agency.

The next unit is the Abuse Investigation Unit. It's an auxiliary service to other ANCR programs, as well as to mandated agencies within ANCR's catchment. It's to investigate, primarily, allegations of abuse of a child. It does not investigate allegations against agency staff and allegations in residential facilities, including agency receiving homes and group homes, and as we said the other day, that's the responsibility of the provincial investigation specialists.

The next program is the Family Enhancement Program. It's a voluntary prevention program for

families in the Winnipeg area. It's, of course, to support families and prevent them from developing further child protection issues and potential apprehension.

Emergency Placement Resources is the final main function. This is a function that is transferring from Winnipeg Child and Family to ANCR. It's one of the remaining pieces of transfer duties under the devolution process, Madam Chair. It provides emergency out-of-home placements for children in care of any agency in Winnipeg. The options include emergency shelters, foster placements, the reunification of foster placements, and it, also, is responsible for co-ordinating, monitoring and controlling the use of hotel beds that are used by ANCR.

* (10:30)

Mrs. Mitchelson: I'm just having a little difficulty understanding.

The Crisis Response Unit, all calls are taken by intake workers, and the Crisis Response Unit would be, cases would be—I just need to be corrected if I'm wrong in my understanding. The Crisis Response Unit, someone at intake would refer people to the Crisis Response Unit which would do the screening?

Mr. Mackintosh: The Crisis Response Unit, I'm advised, is the intake function. It is the function that triages the calls that would originally, though, have been screened by the call-answer person.

If on the face of it, it appeared to be an issue of child protection, it would then go to the Crisis Response Unit for triaging.

Mrs. Mitchelson: Okay, I'm finding this just a little complicated. It's the intake staff that answer the phones?

Mr. Mackintosh: I've just had it clarified. The Crisis Response Unit, indeed, answers the phone.

Mrs. Mitchelson: So could the words "intake" and "crisis response unit" be used interchangeably? Are they one and the same people?

Mr. Mackintosh: No the intake program is when there's been a determination that there's a child in need of protection. In other words, it's intake into the protection system.

Mrs. Mitchelson: Can the minister indicate whether we have statistics on how many cases on a monthly basis—I don't know if statistics are gathered that way—

would be channelled into the protection system and have to be dealt with by the intake staff?

Mr. Mackintosh: I have numbers for '07-08 in a note that indicates that the Crisis Response Unit, the average number of calls per month is how they characterize the measure, 3,800. Then, the after-hours unit and the average number of calls per month there is 3,192.

Mrs. Mitchelson: Those are monthly?

Mr. Mackintosh: Yes. Then, for the intake program, which is where the member was directing her inquiry, this document shows the total number of referrals, in other words, referrals for assessment or other service, 2,841. It appears that is an annual number.

Mrs. Mitchelson: Not per month?

Mr. Mackintosh: We're just double-checking, but it appears that would be the annual amount. In other words, after the triaging and the examination of the nature of the call, intake had the 2,800 referrals. So, if something's amiss with that, we will let the member know on a timely basis.

Mrs. Mitchelson: So then it would be fair to say that there would be about 230 cases per month if you averaged it on a monthly basis that would go to protective services or intake?

Mr. Mackintosh: Rough math would indicate that.

Mrs. Mitchelson: The minister indicated that there were two teams in intake. Two teams in north Winnipeg and two teams in south Winnipeg. Could he indicate how many staff compose a team?

* (10:40)

Mr. Mackintosh: We're just going to confirm with ANCR the status of the intake program because there have been some changes there to equalize caseloads relatively recently. We want to ensure we have the latest information for the member and we could do that today.

Mrs. Mitchelson: I would appreciate having that information today, if I can have it.

I would like to know the number of positions there are on each team. Are those positions filled today and what the qualifications of the staff that are working in those intake or child protection FTEs are? I would also like to know, I believe there are supervisors, too, for each of the teams, and if we could have the names of the supervisors. Are those

positions filled and what the qualifications of the supervisors are?

Mr. Mackintosh: We'll obtain that information for the member.

In terms of the number of units and staff, we can get that fairly quickly. In terms of the vacancies, including supervisory positions and qualifications, we'll get that for the member.

Mrs. Mitchelson: How many staff work in the after-hours program? How many positions would there be?

Mr. Mackintosh: Staff is confident that we can get that information quickly but we don't have it at the table. I know I have a file, a rather detailed file on ANCR. And the reason is that there have been some recent adjustments to what ANCR has been doing in terms of the distribution of workloads. We just want to make sure that we're up-to-date as well. So we'll get that for the member, the number of staff.

Mrs. Mitchelson: Can the minister tell me what happens—intake—I guess my question is: The intake unit is open just during the day, during the week, or is there staffing in intake over the weekends and after hours?

Mr. Mackintosh: I'm advised that the intake function happens both after hours and on weekends.

Mrs. Mitchelson: So then the FTEs would be a 24/7 function, those that are employed in the intake program?

Mr. Mackintosh: Well, the intake program or units themselves are generally 8:30 to 4:30. The intake function is 24/7, and after-hours services are provided by the after-hours unit.

In terms of the FTE question, I don't think we get into issues of FTEs that there would be one FTE, for example, for 24-hour service. We can provide the FTEs and then the member could ask any additional questions around that. I think that that should set it out when she sees the FTEs broken down by the after-hours unit and the intake program.

Mrs. Mitchelson: I understand there's been a fair amount of unrest over at ANCR and that caseloads have been very heavy. The minister says there have been some changes in the recent weeks to try to address that, but staff morale is very low. It would be interesting to know how many cases each intake worker has.

Maybe I should ask the question of what happens to the cases that the after-hours function deals with. The minister says that after-hours staff are trained to do intake. Am I correct in that assumption?

Mr. Mackintosh: I'm advised that they do provide the intake functions as well as other functions, but they do have training.

* (10:50)

Mrs. Mitchelson: Would that caseload be transferred over to one of the regular intake workers? Say, there was just an instance where there was a call on a Friday evening where it was determined that a child was in need of protection, and if the function of the after-hours service is to provide the intake service, what happens to that file come Monday morning? Do the after-hours staff continue to deal with that file or is that file transferred to another worker?

Mr. Mackintosh: I guess maybe the best way to explain it is that the after-hours unit don't on an ongoing basis deal with cases or don't take or have cases of their own. They are really for priorities of emergencies and crises response. The case would then be transferred to the other unit.

So I think the answer to the question—like the member was right in that come Monday morning, once the crisis had been stabilized and they'd been protection services immediately provided in the emergency, the case would be transferred then from the after-hours unit.

Mrs. Mitchelson: So then the after-hours staff don't do case work? They only do crisis stabilization and then any cases that might need protection services would go on to someone's desk to be looked at on Monday morning?

Mr. Mackintosh: Their main function would be an apprehension, if necessary, and crisis stabilization. I think the member is generally right, but I wouldn't want to say they don't deal with cases because I think they would say they do, but it's just on an ongoing basis they don't. They would be referred then out of after-hours.

Mrs. Mitchelson: Can the minister, when he's researching and getting the information on staffing in the intake unit, provide for me the number of staff that are presently filling positions and how long they have been working at ANCR?

Mr. Mackintosh: Now, just to clarify, that's with regard to the intake unit? *[interjection]*

Yes. So with the intake unit the member is looking for the number of positions.

Mrs. Mitchelson: The total number of positions, the number of positions that are filled, how long people that are filling those positions have been working at ANCR, what their qualifications are, are they social workers or do they have other qualifications.

Mr. Mackintosh: And including supervisors?

Mrs. Mitchelson: Yes, including supervisors. There's another question that I've forgotten, but I guess it will probably come back to me. I'll make sure that we have—how long they've been in the position. I asked that question.

The reason I'm asking this is because I've heard all kinds of issues that have presented themselves at ANCR, and I've heard that there's been a 150 percent turnover in staff since ANCR has been created. Staff morale is very low. There are people that are dealing with cases in children in need of protection that aren't qualified to do those jobs. Cases are sitting on workers' desks for up to a week for children that need protection, because case workers can't get to those case files, there just isn't enough time and the workload is horrendous.

I'm wondering if the minister's heard any of these concerns, whether there've been any presentations or representations made to him around this issue.

Mr. Mackintosh: When ANCR was created, there was, originally, a strategy to ensure that there was a review of how the development of ANCR has succeeded and, obviously, with some concerns around morale that had been expressed by some of the workers there, and the challenges of workload. An outside review was launched of ANCR conducted by Legacy Bowes. It's my understanding that that review, which is to be completed by early summer, has looked at the issues by way of looking at the positions, looking at workload, they've been talking to workers there and getting their views on their satisfaction in the workplace and what the daily challenges are.

* (11:00)

In the meantime, there has been an increase of resources for ANCR, new positions. We talked to the minister earlier about that one to ensure that not only were caseloads better distributed, but that there were

additional positions to deal with families and children that may be in crisis.

The review is in two pieces. One is looking at the human resource piece. That's the one that's now under way, and later in the fall the services and organization piece of the review should be completed.

I can just say it's a quality assurance review and it's been conducted under the auspices of the southern authority but with an outside contractor.

The services review will also involve the Child Protection branch as a partner in that review, and there will be some other outside contractors doing specific pieces of that.

So, in other words, there's a comprehensive review of ANCR that's ongoing, and at least the human resource piece that the member talks about is near completion.

Mrs. Mitchelson: Can the minister indicate whether there's confidentiality for employees that work within the ANCR system, so that they're able to speak up and indicate what the issues are without any fear of retribution?

Mr. Mackintosh: Yes.

Mrs. Mitchelson: I think I remember the other question that I had around the intake branch. If I can just add this on, I don't think I indicated that I would like to know how many of the workers in the intake unit are taking new cases, and are there some that aren't taking new caseloads?

Mr. Mackintosh: We can get that information.

There's a point that I missed in terms of turnover there. ANCR is unique in that there are many workers there that were seconded. So, when there are numbers about turnover being used, it's important to remember that many of the workers are returning to their agency, like, most notably, Winnipeg, because when the transfer happened there were a large number of workers from Winnipeg intake, then, that were seconded to ANCR.

So that is part of the changed numbers. The numbers shouldn't be interpreted as representing a turnover because of dissatisfaction or caseloads but because of the secondment exercise that's ongoing.

Mrs. Mitchelson: But, correct me if I'm wrong, ANCR wasn't set up initially as a result of devolution. There was another—I'm just trying to remember now. ANCR was created, I believe, three

years ago, two to three years ago. So did the secondments come from the initial unit that was sent up over to ANCR when ANCR was reconfigured?

Mr. Mackintosh: Yes, there was the interim arrangement of what's called JRIU, the joint response intake unit, and that was managed by Winnipeg. That was the interim arrangement.

Mrs. Mitchelson: So is the minister indicating, then, that staff that were working for JRIU, and I guess they were seconded—they weren't seconded from Winnipeg because they worked for Winnipeg. But, when ANCR was set up, were those employees moved from the Winnipeg agency to ANCR, which then fell under the southern authority? Am I correct in that assumption?

Mr. Mackintosh: Yes.

Mrs. Mitchelson: Can the minister indicate to me whether he has, over the last period of time, had any meeting with the union from ANCR or has had these issues raised directly with him?

Mr. Mackintosh: There were some meetings with the MGEU around ANCR that were held with the southern authority and representation from the board to address concerns. A large part, of course, of the addressing of the concerns, was the establishment of the external review, the quality assurance review to get to the bottom of any concerns and to explore the allegations further. In the meantime then, there's been the strengthening of ANCR's resources so that we didn't just wait till the end of the review to deal with some of the caseload issues that we wanted to see addressed. That was done by the southern authority. I don't have a date on that. I can provide for the member.

Mrs. Mitchelson: So the minister is indicating that he met with all of those individuals at the union and the authority, but is he confirming, then, that he did meet with the union to discuss the issues that have been presenting themselves for a period of time at ANCR?

Mr. Mackintosh: I can't recall the date. As I recall, I think I met twice, and my role was to facilitate a meeting with the union and the authority and the agency so that the authority and the agency had heard first-hand of some of the concerns and so that was important, of course, just to recognize then, that the outside review was going to work to make sure that we dig down and discover the root of any problems that may exist and to discover whether there's a basis for the allegations.

Mrs. Mitchelson: I just did a little bit of compilation of the funding that's been provided to the authorities over the last number of years, and some of it dates back to predevolution, Madam Chair. I went back to 2003-2004 in the annual reports, and, of course, the latest information we have in the annual reports is 2007-2008.

Maybe I'll just go authority by authority and ask a few questions. We have seen, I guess since devolution—maybe the minister could just indicate to me what annual report would have included full devolution numbers.

Mr. Mackintosh: Recognizing our discussion earlier about the emergency placement resources yet to have transfer completed, the case transfers took place by the fall of '05, so the answer to the question would have been '06-07.

*(11:10)

Mrs. Mitchelson: Then for the northern authority, if there was a full year of operation in '06-07, we see a slight increase in the number of children in care. We see an increase in Family Services support.

Maybe I could just ask, when there's a breakdown of the number of, I guess, supports that are put in place—maybe if we could just go to the last annual report and the chart. There are several pages of charts in the annual report. We have a breakdown of—just look for the page—number of children in care by legal status. That is on page 92 of the annual report. It's got number of children in care by legal status. We have wards which would be permanent orders, I presume, voluntary placement agreements, and then it's got a category of other. Could the minister indicate to me what other means?

Mr. Mackintosh: First, under the category of wards, it just should be noted that wards can be permanent and temporary. The other would include expectant parents and also children under apprehension. In other words, those who are not yet classified as wards because there hasn't been a court order yet.

Mrs. Mitchelson: Madam Chair, how long does it normally take to get a court order for apprehension?

Mr. Mackintosh: Like any kind of court proceeding, it can vary depending on different circumstances, most notably whether the matter is contested or not. But staff advise that—well, it's four days to file, you know, there's also a dependency on court schedules and the availability of counsel. But staff also says that it's usual to measure it in terms of weeks.

Mrs. Mitchelson: Madam Chair, we've seen a significant increase in the amount of money that's going to the authorities. I guess the one exception to that would be the general authority. *[interjection]*

Yes, I think I was saying that there's been a significant increase in the dollars that are flowing to the authorities, with the exception of Winnipeg, and that—well, let me start authority by authority.

We see an increase from the 2006-2007 fiscal year to 2007-2008 of, give or take, \$7 million with an increase of—not a hugely significant increase, I guess, in the number of children in care. I see a little bump in the Family Services support. But, I guess, when I look at the total that is spent on maintenance of children in the system, level 1, level 2 to 5 in residential care, we're seeing not a significant increase. So it looks like other than maybe \$100,000 over the years in maintenance and support for children, that there's been a \$7-million increase.

My question would be, can we get a detailed breakdown of where that money has been spent, and, specifically in that, I would like to know how much additional is being spent on front-line workers that support children versus whatever else that money might be being used for?

*(11:20)

Mr. Mackintosh: First of all, just with regard the number of children in care, it may be masking the increase in number of children in care by looking at each agency, and so the global figure may not be as apparent.

But, the number of children in care, as of March 31, '08, was over 7,800, and that was up 8.2 percent, or around 600 children from the year before. We see that as a very significant and troubling number. Of course, each of those is a tragedy to itself, and that doesn't indicate the number of families in turmoil, but it shows just how serious this issue of child protection is in this province.

By the way, the increases are not unique to Manitoba, I understand. But, we did talk earlier about Alberta and some of the positives that are being experienced from the introduction of a differential response model and family enhancement.

So, I just wanted to address that, first of all, so that will be reflected in the costs of child welfare.

The other significant cost factor has been the Changes for Children initiative where we have put significant new dollars into a number of areas. We

talked about some of those in the last couple of days, but one of them being the issue of workload relief that the member just referenced.

So we have 103 new positions now, and with the current budget, we'll be increasing that way beyond the 103, both for workload relief and for the differential response.

So those are two general observations about the increases.

The other trend that will explain some of the information the member is referencing is that it is apparent that more people are choosing the Aboriginal services. So the area of growth, well, particularly we notice in the south, the southern authority, and that can explain some of the differences between the general authority and the other eight authorities.

Mrs. Mitchelson: Madam Chair, then, can the minister indicate to me, because we do have just the annual report for '07-08, and I know that the '08-09 year is completed now—does he have any numbers, authority by authority on additional money over and above what we see in the '07-08 annual report?

Mr. Mackintosh: We don't have the year-end numbers yet. We just finished the year end, and I know the departments, as they sometimes struggle to get all those numbers in for what is always targeted as a September, or at least a fall release, of the annual report. So we don't have those numbers yet.

But, if the member wants, we can certainly look to determine whether there's any obvious trends.

Mrs. Mitchelson: Well, I do know that there was an additional \$28 million spent from '06-07 to '07-08, and, again, if I could ask the minister to try to get for me a breakdown of how much went into front-line services. That's a significant amount of money, and I would be hopeful that there would be significant support for better child protection and better services. So if I could get that, I would appreciate it.

I'm just going to take a break from Child and Family Services right now. I have a colleague here that would—and we discussed that earlier—would like to talk a bit about some other issues in the department. Maybe I could let him indicate to you what staff he might need so that you could have him available and we'll come back to Child and Family after that. Thanks.

Mr. David Faursehou (Portage la Prairie): I do appreciate the opportunity to participate in the committee of Estimates as it pertains to Family Services and Housing.

We'll be looking at issues that are of concern to my constituency of Portage la Prairie, but I believe that Portage is not unique to—around the province—Manitoba Housing, as it exists in Portage la Prairie and the future areas of concern. I'd like to ask a couple questions about Manitoba Development Centre and also, too, concerns regarding as to how Manitoba Development Centre crosses over to Manitoba Justice in some of the services provided.

So I might just like to start with the women's shelter in Portage la Prairie. The women's shelter does receive some funding from the department for crisis situations. The concern, though, is that, when you face a crisis situation and to transition mother and family members back into a more normal course of everyday life, the women's shelter is not conducive to doing so. It's a crisis centre.

What the women's shelter in Portage la Prairie has, for a number of years, looked at housing of a secure nature, yet offers more of a transitional type of setting and longingly looked at some Manitoba Housing property in Portage la Prairie, the cottages at Oak Tree Towers, as possibly being that type of setting. It's a longer-term living accommodations and it's not as cramped or constrained as that of the confines of the women's shelter facility proper.

I wonder whether the minister and his staff have considered this type of working relationship between the women's shelter and Manitoba Housing. I'm sure this is not unique across the province to better address the crisis situations and, ultimately, moving back to normal living situations.

Mr. Daryl Reid, Acting Chairperson, in the Chair

Mr. Mackintosh: First, there's a general policy MHA has as a result of some work across the stakeholders to prioritize Manitoba Housing units wherever room can be found for victims of domestic violence. That is, I think, the only exception—that is the only exception, the only queue-jumping exception that exists in the province to my knowledge. That would, of course, go to work in Portage la Prairie as well. Now, in terms of finding something in the area where the family lives is obviously a priority, more important outside of Winnipeg than perhaps inside of Winnipeg—not necessarily, depending if there are children in school.

* (11:30)

I don't have the note here, but it's my recollection that the member had raised this earlier, either as result of that or at the same time there had been some discussions with the shelter about options in the Portage area. I don't have that information handy, so I'm going to have to get back to the member on that one which I can do very quickly. I can also, though, assure the member that if those discussions, if it's not moving to some greater options, then we'll undertake to do that.

The member is right; we don't want a system that relies on shelters as the answer. Shelters are intended to be temporary and to help stabilize in a time of crisis. It's important that families be able to move back to secure housing. That's part, by the way, of the whole approach to homelessness, which I think the shelter system was the first movement to address homelessness or victims or survivors of domestic violence. I take the members point. It rings a bell. I think there had been some developmental work done and we'll confirm that.

Mr. Faurshou: I did raise this a couple of years ago. The setting to which I referred to are the outlying units around Oak Tree Towers as being close proximity still to the women's shelter, that if a quick move had to take place back to the shelter, it's within a couple of blocks. That was the reason I'd suggested that particular Manitoba Housing facility when I—

Mr. Mackintosh: What was the name?

Mr. Faurshou: Oak Tree Towers. There is a seven-storey main structure, Mr. Acting Chair, and then it has outlying units that are more like cabin-style living accommodations on the same complex grounds.

With this type of situation which I described, it still allows for some of the supports of counselling and backstopping the family back into normal life activities. So this is why I think we need some type of transitioning. It is appreciated that the families coming out of the women's shelter do have a priority nature and I do appreciate the department looking upon that in that fashion.

Speaking of the Oak Tree Towers, that is one of the facilities that was primarily 55-plus, but as has happened in other Manitoba Housing projects become a quite diverse clientele.

I did make mention to the minister earlier in a question about a situation where the EMS personnel attended to that facility and had significant delay in accessing the building because there is no longer a 24/7 manager on site that can very quickly offer access to the secure tower. I want to emphasis to the minister that when we have a secure facility and this type of situation does come forward, we have very quick access to the building afforded to our EMS personnel. I don't know whether the minister has any comment on that or I can continue.

Mr. Mackintosh: I've been advised that the EMS service should, according to an established protocol, have the access, have the key to Oak Tree Towers in their possession. As well, I understand the protocol includes information about who to contact in the event that they can't find where that key is. So there's a two-part protocol, I understand.

If the member has information, then, that that protocol did not go to work for someone, then we should know about that and then we can make contact with EMS and make sure that they have the key and that they know who the contact person is, especially for Oak Tree.

Mr. Faurshou: I'm certain that this situation has been discussed, and if there is a deficiency in awareness of the protocol, I'm hoping that it will be addressed. As we can all appreciate, there are changes in personnel and maybe conveyance of this information did not take place with that taking place.

Oak Tree Towers, once again—and I did start to talk about the diversity of the residents there—exclusively before it was 55-plus, now we have recent releases from MBC accommodated there, young mothers as well. So there is a diversity now within the residency, and as I talked earlier to the minister, it's of concern to seniors, not that they will see a threat from young children running the hallways. It's just a very significant change to their comfort zone, shall I say, and I'm wondering whether the minister and department are considerate of and attempting to have a more homogeneous residency within Manitoba Housing.

Mr. Mackintosh: This is an issue that arises from time to time and led to a re-examination of the populations in Manitoba Housing communities. That study is ongoing. It was launched in regard to some properties that had specific areas of concern, and there's been some retargeting now of some properties, at least in Winnipeg, I'm assured of.

The department doesn't have information as to whether Oak Tree has already had an analysis done or not, and maybe the member wants to provide some advice or talk about that, but it has been recognized as an issue, particularly in 55-plus buildings where there may be others who were living there—where single moms and elderly were also being accommodated. As I recall, there was some retargeting to specifically have 55-plus in some buildings.

So there seems to be some movement in that regard, and, by retargeting, that's not an easy job. You have to plan it because you're dislocating some people all the time by doing that, but it has been recognized that seniors in some situations do prefer or feel safer living with other 55-plusers. That, of course, has to recognize that we want to maximize the use of our units, and that may explain why in Oak Tree there isn't a homogeneous population because we wanted to ensure that the units were full. But, if the member has some advice on that one, or if he'd like us to look at whether we can prioritize Oak Tree for an examination of whether that should be retargeted, we can certainly undertake that.

On the other hand, it may be that there might be concern about specific tenants that may be acting out or not being respectful for others. So it may not be an issue of retargeting so much as, is there a unit that is causing some difficulties, in which case we want to know about that and we will then take the appropriate action.

* (11:40)

Mr. Faurchou: Using the Oak Tree Towers as an example for some different situations here, but Oak Tree Towers, for instance, now is going to be afforded five-day a week congregate meal program by Portage Service for Seniors, supported by the RHA, and it's, I think, a good move, and if they can work with Manitoba Housing to, you know, basically move towards 55-plus, once again, it would be, I think, wise.

I know the existence of problems because our daughter graduated Masters in occupational therapy, and I think I mentioned to the minister about her practicum training in downtown Manitoba Housing situation where she was to deliver a program to seniors. Beautiful facility, a congregate activity centre, well equipped, yet it was empty because the seniors that were living in that complex were afraid to come out of their individual units because she herself had to step over, not one, but numerous

individuals that were passed out for addictions overusage in the hallways. This is a current situation and one that even unsettled herself to be in the building, and yet this is a secure Manitoba Housing complex.

So I think it's for everyone's best interest, and I'm not saying that persons that are afflicted with addiction should be turfed out on to the street, it's just that maybe in facilities where we can deliver addictions programming and target those individuals with needed help.

Mr. Acting Chairperson, I would like, though, to now ask questions of my perennial—I was going to say annual—the perennial questions about MDC and the progress toward the redevelopment of that significant facility in Portage la Prairie and the announcement made almost five years ago now, for additional reinvestment, the progress of that reinvestment and maybe also a current status on the facility, the number of residents, number of employees.

Mr. Mackintosh: I'm advised that March 31, there was about 316 residents. In terms of the upgrades, we've seen the first priority was the fire alarm upgrade. That was done in the fall of '05. The roof was replaced at West Grove, summer of '06. Then the Cedar Cottage redevelopment and that was done in December of '06. We had safety upgrades at South Grove and East Grove, was done in the fall of '07. Then we had the Elm Cottage redevelopment. That was done last July. Those are ones that have been completed.

The projects under way or that are in this year's capital budget include safety and health issues in Pine View. Those include staff issues there. That's ongoing now. That's under construction now. They expect a completion of that sometime this summer, perhaps fall.

There are safety upgrades at West Grove, the tender closing May 20. We have the boiler replacement, the replacement of the emergency generator, domestic hot water replacement at Elm and Cedar cottages. Those are projects ongoing. The new project would be a chiller replacement. That's the status of those done, under way and in the capital plan for the fiscal year.

Mr. Faurchou: Just one additional question. How many staff are currently employed full-time equivalents at the MDC for the 316 residents?

Mr. Mackintosh: The records indicate 562.4 FTEs.

Mr. Faurschou: That is, indeed, a significant reduction over my 10 years as MLA. The number of individuals that have been relocated in the past year vis-à-vis those who have passed away.

Mr. Mackintosh: My records indicate the residents moved to the community for '06-07, we had 11; in '07-08, 12. I don't believe this is a final number, but we have nine last year, but that's not a complete number, it looks like. I'm also advised that there are plans that are under way for a further 11 in this fiscal year.

Mr. Faurschou: The MDC—

Mr. Mackintosh: I should just add that it's part of that initiative to move individuals to the community and ramp that up. There was two in '05-06. That was when the initiative began. I just wanted to complete that record. In other words, to date, with incomplete numbers for '08-09, perhaps there are 34.

Madam Chairperson in the Chair

Mr. Faurschou: Yes, I appreciate 34. Doing some of the reductions, the balance of individuals have passed away as far as reduction in the number of residents at the facility.

I believe there's still a continuation of a facility being utilized for persons that actually have had conflict with the law. They've been diagnosed with significant brain dysfunction as pertaining to their brush with the law. How many persons are still of that category of residents at MDC?

* (11:50)

Mr. Mackintosh: The number of deaths show '07-08, 10; '08-09, 10. The Pineview is a more secure facility, I think the member knows, and within Pineview, there are approximately 60 individuals living there that, although I don't think have been in conflict with the law or have been convicted, but there may be some like that. I'm not saying there aren't, but, generally, I understand that they have been identified as having more complex or higher risk needs, and that would include some that have been found to have acted out inappropriately sexually, sexually inappropriate behaviour, in the past, not necessarily leading to a conviction.

Mr. Faurschou: Perhaps I'm a little ahead of myself in talking about in conflict with the law, but definitely a greater challenge and not only at risk for injuring themselves but injuring others of the public. So MDC does fill this role, this needed role. Currently, within our youth corrections facility in

Portage la Prairie, Agassiz Youth Centre, there are increasing challenges by housing individuals that are severely afflicted with fetal alcohol syndrome, fetal alcohol effect conditions, and the Justice personnel, and no names be mentioned here, have, on more than one occasion, expressed their concerns as to whether they are the best skilled, trained individuals to truly work with individuals of this nature.

I'm just throwing out the idea for the minister as to whether or not there is, once again, potential of the very skilled, very well-trained personnel that are in the area of brain impairment of some description. I look at MDC as a centre of excellence for this and whether or not MDC could potentially complement the rehabilitation of individuals that are now currently residing at Agassiz Youth Centre. We have to be more flexible, more accommodating in recognizing what has caused this individual to come in conflict with the law and why now is this individual incarcerated and ultimately will come back into society, and it's incumbent upon us to, in the interim, while incarcerated, to truly recognize, address and hopefully help correct the conditions which ultimately saw them into the justice system.

Mr. Mackintosh: Well, I think it's worthy of consideration. We can have some discussions with Justice on that idea because we do recognize the skill sets in the area, in the community, and the population trends at MDC. I appreciate the member brainstorming like that, and we'll take it under consideration.

Mr. Faurschou: I appreciate that, Minister. This is an opportunity for myself to bring forward not my own ideas, but, collectively, individuals that have great ideas because they're front-line civil servants doing a commendable job, always exhibiting dedication and commitment to their positions. So I look only as myself as being the facilitator, hopefully, to enhance the challenges that we all face from day to day.

Madam Chairperson, the other—I'm going to leave with you—the honourable Member for River East (Mrs. Mitchelson) has returned for further questioning—is the area of security. I know that the minister at question period said that he would be looking into the consideration of security that a few years ago we all recognized was very important and much needed. So it's something that I hope the minister will have time to study and possibly get back to me when he does his investigation.

Mr. Mackintosh: The challenge of security for Manitoba Housing generally is one that I think I've talked about and I don't know if we have the time to get into much of that here, and I don't think the member's wanting to go too far down that road.

We've initiated a program for enhancements, whether it's—you know, the little windows on the doors—the peepholes, the deadbolts, other initiatives, whether it's lighting or whether it's you know, bushes. There's a criteria that has been established that we are to use in examining security needs at the different Manitoba Housing communities.

Another thing that was done was an examination—and that's continuing—though, of the actual security services being deployed at the different Manitoba Housing communities. It's my understanding—I'm just looking for the note on it—but there was quite a significant decrease in daytime incidents reported at the community at Zelana that the member raised. As a result of that—and it looked like a continuing trend—there was a decision to adjust those services because what we have to do is respond to where there are problems. Sometimes, you can get into those arguments, well, the reason that there were fewer incidents was because there were on-site security at that time of day, but what we have to do is continue to monitor, then, the change of daytime services at Zelana and we'll act accordingly.

We're trying to get to the root of some of these problems, as well. Safer Communities is now on board with two team members, and I think that that is going to work to make a difference. We're increasing the evictions for behaviour challenges, and I think the message is getting out now.

So I guess the answer to the member's question is, yes, we had—the security incidents at Zelana showed a sustained reduction in the last quarter of '08. There were four incidents reported and they were relatively minor issues. They may be major for some of the individuals involved, but two of them were not related to the property itself. It was someone that was from the community or from outside.

So we'll continue to look at that, but we do have to make those adjustments. I know it's sometimes hard to pull security away, but we have to act on the basis of the information and the risk that is posed to residents and those services are certainly needed in other places, perhaps. So that's the answer to the question in terms of the specific property that the member raised questions about.

*(12:00)

Mr. Faurshou: I do appreciate the minister's response. One thing I would like to leave this committee of Estimates—the minister knowing how appreciative the residents of the area are for Manitoba Housing, the accommodation of Youth For Christ in one of the units in the Zelana Villa and how the whole area is benefiting from having the program delivery that Neighbourhoods Alive! is using also, too, co-operation with Youth For Christ. It is a true enhancement of the whole area, and it's due in part by Manitoba Housing making a unit available for this activity.

Mr. Mackintosh: Well, I thank the member for that observation, but that, again, is an overall approach that we are trying to strengthen the human services with Manitoba Housing, not just transforming the physical structures, Madam Chair. We're seeing, I think, the positive outcome from that one. We're seeing community-driven organizations coming to MHA, and I just had another one the other day asking for accommodation to provide literacy services for people living in Manitoba Housing.

There's been this complaint that, when there are people that are living with many challenges all co-located in a housing community, that may be negative. But we can turn that right around and say, well, because they're all co-located we can, by putting services there, provide easy access for that community directly.

So we're seeing some successes, Madam Chair. In other words, the abandonment of the '60s and '70s, you know, large complexes by some may not have been justified for some communities. I know some, I think, were overbuilt, and we saw in Europe what they did, but I think Toronto had an example there that the ADM visited. But, for some of these other communities, you know, they're not the large scale that we've seen in some other jurisdictions, but I think that there is a good future and the member speaks to the positive impact of those kinds of services.

I think the member also knows, though, with Zelana, in particular, of the ongoing concern—and there was a *Free Press* report not long ago on the ongoing issue of working with the federal government. I came across, in asking questions around this, about the member's involvement in that. Unfortunately, you know, I don't want to spend much time on this, and I know the member maybe didn't want to get into this, but just to remind ourselves,

both of us, that I saw the member had done some correspondence on this one some time ago. I looked at the history and there's a real skinny paper history of this agreement to accommodate these residents to avoid the conflicts. I think it's unfortunate we don't have an answer yet from our cousins, but I'm looking forward to some positive dialogue. I got a very positive letter back from the federal minister, and we're going to try and work with that. But, in the meantime, there are issues that have to be resolved there, and I appreciate the member's advice from time to time.

Mrs. Mitchelson: I just wanted to go back to Child Protection and ask some questions on—first of all, I'll start with: How many section 4 reviews have been conducted on child deaths, and can the minister indicate which ones those were?

Mr. Mackintosh: We just had some discussion on the Cree Nation. There was a section 4, as the member knows, that was released, but there is an additional financial review. We talked about that on day one when we were back, where we had helped to contribute to the funding of INAC ourselves and the northern authority.

So the financial review stemmed from the section 4, so I'll add that in. The two section 4s that are ongoing is Peguis Child and Family Services and Southeast Child and Family Services.

Mrs. Mitchelson: I know that those reviews are ongoing. They've been ongoing for an awfully long period of time. Can the minister give any indication of when they might be completed?

Mr. Mackintosh: I'm advised that it's anticipated that the Cree Nation report is to be completed sometime in early summer. The Peguis report was expected to be completed in the fall of '09.

The Southeast section 4 review is in two parts. The governance and administration review is expected by summer or in the summer. That's the southern authority's expectation. As well, a service review is being done, as another part of that. The authority anticipates the service review to be done sometime in the fall, winter.

Mrs. Mitchelson: My original question, though—and I'm interested to get that information—was how many section 4 reviews have been conducted into child deaths? *[interjection]* Well, maybe we could back to Phoenix Sinclair's time and forward.

* (12:10)

Mr. Mackintosh: I just clarified that the three section 4 reviews I just talked about are not child death reviews. So we'd have to go back and look to determine section 4 death reviews since Phoenix Sinclair. We'll get back to the member on that one. We'll just check the records—from the date of Phoenix Sinclair's death, I understand, is the trigger date that the member wants us to look from. Okay.

Mrs. Mitchelson: I know the only one that is public is the Gage Guimond section 4 review. I don't know if there are others that were done, and if there were, I would like to know where the reports on those might be—if you could look at that, too, and provide that information for me.

What's the process for conducting a section 4 review on a child death. What triggers that?

Mr. Mackintosh: The section 4 review can be triggered by an authority or by the director of Child Welfare, in other words, the department. The trigger for that is not necessarily deaths or even deaths that should get further examination. It can be triggered by concern of administration, finance, any other concerns in terms of services. The section 4 allows for a broad range of circumstances that could trigger a section 4 review.

Mrs. Mitchelson: In the case of a child death, would it be the director of Child and Family Services that would initiate a review? Would that be something that would be high priority for the department?

Mr. Mackintosh: Some advise that the power rests in both places, the CEO director or CEO of the authority or the director. In some cases, they've acted jointly to do a joint review. The Children's Advocate, as well, has joined in the reviews and the conduct of reviews in the past, but can't call a review, but has their own powers now under the new legislation with the special investigations.

Mrs. Mitchelson: I wasn't the critic for Family Services during either the Phoenix Sinclair review or the Gage Guimond review, so I maybe didn't pay as close attention as I should have or could have to those reviews, so I'd just like the minister to refresh my mind. I believe, was it the director in the Phoenix Sinclair review that directed the section 4 review?

Mr. Mackintosh: Madam Chair, I know the review was conducted by Ombudsman advocate, Mr. Hardy, and Mr. Koster, who initiated the review. It's our early recollection that it was the Child Protection branch, the director, and if that is different, we'll let the member know.

Mrs. Mitchelson: Could the minister indicate to me in the Gage Guimond section 4 review, was that directed by the branch under the direction of child welfare?

Mr. Mackintosh: The recollection is that was initiated by the southern authority.

Mrs. Mitchelson: Both were very horrendous cases, and I guess I would wonder why the branch wouldn't, in the case of Gage Guimond, direct that review, why it would be the authority that would do that.

Mr. Mackintosh: Immediately following the tragedy, there were indications from the southern authority that they were very keen to launch the section 4 review, and it was recognized that that was very appropriate, that it was the southern authority—and I've seen this over and over again—meeting both the expectations and their mandate under the authority's legislation to oversee agency work and the agencies that are generally accountable to the southern authority. *[interjection]*

I've just had it confirmed that, indeed, the southern authority initiated the section 4 review as well as the operational review of the agency's governance, management, financial and human resource practices.

The review then, was conducted by the southern authority but also with the Office of the Children's Advocate. For the case review itself, it was under the direction of two independent reviewers, Alice McEwan-Morris and Andrew Koster, and then the Child Protection branch provided a consultative role in the review.

Mrs. Mitchelson: I seem to recall in the Phoenix Sinclair case that—and I think the minister did confirm it—the Ombudsman's office was involved, that the Children's Advocate's office was involved and the branch—maybe you can confirm for me who was involved in the review.

Mr. Mackintosh: In the circumstance, it was thought most appropriate to have external reviewers conduct that, so that led to the Ombudsman, the Advocate's office, Mr. Michael Hardy from Ontario, Mr. Andrew Koster from Ontario, and they were the ones who did the review.

Mrs. Mitchelson: Once that report was completed, where did the review come to? Did it come to the branch?

* (12:20)

Mr. Mackintosh: Yes, the branch.

Mrs. Mitchelson: So it was directly to the branch, and would that have been the case in the Gage Guimond review too?

Mr. Mackintosh: Yes.

Mrs. Mitchelson: Well, I'm looking at the review and the public document that was released for Gage Guimond, and it indicates in the delegation of power that it was understood that, in this particular instance, the reviewers would submit the section 4 report for Gage Guimond directly to the southern First Nations network of care.

I guess I would question why it wouldn't come directly to the branch.

Mr. Mackintosh: Where the authority would commence section 4 report, they would get the copy of it. They would get the report, and then they would provide the branch with the document, for information.

There may be recommendations, for example, in the report that are specific and only directed at the branch or at government policy. In that case, there was a mix, and some of the recommendations, I think most of them, were directed at the agency, some were directed at the authorities, some at the branch.

Mrs. Mitchelson: I guess my question would be that, and I know the authorities have the ultimate responsibility for overseeing the agencies. I would question why the branch wouldn't initiate the section 4 review, given that it could be perceived to be a conflict with the authority that was overseeing the agency in question conducting the review.

Mr. Mackintosh: Well, one of the key features of devolution—well, one other than the responsibility for cases for First Nations people living off reserve going to the, what was historically, the reserve agencies was the movement of accountability and accountability role for the authorities from the branch.

So, under the accountability structure, it would be appropriate for authorities to take action when there were questions about agency conduct. I think that's accountability going to work, and we encourage that kind of responsiveness on the part of authorities to initiate and oversee reviews like that. I've been heartened by that responsiveness, and I

think the Gage Guimond review demonstrates that going to work.

Mrs. Mitchelson: I know that the Changes for Children document was released before the Gage Guimond report was done, and there were several recommendations in the Gage Guimond report that were not—there were many that were almost identical to recommendations that had been made in the Phoenix Sinclair case, but many were new recommendations, different recommendations. Changes for Children does address the Phoenix Sinclair review, and the recommendations that were made then, but it does not address the recommendations that were made in the Gage Guimond review.

So I'd like to ask the minister whether he could indicate to me what process is in place to implement and be held accountable for the recommendation in the Gage Guimond report.

Mr. Mackintosh: Madam Chairperson, there are accountability mechanisms with the Ombudsman's office for follow. As well, there are changes that were system-wide that were acted on through standing committee and otherwise. I understand that a comprehensive report on progress to date on the section 4 Gage Guimond report is expected in the coming weeks, and that will be produced by the southern authority. The southern authority, for example, has asked us to confirm some of the actions that were incumbent on us to pursue, and so there will be a snapshot of implementation status offered, I understand, very soon, this spring or summer. So I understand that could be within weeks.

Mrs. Mitchelson: Something that the minister said just a moment ago, it disturbs me a little bit. He's telling me that the authority is asking the department to account for the recommendations that were directed towards them, and then the authority is going to report. Since when did the authority have the direct responsibility for delivering child welfare? I thought it was the branch and the minister and his department that had the authority, not the southern authority.

Mr. Mackintosh: Yes. The report was done by both the southern authority and Mr. Koster in terms of the case review, and there were system-wide recommendations made there which they can do. If any review believes that there should be system-wide changes, then I think there's no, I think, jurisdictional barrier for that being done. I think that can only help. I think we have to learn from these tragedies as best

we can, and sometimes the changes are not only that that can be made in an agency or an authority.

So there were some recommendations made for system-wide change, and it's not just a matter of accountability, but just being part of the solution that those have been distributed, recognizing, too, that the branch is the best mechanism for routing issues to standing committee that could come from a section 4 review. So it's not about accounting of the branch to the authority, but rather, sharing ideas for change and getting a status on the implementation of an action on those recommendations.

Mrs. Mitchelson: So, then, is the minister telling me that the southern authority has the ability to, or does monitor, in fact, all of the other authorities, and that if they are system-wide changes they would be greater than the southern authority? So it would be the northern authority, the Métis authority and the general authority?

Does the southern authority have the ability to get accurate information on how the recommendations are being implemented in all of the other authorities, and have enough information to—in the progress report—report on all of the other authorities?

Mr. Mackintosh: The authorities are all equal in terms of, no authority is accountable to another authority. But they all work together through the standing committee, and so the system-wide changes flow from standing committee. So it really is about reporting. It's about status reporting, and I think that that is good in terms of making sure that there is a comprehensive report on how implementation of the recommendations is going.

Mrs. Mitchelson: Madam Chair, but, I mean, ultimately, I thought that the minister had the authority through his department, through his branch, and the responsibility to ensure accountability across the board. I have difficulty understanding why the southern authority would take the lead rather than the minister and his office, and demand that accountability. So I'm having a little difficulty with the chain of command here, and the minister sitting back and saying, well, it's up to the southern authority to make this happen, to bring this report in. Why is the minister not playing a leadership roll, through his department, and ensuring that he is the lead on making sure that the changes, the systemic changes within the Child and Family Services system, have been made and they are being

accounted for. There is some accountability through his responsibility and his mandate as the minister.

Madam Chairperson: Order. The time being 12:30, committee rise.

LABOUR AND IMMIGRATION

* (10:00)

Mr. Chairperson (Rob Altemeyer): Will the Committee of Supply please come to order.

This section of Committee of Supply will now resume consideration of the Estimates for the Department of Labour and Immigration. As had been previously agreed, questioning for this department will proceed in a global manner.

The floor is now open for questions.

Mr. Kevin Lamoureux (Inkster): I do want to continue on what I believe is a very serious issue, one in which went after the gavel came to conclusion yesterday when you said it was 5 o'clock, and *Hansard* would have been turned off.

I was disappointed in terms of remarks that I heard from the Minister of Labour and Immigration (Ms. Allan) that were in regard to my ability to ultimately be able to communicate with—whether it's the deputy minister or department heads—on what are very important issues. I feel that the minister is crossing a line when she says that a member will not talk to a deputy minister or a head of the department. When I reflect on issues of democracy and accountability, I think it's important that MLAs do have that right to be able to communicate and to ask questions of these civil servants because they are civil servants, even though the minister, at this point and time, happens to be the one that's responsible for the department. Professional civil servants work for all Manitobans. If we even just focussed on some of the responsibilities of these civil servants, quite often you'll find that they go out into the community, in which there are questions that would be put from the public in regard to it.

This issue is very important to me personally, because a majority of my casework is related to immigration and it's important that I have the ability to access and ask questions in regard to it. If there is a civil servant that feels uncomfortable and they take it upon him or herself to not want to communicate, well, that's one thing; they can express that or they can express their concerns. But, when you get a minister who seems to want to deny me the ability to

be able to ask relevant questions of a deputy minister or department head, I believe that's wrong.

So, having said that, Mr. Chairperson, I'm going to move a motion that the committee affirm, as a cornerstone of the free and effective democratic governance, the right of any MLA to ask relevant questions of a deputy minister and department heads within the provincial government.

I would move that motion, and it would be seconded by the Member for River Heights (Mr. Gerrard).

Mr. Chairperson: It has been moved by the honourable Member for Inkster that this committee affirm, as a cornerstone of free and effective democratic governments, the right of any MLA to ask relevant questions of deputy ministers and department heads within the provincial government.

The motion is in order. Are there any questions or comments on the motion?

Seeing none, is the committee ready for the question?

An Honourable Member: Question.

Mr. Chairperson: Shall the motion pass? [*Agreed*]

We now recognize the honourable Member for Inkster, on a question in Estimates.

Mr. Lamoureux: Given the motion that just passed, I'm wondering if the minister would then recognize that there is value to my constituents. I would even go further by allowing me to be able to meet with, to discuss the types of issues that are being referred to in the motion that she just voted in favour of, with the department head of Immigration?

Mr. Chairperson: Just before recognizing the next speaker, are you moving a new motion? Do me a favour and just rephrase the question because if it's not a new motion then the question needs to relate to Estimates.

An Honourable Member: On a point of order.

Mr. Chairperson: Yes. I'm just asking you to repeat the question.

Mr. Lamoureux: If the minister requires me to repeat the question, I'd be more than happy to repeat the question, but I believe she should just be recognized to answer the question. If she didn't understand it, I'd be more than happy to repeat it.

Mr. Chairperson: Okay.

Hon. Nancy Allan (Minister of Labour and Immigration): If the MLA for Inkster recalls the meeting that just occurred yesterday that we were in yesterday afternoon, it was my suggestion that he get together with the deputy minister so that he could fully understand the employer process or the assistant deputy minister of Immigration. My office will be setting that meeting up with yourself and the MLA for Morris because that's what I suggested yesterday. So we will set that meeting up for you and it'll be in my office and I will be there as well.

Mr. Lamoureux: Does the minister believe, as a member of this Legislature, that I have a right to talk to Mr. Rempel, one-on-one, if Mr. Rempel feels comfortable with that?

Ms. Allan: Yes. I have every confidence that Mr. Rempel and you will have a very meaningful meeting.

Mr. Lamoureux: Okay, because there are a number of issues that I would like to be able to have discussion on that are related to processing times, that are relating to the nominee program itself, issues that have risen. I just want to make sure that I don't have to worry about someone informing staff or, in particular, Mr. Rempel, that I am not able to talk to them. I just want that assurance from the minister. If she's okay with that then we can move on and we'll just leave it at that.

Ms. Allan: I would like to go back to provide the MLA for Morris the information that we said we would get for her yesterday. So I have the short-term appointments. I have each one of those individuals listed—

* (10:10)

Point of Order

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

Mr. Lamoureux: Mr. Chairperson, there is an issue of relevance. This is now the fourth or fifth question that I have posed to the minister. I asked a specific question, and then you gave her the floor. Then she goes to the Member for Morris (Mrs. Taillieu), who also asked great questions, and the minister is providing answers, which is great. But I wonder if she could just address the question that I posed, and then go on to it.

Mr. Chairperson: We thank the Member for Inkster for that and provide the minister with an opportunity

to respond to the question asked, and then provide the additional information you were previously discussing.

Ms. Allan: Thank you. I'd like to ask the MLA to repeat the question. I was actually in a discussion, just in regard to the information that we were going to be providing, and I apologize I missed it.

Mr. Lamoureux: What I was looking for was just assurances from the minister that I will not have any sorts of issues dealing with the ability to be able to meet with department heads or the deputy minister so that I can talk about the Provincial Nominee Program. Just to get that assurance from her. So that's really all I was looking for.

Ms. Allan: I already said that you would have a meeting, and you would have a meaningful meeting. It was actually my suggestion yesterday that you have the meeting. So I can say it as many times as you'd like me to say it.

Mr. Lamoureux: What I was thinking on this is my ability to be able to talk to heads of department and deputy ministers, as I do in a number of different departments, about relevant policy issues. I have never been rejected by a minister saying that I could not do that.

So all I want to do is just affirm that I do have the right to do that within her department.

Ms. Allan: For the third time, yes, you can have a meeting with whomever you would like in my department.

So can we go now to the information that was requested yesterday in the meeting?

Mr. Chairperson, I have the information for the MLA for Morris (Mrs. Taillieu) in regard to the short-term appointments. I have the information off the Web site from the Manitoba Civil Service Commission about the Gateway Program. It is actually—the official name of it is Career Assistance for Members of Visible Minorities and Immigrants.

Mr. Chairperson, I also have the job description of the co-ordinator for the Young Worker Safety and Education Program, and we also have the binder of information that is the curriculum information that the co-ordinator uses. So, there's a video and this is the curriculum information.

Then, the other information that was requested is about the Workplace Safety and Health advisory

materials, and we have those materials over there in that box on that trolley.

So I will hand this information to her and provide this information to her as well.

So I think that's almost everything that we have committed to yesterday, except for, when all 200 of those contribution agreements are signed, we made a commitment that we would get back to you on that and let you know when they're signed. So that's the one outstanding issue in regard to the information we said we would get to you yesterday.

Mrs. Mavis Taillieu (Morris): I thank the minister for that and the staff. I know that took some time to do.

We did talk about the contribution agreements, and I was not sure whether I asked yesterday, but I guess I did not, if I could have a copy of the contribution agreements. I'm not asking for 200 of them, but I'm asking for the template.

First of all, can I ask, is the template the same for them all?

Ms. Allan: There are about three templates, depending on exactly how much the funding is. So what we thought we would do is get you that information and also provide you with the funding criteria, the application process and the monitoring information. We'll get all of that together for you in a package of information.

Mrs. Taillieu: Are these contribution agreements, then—who signs those within the provincial government?

Ms. Allan: Depending on what the funding levels are it's either myself, the deputy minister or the assistant deputy minister. On larger ones it's the Minister of Finance (Mr. Selinger).

Mrs. Taillieu: What would be considered large? What is the threshold?

Ms. Allan: Mr. Chairperson, the thresholds vary between \$100,000 and over \$300,000.

Mrs. Taillieu: Mr. Chair, I wanted to just go back and ask some further questions on the employer application process through Immigration Department because, as we learned last fall, it was abruptly put on hold, and there's still some question around why that happened. In fact, I would just like to ask the minister if it was her decision to suspend the employer application process at the Immigration Department.

Ms. Allan: No.

Mrs. Taillieu: Mr. Chair, can the minister indicate who would make that decision?

Ms. Allan: The assistant deputy minister of Immigration.

Mrs. Taillieu: It appears that the decision was made quite hastily, because one immigration person that I was speaking to received an approval on November 18 and then on November 19 received a letter saying that they were temporarily suspending the employer application process. It seemed to happen very quickly. So I'm wondering why that decision was made and why it was made so abruptly.

Ms. Allan: I think this question is out of scope. I don't think this has anything to do with the Estimates.

* (10:20)

Point of Order

Mrs. Taillieu: On a point of order, I do believe that it's relevant because I'm speaking about what is going on in the Immigration branch. We did agree to have a global discussion. I'm asking about the employer application process and why it was suspended, and that is part of what happens within the Immigration, within the PNP program. I believe that we're talking about the PNP program. We're talking about the Immigration branch and it falls under—it's in the Estimates book.

We're talking about the number of immigrants that come here. There's a statement in there saying there's a range between 12,000 and 13 landings expected in 2009. I'm trying to determine why or if this particular branch, the employer application, the Employer Direct stream, whether there'll be a negative effect on immigration coming into the province because of the suspension of the employer application process. I believe that, in a global discussion about the processes within Immigration, that it is relevant.

Mr. Chairperson: The Member for Inkster, on the same point of order.

Mr. Lamoureux: The same point of order.

Mr. Chair, we have the head of the Department of Immigration with us. The Estimates book details the Provincial Nominee Program and the monies that are allocated out to that particular department. If this is not relevant, then the Estimates books would not be relevant. It's, in my opinion, absolutely relevant to

the core of the Estimates, especially into the Department of Education. I don't know what would be more relevant.

Mr. Chairperson: On the point of order raised, I want to thank members for speaking to it and providing some extra detail.

One quick clarification, which, perhaps, I didn't explain sufficiently yesterday. A global discussion simply means that a critic or a member of an opposition party can ask questions on any section of the Estimates book. The questions should all have a financial or Estimates-related element to it and, obviously, as the Member for Inkster properly raised, there's a link between the Estimates book and policy.

What will help greatly, I think, is if members can phrase their questions in such a way as to point to a part of the Estimates for a particular department when they're raising a policy issue. So, in this particular instance, if the member is concerned that a service has been reduced, if it's possible to point to the page in the Estimates or the line item you're referring to when you're raising that issue that will make the question much easier.

Now, with the extra information that the honourable Member for Morris (Mrs. Taillieu) has provided, I rule that the point of order is in order. I would appreciate in future questioning if you could make that link with the Estimates book in the questions you're asking, but it is a legitimate point of order and I'll ask the minister to reply.

* * *

Ms. Allan: I'm just waiting for the information from the assistant deputy minister of Immigration, who's writing it out for me.

Employers were notified in November as quickly as possible that we were putting a hold on the process. We processed every existing employer application in our inventory to completion. The employer application was intended to help employers recruit potential permanent immigrants. Many employer applications were obviously looking for temporary foreign workers only. As a service to employers, we wanted to inform new applicants about the process that they should apply to Service Canada for temporary foreign workers.

Mrs. Taillieu: Well, we've identified that there was a suspension of the employer application process and it was done very quickly, and done by the deputy minister of immigration. There was a notification

that was a letter that went out. Has the department been able to determine to date how many less applications then would be received and how many less, how fewer number of people are coming in through Immigration and being employed?

Ms. Allan: Once again, I'd like to know what line in the Estimates book this question relates to. But I'm more than happy to provide the information to the member that our levels are increasing, and our temporary foreign worker levels are increasing because of the labour market shortage.

What's important to us is that, when temporary foreign workers get here, they have a job; they have a job they were promised; and they're getting the wages they were promised they were going to get. So the process—and we've always said it was a process that was temporarily put on hold, but it did not affect the levels nor did it affect our ability to provide workers to employers.

Mrs. Taillieu: If you'll refer to page 50, 11.3. Immigration and Multiculturalism, what I'm referring to is the point that says: Provides for the development of policies and programs related to immigration admission and co-ordinates the settlement and integration of immigrants and refugees into the social and economic life of Manitoba.

When I'm asking my questions, this is what I'm referring to.

I would like to know how many businesses would have been negatively affected. How many letters were sent out to businesses telling them the Employer Direct application process was suspended?

Ms. Allan: We'll have to get that information for the member. We don't have that available to us.

Mrs. Taillieu: Can the minister indicate whether she—if she knew before the direct employer application process was suspended, did she know about that before it actually happened?

Ms. Allan: I knew we were going to be making some changes to the process just shortly before the changes were made. The assistant deputy minister of Immigration informed the deputy minister, and the deputy minister informed me.

* (10:30)

Mrs. Taillieu: Can the minister indicate what was the purpose of suspending the program?

Ms. Allan: The program was not suspended. The Employer Direct stream was always in place. The program was never suspended. It was a process and it was not suspended; it was temporarily put on hold.

Mrs. Taillieu: Can the minister indicate why the employer application process was suspended?

Ms. Allan: The Provincial Nominee Program put the employer application process on hold in order to revise the criteria to ensure it was consistent with the provisions of the forthcoming Worker Recruitment and Protection Act and to respond to concerns that too many employer applications were being recruiter-driven, submitted by third-party recruiters rather than directly from employers and potentially involving illegal recruitment fees.

Mrs. Taillieu: But, though, that was identified over a period of several years between 2004 and 2008. So I'm wondering why it took so long to suspend the employer application process if illegal activity had been noted to have been going on.

Ms. Allan: I've already explained this to the member yesterday, that The Employment Services Act, which was an act that was in place the whole time that the member was in government, right? That piece of legislation had not been reviewed for 20 years, and I already explained—I don't know why you think that I knew about all of this from 2003 or 2004—that we determined, when we found out what was happening at Maple Leaf—we found out that what was happening was workers were coming to Manitoba and they were getting, basically, charged outrageous fees by a recruitment agency in B.C. That's when I became aware of it, from a policy perspective, that this was a very, very serious problem that was getting out of hand.

We weren't sure how we were going to get at this, but the original act, which has completely and totally been replaced by The Worker Recruitment and Protection Act—the act before it did not have the legislative teeth to provide us with the ability to prosecute or do anything. There were fines in it, and that was it. The maximum fine was \$25.

Mr. Chairperson: Honourable Member for Morris.

Mrs. Taillieu: Thank you, Mr. Chair. I wasn't sure if the minister had finished the response.

Is the minister saying, then, that there was no recourse against fees charged before the enactment of The Worker Protection Act?

Ms. Allan: It was a complaint-driven process because we did not know who the workers were, because the whole area of temporary foreign workers was unregulated. So it was a complaint-driven process, and, if they complained, we would forward those complaints to Service Canada, because that's who was regulating recruiters at the time. CSIC, the Canadian Society of Immigration Consultants, was the regulatory body that was in charge of regulating recruiters.

Mrs. Taillieu: Were these recruiters charging fees for jobs?

Ms. Allan: I'm sorry, I didn't hear the question.

Mrs. Taillieu: Were these recruiters charging fees for jobs?

Ms. Allan: What recruiters?

Mrs. Taillieu: The recruiters that you were speaking about from British Columbia.

Ms. Allan: Yes, that is the recruitment agency in B.C. that I spoke about yesterday that charged the workers \$10,000 for the privilege of cutting meat at Maple Leaf.

Mrs. Taillieu: In the province of Manitoba, was there any illegal activity going on with the recruiters that were recruiting foreign workers?

Ms. Allan: Well, maybe, this would be helpful. I'll just go back to the Maple Leaf situation for a minute here, and this might be helpful for the MLA. The reason that we did not know about what was happening at Maple Leaf until they got here was because temporary foreign workers come to Manitoba—before the legislation was passed, right? The temporary foreign workers came to Manitoba through a federal process. It's completely and totally a temporary foreign worker application process. It's called the temporary foreign worker seasonal programs. So we didn't even know that they were here until they got here, because they don't come through our provincial stream, they're not provincial nominees, they're temporary foreign workers. So, then, when they got here, and the employer didn't know either that the recruitment agency in B.C. had charged the workers the \$10,000. So we didn't know. Maple Leaf didn't know until they got here.

Now what will happen, as of the 1st of April, is every temporary foreign worker that comes to Manitoba has to come through our process. The employer will be registered with our department, the recruitment agency will be licensed by our

department, and we will know every worker because we will have the information from our registration, and we will know exactly who is coming to Manitoba. So now we have a regulatory and legislative framework to know who these individuals are, and who the employers are, and we have actually set up an investigation unit in the Employment Standards branch because we want to ensure that those workers, when they come here—and it's not just about the recruitment fees, either—it's making sure that when they come here, they're paid what they're supposed to be paid. Because we knew, and everybody in the country knew, what was going on: it's called bait and switch. You take these vulnerable people from other countries and other jurisdictions, and you tell them you've got this wonderful job for them. Then, when they get here, the job sometimes disappears and so does the salary that was promised.

There were many conversations with the federal government about this problem. It was basically the federal government's problem, and they did not know how to fix it because the mechanism for fixing it is provincial legislation. So they didn't have the authority to provide the basic minimum labour rights for people in provincial jurisdictions because they had no legislative framework. So what's been created here is pretty remarkable, and it's been lauded and is being lauded by politicians and bureaucrats all across the country.

There's no smoking gun here. I don't know what the MLA is looking for in regard to trying to find out what we did wrong here. We have done nothing wrong.

What we have done is fixed a problem that has gone on in this province and in this country in every jurisdiction in Canada for years. People have known about it, anecdotal stories about people being treated like second-class slaves and we're fixing the system in partnership with our federal government.

So I don't know what the MLA is trying to figure out about why we didn't fix this sooner or what we did wrong. I'm sorry, I'm really just not understanding what you're looking for. I would love to provide it to you if I could figure it out.

* (10:40)

Mrs. Taillieu: I think what we're looking at here is we find that the employer application process was suspended very abruptly. There were a number of years in which the department knew that there was illegal activity going on, at least in some form, and

we're just simply trying to find out why it wouldn't have been addressed sooner. She speaks about protecting workers, but there could have been better protection if this had been done sooner.

So we're just trying to figure out what led to this abrupt suspension. If, in fact, there was illegal activity going on, why were the people that were doing the illegal activity not charged? Can certainly understand changing the legislation on a go-forward basis, but if there was illegal activity going on, you would think that charges would be brought against those people that were doing the misconduct because—or is the minister trying to indicate that all employers who were using the process or recruiters were involved in something that wasn't right here? I don't understand the reluctance to just answer the questions.

Ms. Allan: Well, there's no reluctance in answering the questions. I've answered every one of the member's questions. This question is the same. I keep answering it to the best of my ability in whatever way I can to provide the MLA with the answer. So I'm going to answer it again in regard to why what we did prior to the legislation.

I just told the MLA what we did and I'm going to explain it to the MLA again. If we determined that there was wrongdoing, and we have many wonderful employers in the province of Manitoba, lots of great employers that do incredible work. One of them I referenced yesterday, the gentleman I met the other night from Bison Transport who brings in truckers. He is awesome, provides training at his trucking company. He is awesome and we have many of those employers here in Manitoba. But if we identified something we thought was a wrongdoing, we would refer it to CSIC because that was the body that was created by the federal government to regulate recruiters.

Mrs. Taillieu: Does the minister know how many recruiters in Manitoba would have been engaged in illegal activity?

Ms. Allan: No.

Mrs. Taillieu: Were there any allegations of misconduct within the Department of Immigration?

Ms. Allan: If there were any allegations in the Department of Immigration in regard to anything that would have been a concern, we would refer that to the deputy minister and the deputy minister would follow the civil service processes and would investigate.

Mrs. Taillieu: Have there been any investigations in the Department of Immigration?

Ms. Allan: How is this in scope with Estimates? I'm really struggling here. I'm really wondering what fishing expedition this is. I'm really trying to figure out how this relates to my budget. I'm very curious, what line item? Let's have some information here about what line item in the budget this relates to.

Point of Order

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

Mr. Lamoureux: On a point of order, just so that—I don't believe the Member for Morris is obligated to provide a line reference in that she's already provided a line reference earlier and, you know, the minister can choose whether or not she wants to answer the question.

Mr. Chairperson: The honourable Member for Morris, on the same point or order.

Mrs. Taillieu: I think there is reference to the global Estimates with the amount of dollars that are spent through Immigration Department which come from the taxpayers of Manitoba, and there is an obligation to look at how the tax dollars are spent, and I'm simply asking about anything that's going on in the department which will reflect on how the money is distributed through the department.

I think Manitobans have a right to know because we're not talking about monies owned by this government. We're talking about money that belongs to the people, the hardworking people of this province.

Mr. Chairperson: Seeing no other comments on the point of order, I appreciate the perspective raised. Once again, global does not mean policy, and a question related to investigations into a department, I think, is falling outside of the scope of Estimates. If questions can be phrased that do point to a line item which would then lead to an investigation-related question, then that could certainly be considered valid. There's nothing wrong with asking the question, but there's also nothing wrong with the minister deciding that it falls outside of the purview.

In this instance, I'm inclined to rule that it's not a point of order, that this does fall within the minister's latitude to decide not to answer a question which does fall outside of the scope of the Estimates process.

I'm sorry, I lost track of who had raised the point of order. The point of order was raised by the Member for Inkster (Mr. Lamoureux), and it was just reaffirming, if I heard it correctly, that ministerial latitude does exist. I am agreeing with the point of order in that context, so thank you for that, and hopefully, my additional ramble helped rather than added to the confusion.

Ms. Allan: I never said I would not answer questions. I never said that. I said, in regard to this question, I would like to know, because there was a ruling at this table, and there was a ruling that said if you were going to ask these kinds of questions, you had to refer to your Estimates book and you had to refer to the line item in the budget, in my budget book.

So I never said I wouldn't answer the question. I said I wanted to know where it was referenced in my Estimates. I have to make the link with this question to the budget book, and that's all I asked. I said, how does this relate to my Estimates.

*(10:50)

Mrs. Taillieu: I will draw the member's attention to page 51, under objectives of immigration: To facilitate the settlement and integration of immigrants and refugees in Manitoba. So, globally, we're talking about how the process works and how people are brought in, how they're settled. All of that relates to what the Department of Immigration does.

So, asking questions about the workings within the department is certainly relevant, and I'm going to ask again. What investigations have been done in the Department of Immigration?

Mr. Chairperson: I thank the member for that clarification.

Ms. Allan: Investigations in regard to what?

Mrs. Taillieu: The original question was: Were there any allegations of misconduct in the department? The minister responded by saying, if there was, that would be dealt with in an investigative process. So I now ask the question: Have there been any investigations done?

Ms. Allan: There was an investigation done in 2007. I'm informed by my officials that I cannot give you the name because I'm not allowed to. It's a confidential human resource issue. But there was an investigation done by the department, because there

were allegations brought forward to departmental officials, and so the deputy minister handled the investigation. He was referred to the Civil Service Commission, so that it was investigated independent of the department, and they found no evidence to support the allegation.

Mrs. Taillieu: What was the allegation?

Ms. Allan: There was an allegation that an individual in the Immigration branch was approving applications and was receiving financial benefit. It was investigated by the Civil Service Commission, and there was no evidence.

Mrs. Taillieu: Is the investigation complete? What was the outcome of the investigation?

Ms. Allan: Yes, the investigation is complete, and the result of the investigation was what I just told you. There was no evidence to support the allegations. That was the result of the investigation.

Mrs. Taillieu: Is the minister satisfied then that this type of allegation could not happen then within the department?

Ms. Allan: Well, people can make allegations. I can't prevent anybody from making an allegation in my department. If they make an allegation about something that is going on in my department that is not—that I would be concerned about, we would make sure that it was investigated and we would follow the proper procedure with the Civil Service Commission, and it would be investigated independent of the department.

Mrs. Taillieu: Was there one or was there more than one individual involved in this, that was investigated?

Ms. Allan: There was one individual.

Mrs. Taillieu: Is that individual still employed within the department?

Ms. Allan: That individual has retired.

Mr. Lamoureux: Madam Minister, I'm sure that you're aware that one of the biggest concerns, from the public perspective, anyone going through the program, is the issue of preferential treatment. Can the minister just highlight what's in place to ensure that there is no preferential treatment. It's more of a perception and, I think, as elected officials, we all have a responsibility to emphasize how important it is that there is no preferential treatment within the Provincial Nominee Program. So can she just

highlight what's in place to ensure that that is, in fact, the case?

Ms. Allan: Yes, I'm more than happy to tell the Member for Inkster that is a priority area for us in regard to making sure our program is accountable and it is transparent, and that there is no interference whatsoever in regard to applications that are processed. All decisions are reviewed by two different officers, project officers, in the department, and then they are approved by a manager. If there was a concern raised, there is a process in place to review the application. That review is done by more than one person to make sure that the process is transparent and accountable.

Mr. Lamoureux: Then, when a decision is ultimately made, can she highlight, again, the issue of the appeal. You have, I think, it's 30 days to have an appeal and, again, just asking her to emphasize the appeal process.

Ms. Allan: Well, the appeal process is 60 days not 30. The individual that is making the appeal, first of all, has to demonstrate that there was a problem. We have to identify that there was a problem, first of all, with the application process, because we don't want to be spending all of our time reviewing files and not processing applications. It's reviewed by the director and signed off by the assistant deputy minister.

Mr. Lamoureux: Finally, the minister would be aware that the federal Minister of Immigration issues a great deal of ministerial permits. Whenever I'm approached on that particular issue and, again, I'm going from my understanding, is that the Minister of Labour and Immigration in the province in no way authorizes, in any fashion whatsoever, an approval of a nominee certificate. Again, it's just more so to provide that level of comfort in knowing that there is no ministerial involvement or departmental involvement in the approval of an applicant.

Ms. Allan: That is correct. The Minister of Labour and Immigration in the province of Manitoba has no legislative authority in regard to processing applications or signing off on applications, and I wouldn't want it.

Mrs. Taillieu: Can the minister indicate how much out-of-province travel—what is the out-of-province travel budget for the Department of Immigration?

Ms. Allan: Well, we're trying to figure out the total department, but most of it is done by Immigration, as you can well imagine. It's \$140,000.

* (11:00)

Mrs. Taillieu: Just for clarification, was that total department out-of-province travel?

Ms. Allan: This is the Immigration travel, and we think it's probably about 95 percent of the travel that is done. There might be some—there's a little bit of other travel, like, for instance, the deputy minister goes to CAALL meetings, which is twice a year he attends meetings that are the administrative body for all of the deputy ministers of Labour. The FPT meetings on Immigration, the FPT meetings on Labour, so there might be maybe another—I don't know—\$10,000, but we can get that figure. If the member wants it, we can get it for her.

Mrs. Taillieu: I appreciate that. Is that, what the minister has, is that a spreadsheet of travel expenses, perhaps?

Ms. Allan: For the Department of Immigration.

Mrs. Taillieu: Is it possible to have a copy?

Ms. Allan: We gave it to you last year, and we'd be more than happy to give it to you this year as well.

Mrs. Taillieu: When you talk about out-of-province travel, that also includes, like, out-of-country travel, or is that a separate expenditure?

Ms. Allan: No, it's all in one envelope.

Mrs. Taillieu: I noticed this year, on page 56, that there's reduced out-of-province travel over last year, and that's in Immigration. So does that indicate that there's less—what does that actually mean, in terms of recruiting people into the PNP program?

Mr. Chair, it's actually on—right at the top of the page, second line, it just talks about a reduction, out-of-province travel.

Ms. Allan: The decrease in the travel budget won't affect—we're not concerned that it will affect our ability to still deliver our Immigration program and our strategy.

Mrs. Taillieu: I'm going to give the minister an opportunity to talk about her trip to Iceland. I want to ask her about her trip to Iceland, and if she could provide the details of the cost of that trip, who accompanied her and did she receive any gifts while she was there?

Ms. Allan: The trip to Iceland, on the trip was myself, Ben Rempel, the assistant deputy minister of Immigration, and Benjamin Amoyaw. Benjamin Amoyaw is a policy analyst from Immigration who's

from Ghana and has a master's degree from Norway and speaks the language and was probably the only black person in Iceland when we were there. He was responsible for helping us draft the agreement.

We also took with us the mayor of Gimli, Tammy Axelson. The meetings we had were with Minister Jóhannesdóttir, who is the Minister of Labour and her officials from the Labour directorate in Iceland. We also met with the Canadian High Commissioner from Iceland. We also met with—oh, the Consul General Ásmundsson from here met us over there. The whole trip cost—we're getting a total cost.

I did receive a gift when I was there. I received a book of Icelandic quotes and, I guess it would be called a blanket, made out of sheep's wool.

Mrs. Taillieu: Has the minister had any other out-of-province travel in the last year?

Ms. Allan: Yes. I went to Ottawa for an Immigration FPT. I went to Alberta for a Labour FPT. That was it.

Mrs. Taillieu: Could you just explain what FPT is?

Ms. Allan: They are federal-provincial-territorial meetings, so they're meetings that are held with the federal minister and then it's all of the ministers responsible for Labour. If it was Labour meeting, it would be the federal Minister of Labour and then all of the ministers of Labour from all of the jurisdictions in Canada. So the host of the FPT meeting, the Labour FPT meeting, was Rona Ambrose and the host of the Immigration meeting when we were there was Diane Finley.

Mrs. Taillieu: Can the minister provide details on who accompanied her on the trips and just the details of the costs of these trips?

Ms. Allan: The deputy minister and the assistant deputy minister of Immigration were on the trip with me to Ottawa, and the deputy minister of Labour was on the trip with me to the meeting in Alberta.

Mrs. Taillieu: Is the minister accompanied by anybody else that would not be part of her department or, in fact, part of government?

Ms. Allan: Yes. When I went to Alberta, my husband came with me.

The total cost of the Iceland trip was \$13,200 for all four individuals.

Mrs. Taillieu: Are there any costs incurred by the Department of Labour and Immigration to offset travel expenses in any other department in the government?

Ms. Allan: No.

* (11:10)

Mrs. Taillieu: The delegation of the premiers that went to China, there was nobody from Labour and Immigration that went on that trip?

Ms. Allan: No, it was a trade delegation.

Mrs. Taillieu: Okay, thanks for that.

Does the minister receive gifts from time to time that are of a significant value that would be needed to be declared in—what do you call that?

An Honourable Member: It's okay. I'll just say no.

Mr. Chairperson: The honourable minister.

Ms. Allan: No.

Mrs. Taillieu: Darn.

Ms. Allan: No, you don't want to be the Labour Minister if you ever get in government.

Mrs. Taillieu: I have a number of smaller, just sort of—I'm going to be jumping around a little bit here because these have been questions that have been provided to me from various people in communities asking questions.

Okay, I'd like to ask a question. We just had the National Day of Mourning, SAFE Workers of Tomorrow Leaders' Walk last week. I was a part of that and understand the significance and the need to recognize those who have perished in the workplace or have been injured.

But, Mr. Chair, I wanted to ask about the—it's either a five- or six-page advertising special that appeared in the *Free Press* and I'm wondering who would have paid for that.

Ms. Allan: That was developed and paid for by the WCB.

Mrs. Taillieu: Was this done last year to the same extent?

Ms. Allan: That was the first time it had been done.

Mrs. Taillieu: I'm not sure if the minister will know this, but I'm just wondering, if she does know, what the cost of that would have been.

Ms. Allan: Thirty thousand dollars.

Mrs. Taillieu: Again, I'm not sure if the minister will know this one, but was this campaign done in any other newspapers in the province?

Ms. Allan: No.

Mrs. Taillieu: Would the minister know if this was a—because it was a National Day of Mourning—a national ad that would have run across the country?

Ms. Allan: No, it was an insert that was done by the WCB to promote health and safety and worker safety. I didn't even know it was being done.

Mr. Lamoureux: Madam Minister, I know that you're aware, at least I believe most MLAs are aware, that dealing with Workers Compensation, that there's a fellow by the name of Mr. Budde that is on the steps of the Legislature. I want to know if you've had the opportunity as the minister to have discussions with him, or if you might want to provide comment.

Ms. Allan: I'm sorry, I'm not allowed to discuss individual cases. I am the minister responsible for the administration of the act, but I'm not allowed to have any discussions with WCB claimants.

I say hello to Mr. Budde when I walk in the building, but I have never had a conversation with him about his individual case. I really think that that's important, because it's important that those decisions are made at the board, and there's a process in place to make those kinds of decisions.

It's exactly the same as the applications for immigration. It has to be transparent and accountable. So I have had very limited discussions with him.

Mr. Lamoureux: Generally speaking, if the minister is approached by an individual dealing with Workers Compensation, is it safe to say that they would be referred—I think, it's Gary Alexander, would that be correct?

Ms. Allan: Yes, Gary Alexander is the individual in my office that does WCB casework, and he manages all of that. If people raise concerns, they are referred to Gary Alexander.

Mr. Lamoureux: Mr. Chairperson, I'm sure the minister has already said this on the record before, but just for confirmation, is it the minister's office that would pay Mr. Alexander's wage or Workers Compensation?

Ms. Allan: He is a staff person that is on staff with WCB. The reason he's in the Legislature and in the

office is because of the fact that so many people that come to the building, and come to my office because they want to speak to the Minister responsible for the Workers Compensation Board. So it's important that he's here so that he can have an opportunity to speak with those individuals. Quite often, they don't want to go the WCB. They want to go outside of the WCB. I can tell you that Gary Alexander has had many, many, many conversations with Mr. Budde.

Mr. Lamoureux: Does Mr. Alexander report summaries, at all, as to how many individuals he would be meeting with? Is there a way in which the minister can indicate if there are more people that are going to Mr. Alexander, or is it a diminishing number of individuals? Is any sort of tracking done in regard to that?

Ms. Allan: Actually, Gary Alexander works directly with David Scott at the WCB, who—and I may not get his title right, but it will be close—he's the VP for, kind of, like, client services. He works directly with David, because a lot of these cases are very, very difficult. They keep track of individuals and the number of difficult cases that they're dealing with and he's in direct communication with Mr. Scott at WCB every week.

Mr. Lamoureux: My final question on it would be, if it is possible to get from Mr. Alexander just even a one-page or just an assessment, from his perspective, as to the numbers. I think that there would be some value if could be tied for one or two years. As of now, for example, I'd be guesstimating if it's five people a year, or if it's 300 people a year. We really don't have too much of a sense and it would be, I think, of some value to have a sense whether or not where it's at with regard to Mr. Alexander. Thank you, Mr. Chair.

Mrs. Taillieu: Mr. Chair, I just wanted to ask one more question in regard to the National Day of Mourning informational spread that was in the *Free Press*. I wonder if the minister can indicate if that was at the request of the minister or Cabinet.

Ms. Allan: No, actually, I didn't even know it was being done. I signed off on my message in November, and I was just asked for a message, and signed off on it. And when I was drinking coffee that morning and opened the newspaper, I was pleasantly surprised.

* (11:20)

Mrs. Taillieu: I'm referring now on page 64 of the Estimates book, and I'm just seeking clarification on note No. 3 where it says seven regular FTEs were established as a result of the transfer of positions from the Manitoba Development Corporation. What is that referring to?

Ms. Allan: I think I can explain this. There is a program called the Provincial Nominee Program. It's a business program. It's called the PNPB and it's in the Department of Competitiveness, Training and Trade. So this program is a business program and the money from the program, they actually make interest from it. There were actually staff people that worked in this. This was the structure over there. There was a Manitoba Development Corporation and they worked on these cases and we realized that there was some crossover with our department.

We actually, at one point, looked at whether or not it would be possible to put them together. We were trying to figure that out, but when we looked at that in 2007, we determined there were seven people there that could transfer into our department and help us with immigration work. So they came over from that department. They came over from there, from CTT.

Mrs. Taillieu: Okay. I'm just seeking clarification on what the Manitoba Development Corporation is and what they do.

Ms. Allan: We can get the member more information about it, but it's actually governed by an act, The Development Corporation Act, and it's the body. There is a board of directors and a chairperson and it is actually the body that does the PNP business program. That's where it started.

Mrs. Taillieu: Okay, so this was in CTT and now it's transferred to Department of Labour or have I got that wrong?

Ms. Allan: No. It's still in the Department of CTT. It's just that we needed staffpeople in our department to come over and work in our department, and these seven FTEs were transferred to our department to do immigration work.

Mrs. Taillieu: On note 4, it said, \$820,000 was transferred from employee pensions and other costs reflecting allocation of employers' share of current service contributions—pension liability—to various salary and employee subappropriations. Can you explain what that means?

Ms. Allan: This is the whole issue around the unfunded pension liability we discovered that we had when we got elected in 1999. Minister Selinger references it a lot in question period from time to time. He talks about the fact that we realized if we continued without making any payments to the pension plan, there would be a deficit of \$3 billion. So every department is responsible for making those payments into the pension fund so that when civil servants retire, there is actually money there for them to retire with—and they're all smiling at me and very happy we've done this.

Mrs. Taillieu: Speaking about pensions, I note, on the office of the Superintendent, Pension Commission, on page 33, there are 400 pension plans registered under the act.

I guess I'll just ask the global question as to if the minister is satisfied the pensions are secure for people that are going to retire this year and years in the future, or is there a shortfall at all, or is there a fear of that being the case?

Ms. Allan: Well, there's absolutely no question it is a nerve-wracking time for investors and for pension plans because of the economic downturn, and you know, it's something we've been concerned about. It's one reason we announced in the Throne Speech that we would be making a reg change in regard to the amortization and solvency issues around pensions. So it's something we're watching very very closely, and the good news, I guess, is the news in the paper in the last couple of weeks that the stock markets seem to be rebounding and there may be some relief in sight, but it's certainly something we're watching very closely as we move through this economic downturn.

Mrs. Taillieu: I'm just trying to get the minister's press release so I get the wording right, and I think it was allowing an extension of the time frame from five to 10 years. I am wondering if the minister is confident that if payments are put off 'til the future, that that is a prudent thing to do in light of the fact that if interest rates go up, it could mean a significant hit into the future?

Ms. Allan: It's actually a kind of a balance because what we're trying to do here is make sure employers don't become vulnerable financially because of the payments they have to make into the pension plans, but at the same time, we want to make sure those pension plans are solid, and that they're there, and we meet our commitments around the pension promise, for life.

So it's a balancing act, but what we did in regard to the regulation is not unusual. Actually, the first jurisdiction in Canada to do it, I believe, was the federal government, and we followed the federal government's lead on that. I believe we were the second jurisdiction in.

* (11:30)

Mrs. Taillieu: Is there a requirement for an annual evaluation?

Ms. Allan: These plans are—they do evaluations every three years.

Mrs. Taillieu: If the asset liability ratio falls below 90 percent, does it have to be evaluation done yearly?

Ms. Allan: If the solvency rate is less than 90 percent, it has to be looked at. Based on the evaluation results that we had in 2007, 71 percent of Manitoba's defined benefit pensions had a degree of solvency greater than 90 percent, and so 29 percent were below 90 percent. So a plan with a ratio of less than 0.9 is generally considered by regulators to be at risk, but it should be noted that these results predate the events of this fall. So we are watching some of those plans very, very closely.

Mrs. Taillieu: The way this has kind of been explained to me is if you remortgage your house so that you have to do less payments every month, but you take it over a longer period of time, that's how someone sort of explained it to me. So the risk is, I guess, over a longer period of time if the interest rates go up in the future it's going to be more costly to employers and employees, and I'm just wondering what assurances, if that's been taken into consideration and if we're not in fact maybe pushing today's problem just into the future.

Ms. Allan: Well, we believe that we did the right thing for employers because the employers needed the opportunity to do that smoothing over 10 years if they were required to do it. I mean, we didn't want to be in a situation where an employer had to go bankrupt because of the simple fact that they had an issue with their pension plan. So this will help them, and I think it's better than having that employer go bankrupt.

Mrs. Taillieu: Mr. Chair, I have a specific question regarding Workers Compensation coverage, and the concern is that a contractor, a private contractor who hires another private contractor as a sub, whose

responsibility is it to ensure the coverage under Workers Compensation?

Ms. Allan: We're way beyond our depth here in regard to WCB questions. Those are best for the Crown Corps committee. I am just the minister responsible for the act and in regard to those kinds of questions. But if you have someone that has a concern about those questions, there are people at the board, as you know, who are terrific, and we could put them in touch with them directly.

Mrs. Taillieu: Yes, that has been done. I think, as I understand the nature of this, there is a provision in legislation that—okay, let me get this clear here. I think there's a provision in legislation that if a home-owner, for example, were the contractor, that they would be required to ensure that the people working for them had Workers Compensation coverage, but it is not being enforced. Again, I'm wondering if this can be addressed.

Ms. Allan: We would like you to actually send that to us in writing and we'll try to sort it out. We're not really WCB.

Mrs. Taillieu: Thank you. I have directed the person who has brought this to my attention both to Workers Compensation and to the minister's office, for clarification. It's his belief that there is legislation there, but it's not being enforced, and it's something that's falling through the cracks as to who ensures the WCB coverage in specific cases with independent contractors. But that person has been referred.

There was another question. This is in regard to labour laws. If a person—regular work hours are five days a week, eight hours a day, and a person is sick on one of those days and then required to work Saturday, is that considered overtime? Or because he didn't really work, he was sick one day, is that not overtime? I guess the question is, are sick time and vacation pay included as regular hours of work?

Ms. Allan: Well, in regard to the Employment Standards Code, if the person was sick, that would be unpaid leave, so they would not get paid for that day, and we believe that if they worked on the Saturday, above and beyond the 40 hours, that would be overtime. We'll definitely double-check that. The Employment Standards god is not with us today.

* (11:40)

Mrs. Taillieu: On page 66, there is a five-year expenditure history of the Department of Labour and Immigration, and it's actually, I think, one of the only

departments this year that received an increase in funding, but I note over the last five years there's been a fairly steady increase. I'm wondering what that increase is attributable to.

Ms. Allan: Most of the increase in funding that we get is funding from the federal government, actually, for our immigration and settlement services. Our funding has actually increased substantially over the last five years, Mr. Chairperson. Since I've become minister, it's actually increased approximately from about 9 million to about 27 million.

Mrs. Taillieu: I'm not sure, but I think this is different from last year. The office of the Fire Commissioner is actually included in the Estimates this year—or was it included the same way last year?

Ms. Allan: I know it's always been in the book. It's actually a different beast, as well. It's a special operating agency—it's called an SOA—so it's independent of us, but we are required to put it in.

Mrs. Taillieu: Because it is a different beast, as the minister calls it, but is part of the Department of Labour and Immigration, and ultimately under the act, under the policy direction of the minister, I'm wondering why the office of the Fire Commissioner has never been, like other operating agencies, brought to the table like WCB or one of the Crown corporations. Is it a possibility to do that?

Ms. Allan: Well, it's not a Crown corporation, so I don't know what committee it would go to, other than this one.

It's actually governed by an act called the special operating authorities act and it was actually set up by the previous government. The Estimates and the expenditures of the office of the Fire Commissioner are the same as any other department. It goes through Treasury Board. We could get you a copy of the act if you would like.

Mrs. Taillieu: Sure, anything you can provide is great. I appreciate it.

I believe that the office of the Fire Commissioner derives its revenue from Fire Prevention Fund levy and that, as I understand it is—correct me if I'm wrong—but I understand that to be monies—a percentage is taken from fire insurance on home-owners.

Ms. Allan: We actually have the answer for you on the sick day issue. If it is a paid sick day, then the Saturday would be considered overtime. If it is an

unpaid sick day, then the Saturday would not be considered overtime.

Mrs. Taillieu: I'm sure, in that instance, it would be the same for a vacation day with pay or a day off without pay.

Ms. Allan: Yes.

Mrs. Taillieu: Then back to how the office of the Fire Commissioner is funded through the Fires Prevention Fund Levy. Could you just explain what the Fires Prevention Fund Levy is.

Ms. Allan: It's actually outlined on page 77 of the Estimates book. It shows you the levy, and that's one way that it's funded, and then there's also permit revenue on the next page and some interest revenue, as well, and then tuition and contract revenue. The tuition relates to the Brandon fire college, the Emergency Services College in Brandon.

Mrs. Taillieu: Again, this is a special operating agency, but who are they accountable to?

Ms. Allan: They're accountable to the deputy minister and the minister.

Mrs. Taillieu: Has the mandate of the office of the Fire Commissioner changed at all over time?

Ms. Allan: Actually, the work of the office of the Fire Commissioner has expanded over the years, particularly, certainly, even since I first became minister. It's not so much just about fire and safety. They've been very, very involved in a national initiative on chemical, biological, radiological, nuclear and explosive responses. They've actually got the most advanced urban search and rescue team of any jurisdiction in Canada. They're much more involved now in ground searches and those kinds of tragedies and catastrophes. They're very hands-on and much more focussed in regard to that kind of work. They've also developed this very technical ability to use satellite for remote searches. They're getting quite advanced, our office of the Fire Commissioner.

I believe that Doug Popowich, the Fire Commissioner, has been recognized for the work that he has done, and he just received an award.

Mrs. Taillieu: I did note that, as well, that the fire chief had been recognized in that way. I do understand that the office of the Fire Commissioner has taken on other duties, and I think that that is laudable.

But I'm wondering if this has, at all, detracted from their original mandate to provide advice, training and mentorship to smaller fire departments and, maybe, in particular, rural volunteer fire departments.

* (11:50)

Ms. Allan: No, that's actually something that is still very, very important to the office of the Fire Commissioner. There's a mutual aid district or a mutual aid system and the deputy minister was actually just at a meeting last week in regard to the whole issue around providing supports to municipalities and training and all that stuff, all that great stuff.

Mrs. Taillieu: Has there been an expansion then in the number of employees in the office of the Fire Commissioner?

Ms. Allan: They increased by one this year.

Mrs. Taillieu: Was this person hired by a competition?

Ms. Allan: We're pretty sure it was done through a competition, so, if it wasn't, we will definitely let you know, but we're pretty sure it was done through a competition.

Mrs. Taillieu: Would that be the standard way in which people are hired into the office of the Fire Commissioner, through competition? Or is there any time that someone would be appointed in that department?

Ms. Allan: The same rules apply to the OFC as apply to the rest of my department in regard to the civil service requirements for hirings.

Mrs. Taillieu: Can the minister indicate what reports would be coming to the minister's office from the office of the Fire Commissioner?

Ms. Allan: I get an annual report, and I table it in the House, and we get their business plan every year.

Mrs. Taillieu: Just from the Web site, I noticed that the office of the Fire Commissioner does investigations to determine the cause and origin of fires in the province. Is that something that they put into a report and report to the minister on?

Ms. Allan: On page 9 of the annual report, it lists the details in regard to the provincial fire statistics.

Mrs. Taillieu: I know that there seemed to have been a lot of fires lately. Those would probably mostly be residential fires but some commercial

fires. I'm wondering, when there is a fire, I'm sure that there is a report generated from those fires and probably, if there's investigation in any of these fires, that there would be reports. I'm wondering if any of these reports are provided to the minister or if she has an interest in knowing what the reports hold?

Ms. Allan: No. The information in regard to the fires is not provided directly to my office.

Mrs. Taillieu: Does the minister know then what happens to the reports?

Ms. Allan: In 2007 there were 469 fires; that was actually down from 2006. The fires that we would be concerned about, in the minister's office, would be anything that relates to arson. Obviously the deputy minister would be aware of those kinds of issues, particularly if we have to refer issues like that to the RCMP or the police. To look at the results of every investigation of every fire in Manitoba would certainly be something that we have the confidence level in the office of the Fire Commissioner and the senior management team—that they would make us aware of anything that they felt was of a concern to them that we might need to know.

Mrs. Taillieu: As I understand it, the mandate of the office of the Fire Commissioner would be to investigate any and all fires that would occur and do a report on those fires. If there was anything arising from the report that would suggest that it needed to be referred to RCMP or police officers, that would happen?

Ms. Allan: Yes, I think that's what I just said.

Mrs. Taillieu: If there would be recommendations coming out of a report, who would those recommendations be submitted to, and who would be responsible for ensuring that those recommendations were followed, adhered to and enacted?

Ms. Allan: The perfect example of a fire that was investigated by the office of the Fire Commissioner, because not all fires are investigated, not all of them are, is the serious fire in St. Boniface that killed two fire captains. What happened there was that the report was given to the City of Winnipeg, because they were responsible for the—it was the Winnipeg Fire Service that attended to the fire.

Mrs. Taillieu: I understand that that tragic fire—there were a couple of people who lost their lives and a couple of people who were seriously injured. I think that there was, I'm going from memory, but I think that there was some recommendations that came out

of that report. I think that there was a Workplace Safety and Health report.

Ms. Allan: Workplace Safety and Health were involved as well with the office of the Fire Commissioner. Those recommendations went to the City of Winnipeg.

There was a report with recommendations in it from the office of the Fire Commissioner that was given to the City of Winnipeg, Mr. Chairperson. Then the Workplace Safety and Health looked at some improvement orders, and they forwarded those to the City of Winnipeg as well.

Mrs. Taillieu: So just to complete the circle, then, is the City of Winnipeg responsible for ensuring the recommendations are followed up on and acted and put in place?

* (12:00)

Ms. Allan: Well, yes, the City of Winnipeg is responsible for complying with the recommendations and the office of the Fire Commissioner will follow up with the City of Winnipeg and also the Workplace Safety and Health division. The orders were around complying with the recommendations so they will follow up as well. They will be followed up on by both Workplace Safety and Health and by the office of the Fire Commissioner.

Mrs. Taillieu: Does the minister know if there was a time frame on those recommendations?

Ms. Allan: We don't have the report in front of us but we could certainly get that information.

Mrs. Taillieu: When you're able to provide that information, perhaps you could also indicate then how many of the recommendations have been complied with and how many are in progress?

Ms. Allan: Certainly.

Mrs. Taillieu: It's my belief—no, that's not correct. I have been told that there is a requirement now for more workplace safety and health officers within the fire department. Am I correct or not?

Ms. Allan: I'm not sure. I think what you might be referring to are the recommendations that were in the Workplace Safety and Health regulations in regard to firefighters who are attending a fire. We want to make sure that this kind of situation doesn't happen again where we lose two fire captains. It's important that when a firefighter goes into a burning building that there is someone else there in case that individual gets in trouble when they're inside a

burning building, so the firefighter doesn't go in alone. The firefighter goes in with someone else, so it's two in to make sure we get two out. It's a precaution, a Workplace Safety and Health precaution that we have implemented in regulation. These follow national requirements that were put in place as well.

Mrs. Taillieu: I was not aware of that so I'm not sure that answered my question or not, but I've been told that more Workplace Safety and Health people have been on duty within the fire department. I guess my question would be: If there are more workplace safety and health officers, are these people actually firefighters or are they other people?

Ms. Allan: We think what you're referring to is individuals that are hired in municipalities. They're hired by municipalities, not by the government. We're not exactly sure what you're talking about.

Mrs. Taillieu: I'm sort of unclear on that myself.

When a tragedy such as we're speaking about, when this occurs and there's a death, and I don't know how often that would ever happen, I don't know that there's been such a serious fire since that particular fire in St. Boniface, but would the Chief Medical Examiner be involved in that or is there an inquest in that or who does that?

Ms. Allan: All of the deaths in regard to fires are on page 9 with the provincial fire statistics of the office of the Fire Commissioner's annual report. When there is a situation where there is a death, that is reviewed by the Chief Medical Examiner and there's not always an inquest. That is a decision that is made by the Chief Medical Examiner.

Mr. Lamoureux: Just to change gears and talk about the office that was just recently opened, the Manitoba Fairness Commissioner's office. I'm wondering if the minister, because we did pass-I think the legislation was just last year in regard to the establishment of it, if she would provide comment as to what she expects to see out of that particular office.

Ms. Allan: Well, it's actually perfect timing to talk about what's happening over there because I had the opportunity at the Y distinction dinner the other night to sit with Ximena Munoz who is the Fairness Commissioner, and she was talking about the very first workshop that they had just had the day before with all of the regulators. They got together with the regulators and started talking about the expectations

that the office of the Fairness Commissioner has in regard to the work that is going to be done there.

As the member knows, the bulk of the work is going to be around making sure that there are practices in place that are transparent so that there aren't barriers put in place by the regulators so that newcomers can get their credentials recognized.

So it's going to be a lot of work because of the simple fact that each one of the professional associations, the regulators, they have different criteria in regard to what those credentials are, and Ximena is just so excited about the work that is going to be done. Obviously, we have kind of a model to build on because of the excellent working relationship that the department has with the engineers in APEGM. So it's going to be very, very exciting work.

Mr. Lamoureux: And then, from a public point of view, if they have an issue where they believe that there's a barrier in place to prevent them from using the skills that they've acquired from abroad, she would recommend that they would go to this particular office to get it addressed? Would that be the first place to go to?

Ms. Allan: Well, the Fairness Commissioner actually is going to work mostly with the regulators, and if there is someone who has a concern in regard to credential recognition that has come here, we would ask them to contact the Immigration branch, and we can sort out exactly—it would be good because if they've come here through the Provincial Nominee Program, for instance, it would just be really good to start with our branch so that we can just access the information that we have in the application and that's on file. Then we can figure out what to do with it from there.

* (12:10)

Mr. Lamoureux: What role would this office play if we have, for example, individuals that might have been nursing back in the Philippines as a registered nurse type, but their credentials are not necessarily being recognized? Would the fairness office or the commissioner deal with that sort of an issue? I'm talking from a complaints point of view, like, they have this issue, could they go to the commissioner or would she still recommend they would go to the immigration?

Ms. Allan: We would still suggest that individual get in touch with us. We actually have an individual in the immigration branch that deals specifically with

these kinds of issues and is knowledgeable and could be very helpful to that person. So I would suggest that individual get in touch with the immigration branch.

Mr. Lamoureux: A final question would be, I believe, and I could be wrong, but I recall that there is going to be an annual report that will come out of that particular office. If so, would the minister be able to give some sort of indication as to when an annual report, or the first annual report coming from that office, when we could possibly expect to see it?

Ms. Allan: The act was proclaimed in April and the office was just set up, so we probably won't have an annual report until probably next year, next April, and I'll table it in the House so it will be available publicly.

Mr. David Faurchou (Portage la Prairie): I have a question pertaining to Workers Compensation and the minister's responsibility for that entity.

As it currently stands, by correspondence received by a constituent of mine that had a significant Workers Compensation claim but has since retired, their proceeds from the Workers Compensation, once they turn 65, is no longer indexed. Now, this individual, of modest means, retired in July of 1995 and because, as we're all aware, there has been significant inflation in the past 13 years, the amount of monies that the Workers Compensation is providing this individual, in all intents and purposes, is not adequate any longer. While the Canada Pension Plan and persons that would be on federal disability, and upon entry into age 65 or age 60, when they start to receive it, is indexed. Their disability is rolled into the full Canada Pension Plan and, through that rollover, it continues to be indexed annually to the consumer price index.

I would like to ask the minister, this, the facts are and do remain as I described, and is the minister considerate of the fairness to all persons that have paid and contributed to Manitoba's prosperity through their working career, changing this policy to incorporate the impact of inflation on Workers Compensation claims?

Ms. Allan: It's not a policy, it's legislation. Any change like that would have to be done in legislation. So if the member would like to put that all in writing and send me a letter, I could certainly have that information in case we decide to do another review and do any more legislative changes to the act. We

just did a huge review of The Workers Compensation Act and I would certainly, if we were considering more legislation, consider that as a part of the legislative changes.

Mr. Faurchou: May I ask the minister, in this review, the particular situation confronting my constituent, was that revealed in the in-depth review that the minister refers to?

Ms. Allan: Well, the legislative changes that were made, were made. There was a review committee that looked at all of the legislative changes. They made 100 recommendations to me, and that was not included in the recommendations. So it's been like that prior to under your previous jurisdiction and mine.

Mr. Faurchou: I appreciate the minister's response. Indeed, let's not start pointing fingers at anybody here as to whose fault is it or—

Ms. Allan: I wasn't pointing fingers. I was just telling you that it just never came up.

Mr. Faurchou: Okay. Well, I appreciate the minister's comment, but I want to leave with the minister, and I will follow up the questions in committee of Estimates with correspondence, because I truly believe that persons that have worked there lifetime through in the betterment of our province and paid into Workers Compensation what was asked, and now to have their retirement years and their abilities eroded through inflation, I don't think is fair. I think it should be reviewed and considered for adjustment.

So I thank the minister for her time here this morning.

Mrs. Taillieu: We're prepared to proceed.

Mr. Chairperson: Seeing no further questions, we will now proceed to consideration of the resolutions relevant to this department.

Resolution 11.2: RESOLVED that there be granted to Her Majesty a sum not exceeding \$21,982,000 for Labour and Immigration, Labour Programs, for the fiscal year ending March 31, 2010.

Resolution agreed to.

Resolution 11.3: RESOLVED that there be granted to Her Majesty a sum not exceeding \$27,926,000 for Labour and Immigration, Immigration and Multiculturalism, for the fiscal year ending March 31, 2010.

Shall the resolution pass?

Mrs. Taillieu: Excuse me, Mr. Chair.

Mr. Chairperson: Oh, honourable Member for Morris, on a—

Mrs. Taillieu: Yes. Point of order.

Point of Order

Mr. Chairperson: Okay, on a point of order.

Mrs. Taillieu: Well, I know it's not going to be a point of order, but before the staff leave, I just wanted to thank them all for their work and being here for the Estimates process. So thanks, again.

Mr. Chairperson: The member is correct. It's not a point of order, but it is understood.

* * *

Mr. Chairperson: Resolution 11.3: RESOLVED that there be granted to Her Majesty a sum not exceeding \$27,926,000 for Labour and Immigration, Immigration and Multiculturalism, for the fiscal year ending March 31, 2010.

Resolution agreed to.

Resolution 11.4: RESOLVED that there be granted to Her Majesty a sum not exceeding \$642,000 for Labour and Immigration, Costs Related to Capital Assets, for the fiscal year ending March 31, 2010.

Resolution agreed to.

The last item to be considered for the Estimates of this department is item 11.1.(a) Minister's Salary, contained in Resolution 11.1.

The floor is now open for questions, if any.

Seeing none, we'll proceed with the resolution.

Resolution 11.1: RESOLVED that there be granted to Her Majesty a sum not exceeding \$829,000 for Labour and Immigration, Executive, for the fiscal year ending March 31, 2010.

Resolution agreed to.

What is the will of the committee?

Some Honourable Members: Committee rise.

Mr. Chairperson: The hour being 12:30, committee rise.

INTERGOVERNMENTAL AFFAIRS

*(10:00)

Madam Chairperson (Bonnie Korzeniowski): Will the Committee of Supply please come to order. This section of the Committee of Supply has been dealing with the Estimates of the Department of Intergovernmental Affairs.

The minister's staff, please enter the Chamber.

The floor is now open for questions.

Mr. Stuart Briese (Ste. Rose): Madam Chair, I'm going to go with a number of questions on EMO and disaster financial assistance. Can the minister provide an estimate on how much the government has spent to date on fighting this year's flood?

Hon. Steve Ashton (Minister of Intergovernmental Affairs): I can certainly identify some of the initial expenditures. I want to stress, by the way, that we're still very much in a flood situation in parts of the province. The flood waters are receding, but, certainly on the disaster financial assistance side, it's very early to have any indication of what we will be looking at in terms of damage claims. I can indicate that going into this year's flooding we did have a clear sense that there was an elevated flood risk, certainly, from the forecast and that was related to a number of factors: highest ever moisture levels going into freeze-up, the significant snowfall in a good part of the area and, particularly, the Red River Valley, and the fact that, as it turned out, we saw flood levels on many of the tributaries as well. So there were a significant number of factors that were there.

So we did increase, going into the flood season, a number of our capital acquisitions on the flood-fighting side. We procured approximately \$2.4-million worth of equipment going into the flood season this year, additional equipment. Just for the member's information, EMO is requesting spending authority in the amount of \$25 million under the spring flood DFA program as a preliminary number. Obviously, it's nothing that has been finalized, but that should give the member a bit of a sense of that.

I can certainly provide more details on some of the particular acquisitions. We certainly moved in a number of areas, which we think work quite well, and I can provide more details. Essentially, we allocated an additional \$2.4 million for the flood, and we're now allocating a nominal amount of \$25 million for disaster financial assistance. When I say nominal, that's not a limiting amount. You know,

we will assess claims on their merit, but that's the current ballpark estimate of the kind of range of damage we're looking at from this year's flooding.

*(10:10)

Mr. Briese: So is the minister at this time estimating \$25 million, or are you estimating more damage than that when you include personal property damage, business interruption and all the other aspects? The cost to the provincial government and federal government—are you estimating that there's \$25-million damage or more?

Mr. Ashton: That's the amount that we have allocated. It's important to note that Disaster Financial Assistance obviously doesn't cover all losses. There's also the cost-sharing elements as well, but this is the amount that would be seen as the initial estimate of damage. To put it in perspective, in 2006, the flood that hit the Red River Valley—a lesser flood than this flood, with no impact on homes because of the flood mitigation that's taken place since 1997—we had approximately \$13-million worth of damage, a fair amount of damage to municipal infrastructure.

So we're anticipating, certainly in the Red River Valley, amounts comparable to that, perhaps somewhat higher because of the higher flood water levels. Of course, we're also anticipating some significant claims north of Winnipeg. This is really the flood of the century for the five affected municipalities, particularly St. Clements and St. Andrews, and to some degree, Selkirk, so we're anticipating some damage there. So the overall amount of damage in the flood zone will be higher. This focusses in on what we are looking at potentially as Disaster Financial Assistance claims.

We're not including in this number some of the work that we will be doing on flood mitigation. We're already in discussion with the federal government, as the member knows, both in terms of a similar program to '97, targeted particularly north of Winnipeg and in terms of First Nations flood mitigation issues. I was just in Ottawa recently and I met with Minister Strahl, Minister Van Loan and Minister Toews as well, so there will be additional expenditures we are potentially looking at in terms of flood mitigation.

The amount I've listed is really the portion of the damage that would be coverable by the Disaster Financial Assistance program. That's our initial estimate.

Mr. Briese: I presume the claims have started to come in. I'm wondering what your anticipation is on number of claims and I'm wondering if you've hired any extra staff to deal with those claims, and I'm also wondering what your time frames may be. Have you got a kind of a goal on when you will have most of these claims handled?

Mr. Ashton: We have hired an additional 20 staff and we have about 75 active claims, but the key thing I want to stress is we're still in flood stage in many parts of the province. We're anticipating, too, particularly in the Red River Valley, that a significant amount of the claims will be related to municipal infrastructure because of the fact that homes are protected by ring dikes and we have not had significant impact at all in the valley in terms of homes. A lot of that damage will become clearer over the next few weeks as the flood waters recede and we're able to assess that.

This is probably going to be the key factor in this flood in the valley. There are more homes, more individual claims, obviously, north of Winnipeg because there were some homes that were impacted directly and a number which have sustained significant damage. So, in comparison to maybe some of the historic floods, I think you'll see a very heavy weighting here, particularly in the valley, on municipal infrastructure damage, particularly to roads. We won't, probably, see applications on that really for—well, well into the next month or two because it's going to take some time for the water levels to come down in order to get a good assessment.

Mr. Briese: I thank the minister for that answer.

On April 30, the Province announced that they were looking at supporting municipalities wishing to implement mandatory buyouts. Now, there's, I think, a couple of factors to that. I know some of the controversy, I think, will probably arise on the cottage properties that are on Crown land which, I understand, as being a second residence, are not eligible for disaster financial assistance.

How are you anticipating dealing with that situation?

Madam Chairperson: Just a reminder that the mike isn't turned on until you're recognized. We don't want to miss a word.

Mr. Ashton: I'm anxious to answer the question here, too anxious. Thank you very much.

Just on the buyouts, I think it's important to note that what we're looking at here is the success of the post-'97 program in the Red River Valley. I just want to stress the key components there, because this is also what we're looking at north of Winnipeg. First of all, there is the disaster financial assistance that is going to be available in the area affected, eligible homeowners, businesses and farmers. I want to stress there, by the way, that there will be many homeowners that will be eligible for disaster financial assistance but, obviously, if it's in a cottage area, I mean disaster financial assistance applies to an individual's principal residence, so there will be disaster financial assistance.

The second thing we're learning from the experience of the post-'97 program is in terms of flood mitigation, which is to determine where you can actually improve flood protection so as to prevent future flood damage. That was what was done in the valley and that's what we're going to be doing north of the valley. The third thing we're looking at is where that is not possible, we've had significant damage or repeated damage to homes, to look at the buyout option. There were buyouts in the valley. I think there were 63 or there was a physical anomaly program, economic anomaly program, and what it did result in, by the way, is either protecting homes or in exceptional cases, buying them out.

What we're looking at now north of Winnipeg is we have one municipality which has indicated that there's an area in this municipality that has been repeatedly flooded. We moved very quickly to indicate to them that we, with support in that area and if there are other municipal areas that are impacted, to move to a buyout largely because we don't want people to go through the uncertainty of waiting for months, deciding whether they rebuild or don't rebuild. We want to give them some certainty, and we're involved right now in direct discussions with that municipality. It's the R.M. of St. Clements on one specific road, and the basic principle there is homes that have been flooded or repeatedly flooded. We are working with the municipality.

They do have the power to expropriate as the member is aware, and certainly our preference would be, if it was done on a voluntary basis. We understand that they do have that ability to do it. We've indicated we will be there. We also raised this with the federal government. We do believe that this is consistent with what happened in the valley post '97 when we had a federal-provincial-municipal

agreement which is cost-shared. That's the situation we're dealing with directly.

The situation the member's talked about in terms of Breezy Point is significantly different. It's Crown land. It's directly under the jurisdiction of the Department of Conservation. There is a connection to the municipal side because the municipality provides emergency services. When it came to the evacuation of Breezy Point, the municipality was directly involved and continued to be involved during the flood in the direct provision of emergency services and first responders. So they do have an interest, though not direct jurisdiction.

I want to communicate that the Minister of Conservation (Mr. Struthers) is currently reviewing the situation in Breezy Point and anticipates having an announcement fairly soon. In Breezy Point, obviously, disaster financial assistance would not necessarily be applicable in most cases, because again, you're talking about seasonal residences. There are elements in the lease which is signed which also indicated that it is in a flood-prone area and that people aren't eligible for compensation. That having been said, we have certainly been approached by cottage owners and also homeowners, by the way, in the R.M. of St. Clements.

A lot of are people saying that they feel it would be important to have an option available for people to look at moving out of that flood-prone area. I can indicate that there will be a decision very soon on Breezy Point. We want the same principle applied. We hope people don't have to wait six months to a year to find out what's going on.

Regardless of the situation, people, whether it's their principal residence or a cottage, I just want to acknowledge it has been a very traumatic time for people. We're trying to do our best to give some certainty to some of the options that are available. Buyouts, yes, are on the table, certainly, in the R.M. of St. Clements, but our other goal is to protect homes where possible. That's actually the first option. The buyout is a second option that we follow in areas where we can't protect.

* (10:20)

Mr. Briese: In these situations—I'll touch on the permanent homes—if a buyout is initiated, is it initiated by the municipality? Who starts the process? Then, I guess, what follows immediately on that question are the ones that were bought out in the Red River Valley before, were they a part of the

Disaster Financial Assistance or are they a separate program?

Mr. Ashton: Well, there's really two categories of buyouts, if I can use that term. One is a buyout including the property, which is basically a buyout that removes the property from a flood-prone area. The second is a buyout in the sense of there were homes that were totalled and were purchased.

So there were elements of both. Through the DFA program, if you have a home that's totally destroyed, subject to the eligible limits, and, of course, in this flood, we raised the limit to \$200,000. It's important to note, by the way, that in 1997, it was only \$30,000 maximum per claim. It was raised actually to a hundred that time.

The role of an opposition can be quite influential. We raised that at the time, but we didn't wait this time for the opposition to raise it. We were proactive.

But what I want to stress is we saw some buyouts of homes, but the key, I think, the buyout principle we're looking at here is similar to the federal-provincial-municipal agreement, post '97. It was a \$130-million agreement that brought in the community ring dikes, the individual ring dikes and did also buy out homes that could not be protected.

So, what we're looking at probably in St. Clements, it might involve some element of DFA, but the municipality is indicating that they're talking about, not just a buyout of the home but also the land, because they want to make sure there's not a continuing flood risk that they have to provide first responder service to and, of course, all the disaster claims that would come into the Province and the federal government, as well, Madam Chairperson. So, in St. Clements, it really would involve a full buyout and would, we believe, be eligible for the kind of federal-provincial-municipal flood mitigation program that we're talking to the federal ministers right now about.

On that broader issue, I would indicate that certainly discussions have been very encouraging. I particularly want to note Minister Toews' support on the concept of moving forward. It was certainly committed to by the Prime Minister, I think, as well, when he was here with the Premier (Mr. Doer). The reason I want to stress that is Mr. Toews is in a unique position. He's a former minister of this House, when, actually, the post-'97 situation developed. He, also, is the MP for the area that has

seen the value of flood mitigation, the post-'97 program, and I think he's fully committed, as is the federal government, generally to doing the same north of Winnipeg.

So, we're going to apply the same principles, and when it comes to the buyout, we believe that that would also extend to a federal-provincial-municipal agreement to fund that buyout.

Mr. Briese: Thank you, Mr. Minister. I think it was a psychic message you received from the opposition on raising the buyouts. So we will take some credit for it.

I would like to know, you mentioned expropriation, but is there an appeal mechanism that ties into this proposed buyout process?

Mr. Ashton: Well, there's obviously the legislation that relates to expropriation, if it proceeds to that level. I do want to stress, by the way, that we have certainly had it communicated to us by the municipality that many of the homeowners want the buyout, period. They're not saying, to be expropriated. They're saying they want the buyout. Many of the affected home-owners have sustained significant damage. I did receive a copy of a letter from somebody that identified, going back to 1964, the numerous times in which their home had been flooded, and this is written to the mayor, Mayor Strang, and it was a plea for a buyout. So, certainly, we are listening, and I want to stress again that anything involving expropriation has certain prescribed legal authorities and legal processes, including the valuation of the land. There is an initial appeal mechanism that's there as well.

I want to stress, though, that our discussions with the municipality, we certainly believe that compensation should be full and generous, you know, within the prescribed details of the program that we're developing, but I do want to stress that the vast majority of the home-owners that we're aware of are actually asking for this option. This is at Breezy Point; it's a separate case, and I would defer more to the Minister of Conservation (Mr. Struthers) there largely because that's clearly under Conservation jurisdiction.

I do want to add, by the way, just one other quick thing might be of interest to the member. St. Andrews has been supportive, the R.M. of St. Andrews Reeve Forfar, of the buyout option, but it's a very different case in St. Andrews. There's not, you know, one concentration of homes that's been

repeatedly flooded. Some homes have, some haven't. Certainly the indication in St. Andrews which was also hard hit is that they want the buyout option to be there as an option down the line and probably more on an individual home basis and our indication to St. Andrews is again that, in situations where protection is not a viable option, we would certainly consider similar to what we did in the Red River Valley in 1997. Again, I want to stress that we are also getting people in that municipality who have asked that the buyout option be considered. It's not something we're looking at imposing as a direct, you know, government initiative here. It's really in response to home-owners and the municipalities, and we thought it was important to move very quickly and indicate that where this is the best option, let's do it and do it as soon as possible so that people can get on with their lives.

Mr. Briese: I know there were some problems in the city on some of the properties within city limits. Could you give me a bit of an update on the diking within the city, and added to that, I suppose is: would there be any consideration of some buyouts within the city limits?

Mr. Ashton: Well, I think, you know, it's useful to identify that it's about 800 homes in the city of Winnipeg that are outside of the primary dikes. That doesn't mean, by the way, that there hasn't been additional diking for many of those homes; there has. One of the challenges in the city is the degree to which full diking is not necessarily possible because of river bank stability. Many of these homes outside the primary dikes have been significantly flooded. In fact, it was interesting, I was looking at the 1950 flood, and you'll see many of the areas that we're sandbagging when these situations develop were totally flooded in the 1950 flood. So these are historic areas that are outside of the permanent dikes.

This year our focus, essentially the city of Winnipeg in terms of the local municipality, was on—I think the peak was about 280 homes. There may be some possibilities of some further permanent diking there. We're reviewing that with the City. We've also flagged that in our discussions with the federal government.

The other challenge in the city, by the way, has always been the sewer system, and there's two dimensions there: the combined sewer overflow system, which makes the older parts of Winnipeg at risk for flooding when you have high water levels, and I want to note that when we hit 22.5 James level

this year, that was the second highest since 1997, which was the highest. So we did have some significant risks if there'd been a major rainfall. We also have begun discussions there with the City, as well, as to ways in which we can improve the operation of the sewer system and protect against those kinds of flood events.

So we are looking at potential mitigation in the city. If you look at what happened this time, essentially, the City was able to protect through sandbags. There were some low-lying roads that were impacted, but again, you know, this is one of the things that's so often not much focus, but we're a very different province since 1950. Here in the city those permanent dikes and all the work that's done on the other dikes resulted in a situation where, unlike 1950 where 107,000 people were evacuated and there were 10,000 homes destroyed, they were able to protect homes in the city of Winnipeg with the supplementary diking.

Madam Chairperson, if I could, just a matter of interest for the member, to put it in perspective, I'll use the R.M. of Ritchot to give you some indication of the difference between this and '97 and the difference permanent diking makes. There were 300,000 sandbags this year, 5 million in 1997. That's the difference permanent diking makes, and you could apply the same principle in the city as well. The vast majority of the city of Winnipeg is protected by permanent dikes, and even those outside the permanent dikes do have some significant secondary protection.

*(10:30)

Mr. Briese: I understand it's a delicate balance, and I listened very carefully to your flood updates in the House here during the major part of the flooding, and I appreciated those updates. There's a delicate balance between what is happening with the floodway gates and the floodway, and what happens behind those gates, back into the south of the floodway.

The Province has just moved to major expansion on the floodway, as everyone knows, and it's a one-in-700 year but, supposedly one-in-700 years, but what would be the scenario if we went way over what this year's flood was, which is conceivable. There have been floods to that level. Do you continue to pretty strictly protect Winnipeg up to a certain level, whatever it might have been this year, 22.5 feet or whatever, and then that backup in the valley starts. What are the trade-offs? Do we

sacrifice the valley to keep a certain level in the city or do we raise both levels?

Mr. Ashton: Well, it's a very good question because I find sometimes there's a lack of understanding of floodway operating rules, including in this House. I remember very early on there were some suggestions, not from the member, but from other members in questions and that we should more fully operate the floodway.

It's important to note that essentially to drop the level in the city of Winnipeg by one foot, we would have raised the level in the valley by one foot. That is important to note because the operating rules of the floodway are based on one very basic fundamental premise and that is there not be flooding above what's called the state of nature. Now, the state of nature is what would have been the flooding level without the Portage Diversion, without the Shellmouth Dam, and without the floodway. To give you some sense of that, this year, without those flood protection works, the city of Winnipeg would have, at peak, had 12 feet higher levels at James Avenue. So you can imagine the inundation we would have seen.

Now, the reason it's important to talk about the state of nature is we operated during this flood event according to the operation rules which essentially state you operate according to the state of nature unless there's an emergency situation, then you can vary from it. We were very cognisant of, for example, what would have happened if we had operated the floodway at a higher capacity on St. Adolphe. Now St. Adolphe, there were precautionary evacuations particularly with the personal care home, but we were not going to artificially raise the levels which would have impacted on St. Adolphe, could have resulted in a complete evacuation, probably more to do with access to emergency services, but those are the kinds of trade-offs we were not prepared to consider at some of the key times.

I want to note, by the way, that we certainly saw, I think, a proper management of the risk situation in Winnipeg. We were able to provide significant relief to Winnipeg, particularly when we operated the floodway under the unusual, but not unprecedented situation of having ice present. That provided some significant relief in the city of Winnipeg.

But I do want to stress, again, that we do believe in the fundamental operating rule, principle, which is, I think, not often understood and that is that

having the floodway, and the other flood protection works there, is not about trading off one part of the province against the other. It's about protecting those areas inside the floodway, for example, but at the same time, not—unless there's an emergency situation—providing any artificial flooding south of the valley. During that flood event, we were able to stick to that basic principle.

Certainly in '97, I think if you look historically, Ste. Agathe, and much of Grande Pointe, in particular, you could argue, say it was sacrificed, at the time, because of the emergency situation in Winnipeg. If you look at the operations at the time, it's clear evidence, we did not do that this time. I've always said, by the way, that what I'm very proud of, in this province, is the fact that we really try and avoid those kinds of trade-offs.

Yes, the floodway and the Shellmouth Dam and the Portage Diversion protect a good part of the province, but particularly the city of Winnipeg. But we put those ring dikes and a \$130-million investment south of the city, and what I'm really proud of—I say as a Manitoban here, not from a political perspective—is the degree to which, in this flood event, we have virtually no damage to homes. We did not have significant artificial flooding to benefit one area at the expense of another. I think those operating rules make sense.

Just one other quick point, the member mentioned the expansion of the floodway. It's important to note, by the way, that the floodway kicks at about a one-in-130-year flood level. We're now, pretty well, at the one-in-700-year flood protection level. At that point, there's a much higher state of nature.

Now, we also protect in the valley, we protect to '97 plus two with the permanent works that are there. So even with a higher level of the state of nature, where you can operate the floodway at a much higher level, that doesn't necessarily mean you're going to see inundation floods like we saw in 1950 or 1979, where Morris, Emerson, Rosenort, Ste. Agathe and other communities were completely flooded. What it means is you would have more communities, probably, evacuated. But that's a natural process, that will happen no matter what. Our goal, here, is to limit or, ideally, have no artificial flooding, so we don't trade off one Manitoban against the other, and that's what we did during this flood event in 2009.

Mr. Briese: Thank you, Mr. Minister. You referred a couple of times in your answer to emergency situations. I'm just wondering what triggers an emergency situation. Is it a call by the municipality, such as the city of Winnipeg, or one of the surrounding municipalities, or is it a call by the minister? Who actually triggers what would be constituted as an emergency situation?

Mr. Ashton: Well, I can talk from experience, having been the Minister of Water Stewardship when we had to operate the floodway during summer conditions with a very significant threat of flooding due to high water levels and rain events. I can tell you it was a decision that was made with full technical consideration. But the first time it was operated, we were very cognizant of the fact that, in 1993, there was \$130-million worth of damage in the city of Winnipeg, particularly from sewer backups, because the floodway wasn't operated at that time. The decision was made there to operate the floodway. There was some impact on market gardens in the area just south of the floodway. Full compensation was immediately triggered. So there's the best example. It provides an illustration of the fact that, essentially, it is the provincial government, the Department of Water Stewardship is the department that has the direct jurisdiction, that makes that operating decision.

When I say in terms of an emergency, that's actually right in the operating rules. The clear interpretation there, to my mind, was really consistent with what we did during this flood event, which is, we didn't say, for example, when we hit 22.5 James level in Winnipeg, try to reduce the levels down to 17 feet, because at that level, you can probably predict little or no risk to sewer flooding. But what we were able to do is limit the risk in the city of Winnipeg without the major impact to the valley. If you just take that one-for-one ratio and you take the 22.5, to bring it down to about 17 feet, five and a half feet in the valley, additional. That's the kind of scenario that we did not consider to be acceptable at all.

So, the decision is made by the Department of Water Stewardship and it's based on—we had a technical assessment of the capacity of the floodway and the relative risk scenarios, but the basic principles, unless you have a major emergency that might impact, say, in the city of Winnipeg similar to the summer flooding, what you do is you follow the operating rules, and that's what we did in 2009.

* (10:40)

Mr. Briese: Mr. Minister, I know there were considerable ice problems, especially to the north of the city, and I know there was ice cutting and Amphibex was working, and I know back in former years, another method that was used was getting the commercial fishermen in and drilling a lot of fairly large diameter holes. I know even at one time, I think there were some attempts at putting sand on the ice to cause quicker melting. Were any of those methods used this year, and what other things outside of the Amphibex and ice cutting were you using to maybe try and break up those blocks of ice this year to the north?

Mr. Ashton: I certainly want to indicate that there's a whole history here in terms of ice. The Amphibex, I was actually Minister of Water Stewardship when we brought in the first Amphibex. I always indicated it was a significant addition, not a miracle cure; it works on straight ice conditions. It provides some ability to channel ice in a more manageable way, but, again, it has advantages but limits as well.

We have also seen some very, I think, encouraging work done on ice cutters developed right here in the province. We're still early on in that, you know, that particular tactic, but it's certainly one that's worthy of consideration.

The boring that was done there before, certainly the indication from the Department of Water Stewardship is that it had limited, if any, impact, and there have been various different things that have been done. So, you know, we focussed more on some of the newer techniques.

But one thing that has got a whole history here, that we feel is worthy of consideration in terms of future flood mitigation is dredging. They were dredging for a century north of Winnipeg, primarily for navigation reasons. It's important to note that important forms of transportation were steamboats, riverboats, for many years. I was going to the town of Emerson where you see this picture of one of the floods, one of the many floods, and there's a steamboat that's pulled right up to a hotel—what used to be the second floor—and it's picking up passengers from what's now become the main floor in the flood event.

But during the 1990s, the federal government totally cut the dredging and got out of the business of dredging here. There has been dredging done elsewhere, I believe, in the Fraser Valley. I'm not

suggesting again that it's a miracle cure, but we feel that if there's even a marginal improvement in the ability for ice to be able to move out of the channel during the significant period of time, because it's important to be considered. The municipalities in the area have put it on the agenda in our discussions with the federal government on the terms of a comprehensive north-of-Winnipeg, province-wide flood mitigation program, post-2009. So we do want to pursue that.

The other quick thing I can mention is there's often been discussions on the potential of using Hovercrafts which are used in the St. Lawrence. We certainly are open to that. I know certainly the indication from the federal government is that there are some issues with access. Hovercraft require a complete flat access. I know how aware the member is of the actual terrain there. There are some very high banks, particularly in and around the floodway outlet. So access could be a real issue, but we haven't ruled that out either. We're prepared to look at all sorts of things.

I do want to indicate, though, that there may be some limits. I did get a call in my office, which I didn't get a chance to take personally, where somebody suggested we pour hot water on the ice. So I just want to indicate we're not going to get a giant tea kettle to be part of the arsenal, although, you know, quite frankly, if that would work, we would look at it too.

Mr. Briese: Thank you, Mr. Minister. The psychic aspect is working again. I was going to go to dredging with my next question. I'll just ask one short question on dredging. I think probably it is an aspect that maybe needs to be looked at, and I'm glad to hear that municipalities in the province have put it on their agenda.

Is the Province willing to do some cost sharing with the federal government to do some dredging and maybe improve the movement of the ice into the lake?

Mr. Ashton: Well, there are three dimensions to this. The federal government has the clear jurisdiction. It's a navigable waterway. They, for more than 100 years, provided this service. They do it elsewhere, and we certainly believe that there's an opportunity for them to re-enter this.

We also are open to some of the suggestions from the municipalities to use the model of the Amphibex Corporation for the provision of the

services as well if the federal government doesn't provide it directly. In case the member is not aware, which I'm sure he probably is, the Amphibex Corporation is a partnership between the provincial government and the three municipalities, the city of Selkirk and the R.M.s of St. Andrews and St. Clements. We believe it's been very effective in managing the Amphibex and also in recognizing the degree to which this impacts in those municipalities.

By the way, there was no federal cost sharing of that. The federal government at the time, the previous federal government, had indicated, certainly according to our municipal partners, that they were going to provide some funding. They didn't. So I would suggest that our first suggestion would be to re-enter dredging, which is a federal jurisdiction, at federal cost; second, is that they consider cost-sharing existing activities elsewhere, such as the Amphibex.

Having said that, when we enter into these discussions, the federal-provincial-municipal flood mitigation program, and we're looking at a comparable program for First Nations communities, we're quite prepared to look at, on the overall level, a clear partnership.

In the Red River Valley, for example, it was a 45-45-10 cost share, federal-provincial-municipal. So we're not going to put blinkers on. We're going to go to the table, but our goal in going to the table is to get the federal government to partner with us and municipalities and perhaps to re-enter some of the kinds of things they've done in the past. It's not about picking up the jurisdiction. Legally, the federal government should be involved with that.

In saying that, these are not the things that you start with. You start with the broader, you know, what needs to be done, and then you worry how you pay for it. That's going to be our basic approach here.

So the short answer is it's on the discussion agenda, and whether the federal government enters the field again unilaterally or whether it's part of the agreement, we think that there should be dredging in the Red River Valley, not that it's going to necessarily make a huge difference, north of Winnipeg and the Red River, but you know what? I think the logic is there to suggest it really could make somewhat of a difference and therefore should be a part of the mitigation.

Mr. Cliff Graydon (Emerson): Mr. Minister, it was good to hear that you were thinking of the dredging

and opening the discussions for dredging. It certainly does make sense that if you have a certain depth there, that you have room for ice and water to build and lift the ice over the other ice.

Having said that, and doing the dredging, has there been any thought of having a smaller type of an icebreaker there, certainly not what they use in the Arctic but something along the lines that they can use in the St. Lawrence which would have an effect on any of your ice jams and move some of that ice prematurely before it does jam, and also going out into the lake, busting that ice so that it will lift?

I've seen the effect of icebreakers and I'm just wondering if you've considered that at all.

* (10:50)

Mr. Ashton: We're certainly open to any and all options. One thing I should mention, by the way, that I didn't in the previous answer, is the one thing that was really successful in this flood operation was the shore-based excavators. We had some very significant success. I can't say enough about the operators of both the Amphibex and the shore-based operators. They played a significant role in the clearing of ice from a number of the bridges, a number of the pillars that were holding up the ice. But we're open to any and all options.

I just want to stress that a few years ago I was basically told at the time you couldn't do much about ice and in the typical Manitoba way we've changed that. We do do things about ice now. Some of them work, some of them don't. You learn from that. If there's other examples that do work, we're more than prepared to look at it. But I do want to stress again that this is all about, in many cases, some marginal improvement.

It's very important to stress the magnitude of the ice this year. We're dealing with blue ice. I know what blue ice is, I come from northern Manitoba; it's three feet of solid ice. There's various reasons why we had that this year, mostly because of the fact that there wasn't the normal warmer weather that can break up the crystals and lead it to be a much easier type of ice to break up. We saw historic ice conditions particularly in and around March 25, north of the city.

I often was hearing people say, well why can't we send the Amphibex. The Amphibexes can't deal with 20-foot-high ice jams. They can deal with flat ice. They were actually out working 95 percent of their hours were actually put in north of Winnipeg,

because I know there was a bit of a misperception that they were actually working in Winnipeg for a significant period of time.

I just want to stress that we were looking at anything and everything but when it comes to ice jams, there's an element of ice jams that are very difficult to deal with. Even our Amphibexes, for example, a number of times we had to pull the crews off for safety reasons. Safety came first. We did have one incident where the shore-based excavator actually ended up—the operator ended up in the river.

So we're going to look at what works and what doesn't work and what's safe to operate as well. Safety comes first, not only in terms of protection against flooding but also operator safety.

I certainly appreciate the advice from the member and we won't rule anything out. We'll consider anything and everything.

Mr. Graydon: Thank you for that, Mr. Minister.

I fully know what blue ice is. Three feet was probably a minimum this year, probably complicated by the rain in February that put a layer of ice over top and then snow on top of that so that the river ice never did have an opportunity to deteriorate, as you pointed out, nor did the lake ice.

So I agree that it was a new situation that we probably haven't experienced but the weather patterns have given us a number of new experiences in the last few years that we haven't experienced either. To look forward into how you protect things—I appreciate some of the things that you've said today.

However, I would like to go back to the flood mitigation work that you had talked about. Definitely in 1997, it was a considerable amount of mitigation work done throughout the valley south of Winnipeg. It was apparent by flying over the valley that this mitigation work had worked very well. However, as you know, whenever you do some of these, you always find that there is certain areas that probably were missed, maybe weren't as serious at the time as some of the ones that were done.

When I take a look in the Emerson area, as you pointed out, there's a number of spots in there in '06 and the other years previous and again now in '09, that has caused considerable amount of damage. I'm wondering if the restoration work would also include some mitigation work and raise these certain roads to a level that would be protected and we wouldn't have this ongoing bill of restoration. I'm

just wondering if you had considered any of that, especially in and around the town of Emerson.

Mr. Ashton: While I thank the member for the question, I'll go one step further. We're talking about a post-flood mitigation strategy, federal, provincial, municipal and First Nations communities that would look at this across the province. Certainly in our initial discussions with the federal government, I think they have that interest.

I want to stress, by the way, that one of the things that we have already raised is exactly what the member is talking about which is road access. It ranges from more localized issues all the way up to Highway 75 and the issue of Morris. I'm not suggesting that there are easy solutions. I want to point out, for example, that our friends and neighbours to the south spend a lot of money on their interstate system and it's a very good road system, but they had parts of the Interstate this year that were flooded over, and in some cases flooded and closed.

So no matter what you're dealing with, you know, in significant flood events, it's not necessarily something you can prevent, you know, the closure of roads. However, there are certainly opportunities in parts of the valley where a lot of work is spent on mitigation to further raise roadways and, perhaps, adjust roadways to help prevent the kind of closures that can lead to an evacuation.

I particularly want to look at St. Adolphe, for example, and a couple of other community accesses. I think the member's point about Emerson and some of the issues are well taken, because, you know, it's important to note that we don't just evacuate when homes are flooded. In the valley we evacuate when you have a total closure. We did have a number of evacuations in the St. Adolphe area that were precautionary because of the potential for some real disruption, particularly to the residents of the personal care home, if there was a rapid evacuation. So we're going to look at that, because it could make a difference in significant flood events between a total evacuation of a community and a partial or no evacuation. So we want to look at that all across the province.

There's one other quick thing I want to mention. One of the issues that we have raised with the federal government is the need for a national mitigation strategy. I think it's important to note that we do not have a national mitigation strategy. We're reliant, often, on infrastructure programs. I think it was good to see, for example, that the R.M. of Kelsey in

northern Manitoba was able to get funding from the infrastructure program that was announced by the federal and provincial governments last week. We put forward—provincial ministers, territorial ministers put forward the vision of a national mitigation strategy, because we also believe—not so much in the valley but there are other parts of the province where you have repeated floods—and the municipal officials, the municipal leaders are telling me that for an additional amount of money we could come up with solutions, perhaps culverts, perhaps reconstruction of the road. But what happens is disaster assistance is available to repair the road but not to reconstruct it in a way that's better.

There are also other problems with what we run into. For example, if we build a temporary dike, it's covered under DFA if it's (a) flooded and (b) removed, and I just want to give the example in the R.M. of Kelsey. A few years ago they built temporary dikes, and they were not eligible under DFA because the flood water never hit those dikes, which, in my mind, is an absurdity. You know, you end up with a situation, one of these days someone's just going to say, well, forget it, we're not going to protect and then you do get the flooding. But it's also to the point of the logic of, you know, the cost of a temporary dike.

I'll give you the best example recently is what we did in Melita. We had some early projections of significant flooding that could've impacted on Melita. We were given the options of a temporary dike or a permanent dike. A temporary dike would cost us 200,000 to 300,000, and the permanent dike was half a million, and they're just ballpark numbers. We looked at it, and we decided as a province to move ahead. We did talk to the federal government, and we're certainly hopeful that they will consider cost-sharing it. But it was ridiculous that we could've spent several hundred thousand dollars on a temporary dike, put it up, taken it down, gotten disaster financial assistance, and whereas for a slightly higher amount we can build a permanent dike. Now, what's the logic? The logic is to build a permanent dike. That's what we did.

So what I want to stress is we're not only just focussing in on some of the anomalies out there and some of the access issues, we would like to see some changes at the national level that will ensure in the future that we actually have a clear mitigation strategy, because mitigation after a major flood event makes a lot more sense than just repeatedly having claims paid out with all the disruption that entails for

home-owners, farm owners, business owners or municipalities.

* (11:00)

Mr. Graydon: Thank you for that, Mr. Minister, I couldn't agree with you more. We've seen over the years, as I have as a councillor in a municipality, seen us put up dikes or temporary structures and take them down. We certainly created some economic activity, but I couldn't say that it was actually beneficial in the long run. So I agree with you that we need to see these type of permanent structures, perhaps, even at a bit of a cost initially, but over a period of time they more than pay for themselves.

I'm wondering about some of the compensation that will be offered in the valley, and I'm thinking more south of Winnipeg now in the farming communities. I'm wondering if there has been any discussion whether the fall-applied fertilizers will be compensated for the areas that are flooded, the farmlands that are flooded, as they were in 1997.

Mr. Ashton: Yes, what I'd suggest is, you know, the basic principle at the DFA is for a number of factors in damage to property, et cetera, restoration of fields. There are various elements that apply directly on the farm side. In '97, I know there was some other programming that was exceptional in that year. There was JERI programming. There's also, obviously, an agriculture-based program, as well. I know, certainly, we're working right now—we haven't got any real initial assessment of what the situation is in the valley, and, just to put it into perspective, by the way, in the Interlake where we faced significant flooding, we're still dealing with that from last year.

So the basic principle is on damage to property. I think what the member's talking about—you know, I wasn't minister in '97, but I'm just sort of going by memory. There were some other elements that were covered under programs outside of DFA. So, you know, DFA is in a position where we essentially deal with restoration costs and damage to property on the farm side. So I'd have to check on whether that would be an eligible cost under DFA. That's not to say it wasn't eligible in '97 under some other kind of programming.

One of the issues I do want to stress, by the way, that will be an issue in the valley in certain areas is—and we ran into this problem in the Interlake recently. We've taken the position that they'll pay as to damage to property, because the problem for hay producers, if I can use that term, we all know it's a

marginal value-added crop and it's not worth crop insurance, that's what people tell me, in most scenarios. But it still has an impact, if you have baled hay, that's an economic loss. We've run into some difficulties, quite frankly, in some of our discussions with the federal government at times between eligibility under Ag programs, assumptions that various things were covered, and eligibility under DFA.

So, in the Interlake, we did move both in that area with rutted fields because that was a huge issue in the Interlake, will probably be an issue in the valley, as well, on the restoration cost. Just to let you know, the position we've taken is that in certain cases, particularly in the Interlake, we've actually had to say that we will pick up the cost, whether or not the federal government deems it as eligible under DFA. I don't mean that as a shot at the federal government. I know they interpret things according to how they see things. But our view with DFA is it's important for covering full restoration costs and, outside of what is covered under crop insurance and other agricultural programming, covering damage to crops such as baled hay, which is actually, it's a finished product.

So what I was going to suggest, I'll get some details on that specific item. I'm not sure whether it was covered under DFA or another program, but I also aim to follow up on that.

Mr. Graydon: I thank the minister for that, as well, because that was one of the other things that I was going to ask you about. There is not probably a lot of bales in the southern part of the valley. However, it has been brought to my attention that people were unable to get these out because of the snow and being frozen down from the rain in February. Unfortunately, then, the water has encompassed a lot of the people's production, and I've had some calls on that.

One of the things, and perhaps you won't be able to answer this, but, as recently as this morning, the Premier (Mr. Doer) has indicated that there is some type of diversion that he wishes to build to offset another project or a lawsuit in the United States on the border road. I'm quite concerned. I understand that he has sent a letter to the governor. Also, I haven't, and I'm not sure that anyone has seen a plan where that diversion might go.

Could the minister give me an indication or get me a copy of that letter that's been sent to the United

States and a copy of the plan for the diversion that would replace the border road?

Mr. Ashton: It's all beyond my role as EMO minister. I do know what the member's talking about from my time as Water Stewardship minister. I'm glad he used the term border road because I certainly know, in North Dakota, they keep calling it a dike. It might have certain characteristics that lead it to direct water in a certain direction but it's a road.

I also think it's important to note by the way, that the whole history of that also has to include the significant amount of illegal drainage in fact on Canadians, Madam Chair. This is illegal drainage in the United States, in North Dakota, and I do note that North Dakota often doesn't reference that. Quite frankly, I didn't read the newspaper article. I know the history of the file. I know certainly the view in the R.M. of Rhineland in and around that area.

I think our position has always been that the lawsuits on the U.S. side basically missed the point and that is there are all sorts of water management related issues that we are concerned about. I do know that, whether it's on Devils Lake or other water related issues, we've said to our friends and neighbours in North Dakota that we would prefer to be working co-operatively rather than in court all the time, but unfortunately, whether it was NAWS, Northwest Area Water Supply, Devils Lake, where we've had to go to court to protect our interests, or some of the lawsuits related to the border road, and I think that's the appropriate term, where there's been legal action taken on the other side.

I think what the Premier has put forward, and I'm sorry, I haven't got a copy of the letter, but it's certainly consistent with what we've said in the past which is if we work co-operatively, we believe we can come up with solutions that are fair to everyone in terms of water quantity and water quality. But what you can't do is have a scenario in which you have picking and choosing which issues you want to move on and in other cases, no co-operative spirit at all.

So I just want to put forward that even though I'm not directly involved with that, I fully support what I think's been the traditional Manitoba position here, which is we're prepared to go to court to fight for Manitobans' interests including on the border road, but if we had our preferred alternative, it would be through negotiated enforceable cross-border solutions. One of the cross-border solutions that would probably not just be on a state-province

bilateral basis, but you know with Devils Lake it would involve the two federal governments. That's always been our position there as well.

I think the Premier's intent here as well is very consistent with our provincial position, but I can assure the member that the fundamental principle provincially has always been to protect the interests of Manitobans, and we have consistently done it with that border road. It's been around for decades. I'm trying to remember when it was first constructed but it's been around for decades. By the way, we have not added to it. We've probably brought in some changes with heights that mitigate some of the concerns in North Dakota so we have not been oblivious to their concerns, but you know, I just want to stress here that there are Manitobans who will be impacted by what the lawsuits are seeking to achieve.

That's why, when I was Water Stewardship, I remember very well we were constantly involved in a lawsuit. If we have to go to court to protect Manitobans, we will. Our preferred option, no. Co-operation is better than court action, and I think that's the Premier's message.

* (11:10)

Mr. Graydon: I'm certainly pleased the minister is supporting Manitobans, and of course, the border road. I'll tell you the R.M. of Rhineland will also be pleased to hear the minister supporting that.

I certainly have plenty of time to spend for co-operation rather than confrontation. I don't want to get into the Devils Lake issue; that's not something for today. But, looking at the border road situation, has the minister and the government then looked at some other alternatives as perhaps was put forward some 20 years ago, 25 years ago of increasing the size of some lakes and using that, also drought proofing for the valley and possibly controlling some of the water in the Pembina River that causes the problem for both the Canadian side of the border and the American side of the border in flood situation?

Mr. Ashton: I certainly appreciate the member not wanting to get into Devils Lake. Certainly, the former Member for Emerson and I had many, many interesting discussions about Devils Lake when I was Water Stewardship Minister and he was the critic.

Most of this is really outside of the scope of EMO, so I would refer any questions to my colleague the Minister of Water Stewardship (Ms. Melnick), who I believe is coming to Estimates

next week. I think the member would probably be advised to raise those questions with the Minister of Water Stewardship because I certainly know it's within the purview of the department, so I'd be better to refer the member to the direct minister responsible.

Mr. Graydon: I thank the minister for his answer and I'll certainly take him up on talking to the Minister of Water Stewardship, and I'm sure that we will have, as in the past, some further discussion on Devils Lake in a different capacity, but not today. Thank you very much.

Mr. Briese: I heard the Premier (Mr. Doer), on several occasions during answers to questions in the House on the flooding situation, refer to notches at the floodway inlet. I'm not familiar with the term, and I'm not familiar with what that means, and I wondered if the minister would enlighten me on that.

Mr. Ashton: Certainly. One of the elements of the expanded floodway capacity at the floodway—and I can speak here as the minister responsible when we initiated the project—was obviously to increase the hydraulic capacity. I think most people are aware we moved to widen the channel, and that increased the hydraulic capacity. We also did raise a number of bridges, which in significant flood events can impede the hydraulic capacity.

We did construct notches, which allow for a flow of water into the floodway at certain flood levels. What we're going to be looking at now or the experience of what we saw is if we can do further work using notches, which would allow us, at lower flood levels than the expansion was planned for—which is essentially a one-in-130-year or higher, that's when you get the real benefit of the floodway—but to allow for additional passage of water into the floodway at lower flood levels, which, of course, doesn't create the same back-up effect as the operation of the gates. That's why the notches are something we're really focussing in on now. Certainly, preliminary indications are that, with some refurbishment of the notches, we could actually significantly improve the ability to lower the level in the city of Winnipeg without any trade-off in the valley itself.

So that's what the notches refer to; it's an ability to flow water through. In this case, if you have the notches, you can flow it through at lower flood levels and provide flood relief in the city of Winnipeg, which again gets into that whole balanced management of the system.

Mr. Briese: Thank you very much, Mr. Minister.

I know there's been considerable flooding on some of the First Nations this year. I would like some response on what the Province's role actually is in the flooding on First Nations communities and what the federal government's role is and how they interact.

Mr. Ashton: Well, certainly, First Nations have separate jurisdiction. It's outside the provincial jurisdiction. There is federal fiduciary responsibility for First Nations as well. Having said that, we do currently have a role, fairly limited, in that we do administer the disaster financial assistance claims for individuals on behalf of the federal government.

It was pretty clear in this flood situation that First Nations were disproportionately affected and particularly at Peguis and to some extent Fisher River, there were some significant flood challenges. We have some history in flood mitigation involving First Nations, most particularly with Roseau River, which was part of the post-1997 flood mitigation strategy, and Roseau River was part of the diking. The history of the financial relations there is that, essentially, it's part of the overall agreement. It's still the federal government that was responsible for its fiduciary responsibility for the actual cost of mitigation.

We have talked to the affected First Nations, both my colleague, the Acting Minister of Northern and Aboriginal Affairs (Mr. Robinson) and myself and there is an interest on behalf of a number of the First Nations on having the Province more directly involved in providing emergency services to the First Nations communities.

It's important to note that in other provinces our equivalent, EMO equivalent, in those provinces does provide this via agreement. Here in this province, MANFF, Manitoba Association of Native Fire Fighters, has been providing some of those services. We've indicated to the First Nations, we've indicated to the Minister of Indian Affairs, who I met with along with my colleague, Acting Minister of Northern and Aboriginal Affairs, that we are certainly open to the Province playing a greater role because our view, quite frankly, is regardless of jurisdiction or fiduciary responsibility, First Nations—Manitobans are Manitobans, and we think there's a need for some co-ordination.

We also think there's some advantages in what we've developed provincially. Every municipality, as

the member knows, has an emergency plan that's compliant with legislation we brought in post-'97. I was minister at the time. We have significant resources that are put in place in any emergency situation. I think we're—not that we can't do better, there's always an opportunity to do better, but I think we are a model in terms of the way that we co-ordinate with municipalities and in other discussions with the federal government. So we think we can apply that to First Nations.

On mitigation, by the way, there already is a history with Peguis. I was Minister of Water Stewardship when we signed an agreement with the federal government, which did provide for, first of all, LiDAR surveying, which is what the first step was in the Red River Valley and north of Winnipeg. This provides a very accurate surveying, which is absolutely critical for flood mitigation planning. We also started some work on some of the problems affecting Peguis. Crossings a real challenge there. We did enter into this even though a majority of the work is being done on the First Nation itself because we felt, again, it was important to be proactive.

We are now reviewing some of the technical information to see if there aren't additional flood mitigation measures that can be put in place that could make a difference. So we are going to include that as part of our overall discussions on post-2009 flood mitigation, a specific First Nations component. We certainly, notwithstanding jurisdiction and fiduciary responsibility, have stated that greater flood protection for First Nations is a significant priority for us, and we will include that as part of our overall negotiations with the federal government.

* (11:20)

Mr. Briese: I recall from FCM, Federation of Canadian Municipalities, level a number of years ago, the federal government made a kind of an end run changing the formulas under Disaster Financial Assistance and the percentages that were going to be used both in municipal, provincial and federal levels.

I would just ask if there are any negotiations or anything going on right now with the feds on disaster financial assistance.

Mr. Ashton: There are a number of things that have happened. There certainly was a concern a few years ago that the federal government was trying to get out of the fundamental cost-sharing formula, which, actually, is the principle of the program, which has a

sliding scale that results in the federal government being responsible for 90 percent of disaster assistance costs. Now, to put that into perspective, in post-'97, the federal government provided about \$230-million worth of disaster assistance to the Province. You can see the impact of that. By the way, the current level that we're at in Manitoba, which we certainly anticipate, is that we'll be hitting the 90 percent cost-share formula. So it's absolutely fundamental.

The reason it's fundamental to the basic principle is because, if you end up with a very significant flood event or any other kind of disaster, it can have a huge impact on a provincial government and on a municipality, because that sliding scale also is there, and it's important for the municipality. There was an attempt. That was certainly not something that was successful, and I don't believe that there's any act of consideration right now of anything that would entail a change in that fundamental formula.

There have been some significant improvements to the disaster financial assistance, and one of which will play a significant role in this flood. As the member's probably aware, one of the big concerns—certainly AMM, I know when he was president, raised this—was the degree to which we were short-changing municipalities when it came to use of their equipment during emergency situations. What is short-changing is paying 16 percent of the private heavy equipment rental rate, which barely costs operating costs and certainly not depreciation of the equipment, the actual real value of the time that it was expended.

The federal government did move to 40 percent, but we've moved to 65 percent of the heavy equipment rental rate, which means that not only do we have greater coverage of the actual cost to the municipalities, but, quite frankly, we also have taken out one of the disincentives to municipalities to not use their own equipment. The other key element I want to stress, by the way, just briefly on what has happened, which is a significant improvement in the DFA program is our consideration of farm income. One of the real dilemmas out there—and the member, I know, is certainly aware of this—is that there are many people out there who have significant off-farm income.

The DFA program often was interpreted in a way that, if you had more off-farm income than on-farm income, or as a commercial fisher, the same thing, that you were not eligible for disaster financial

assistance. We have now a greatly improved definition of farms, which also applies to fishers, that has taken that artificial element out. It establishes a dollar amount, and I think that's something to note that will make a difference, because there's an increasing number of people out there that are still farming. Farming is part of, in many cases, a family tradition. It's a way of life, but it just didn't make sense that if you made \$1 more off farm than you made on farm, you were not eligible for a disaster financial assistance claim when your farm may have been flooded and seriously damaged. So I want to stress those positive developments because, even though we were concerned about some negative developments, there have been some significant positive developments that last couple years that I wanted to acknowledge.

Mr. Briese: You probably just enlightened me a whole lot by making me eligible for financial disaster assistance if the case occurred.

I think that probably exhausts where I wanted to go on the EMO and disaster financial assistance. I'd like to go back to planning and a number of other issues about planning and the provincial land-use policies and some of those issues, if it's suitable with you.

I first would like to ask—and I know that, with the provincial land-use policies, the review is underway now, and I have a time frame on the review and I know you're having a number of public meetings on it—but what are the major changes that you would see coming out of the proposed changes to provincial land-use planning?

Mr. Ashton: I don't want to get out ahead of the public consultations—and I think the member's aware of some of the areas that we're talking about—other than to stress what I mentioned yesterday on the sort of broader vision that I hope will be considered when it comes to the review of provincial land-use policies. As minister, I am concerned about rural depopulation in parts of the province. I want to stress that that's not the case in every part of the province; certainly, the member knows in his area some of the shifts that have been taking place in terms of population. One of the key things I'm hoping will come out of this discussion with PLUPs is to make sure we have sustainable land-use and planning principles that either don't have unintended consequences of accelerating depopulation or, preferably, then can start to help municipalities and people across the province develop population

opportunities. This is really critical that we're looking at it right now. Just by way of background, by the way, the PLUPs go back to 1994, so under any circumstance we would be looking at addressing some of the gaps and weaknesses.

I also want to stress that we're also looking at dealing with some of the revitalization, urban revitalization issues, Madam Chairperson. That applies, obviously, to the city of Winnipeg, but also Brandon—we have Renaissance Brandon—and we have many communities across the province.

One of the newer issues that's come up that we have to deal with is linking land-use planning and watershed planning—I know the member got into some of those issues yesterday on the regulatory side, but on the broader level. You know, we had significant progress certainly with the expansion of our conservation districts. We've doubled them in the last 10 years. That'll be an important part of it.

We want to look at infrastructure policy and how that is aligned with provincial land-use policies. Transportation, obviously, and transit are issues that are very much on the horizon. Sustainable agricultural use and development, I want to stress again there that that also has to focus not just on the land itself, but also on farm families and what opportunities there are in those areas. Basically, I think there's going to be much more focus on sustainability perhaps than there was in '94, both economic, environmental, social and cultural.

So my sense is there are a number of areas that we're really looking for feedback on, but I think the rural vision that we have is critical. Certainly, my discussions with the AMM and with individual municipalities, I would say there's some frustration out there with what are seen as perhaps some unintended consequences of some of our provincial land-use policies. The member's more than aware of that from his 12 years with a planning district, so I think probably a better answer than my jumping ahead of the consultations would be actually to say that I welcome feedback from individuals and from the member as well.

I haven't been a critic in opposition; I often think that one thing that is often missed is the degree to which the opposition critics can not only ask good questions but, in some cases, provide some of their own answers. So I know this isn't the normal procedure, but I was going to suggest that I could rhetorically ask the member for what his suggestions are—and I don't mean as a political throwback, but I

would certainly appreciate, either here or at some other venue, if the member wishes to share some of his suggested ideas.

Honourable Bill Blaikie, Acting Chairperson, in the Chair

I'll give him that opportunity now, but if he wants to look at that in some other venue, I would welcome it because we have a broad vision of what we want to accomplish, but we, by no means, have a specific, detailed plan that's already predetermined.

* (11:30)

Mr. Briese: Thank you, Minister, on those comments. I have been getting a little bit of feedback on the provincial land-use policy amendments. I know there are always—their statements, their policies; they're open to interpretation. There are differing interpretations on what is in there and what isn't. I know in my own municipality and my own planning district—and, by the way, my municipality in the last census went up slightly in population, which a lot of municipalities to the west of here didn't—but I know we always struggled with the balance. Not that we didn't want to struggle with the balance. We always tried to strike a balance between rural, residential, agriculture, and we've had, actually, probably more problems dealing with the Department of Agriculture than with the people in our own area. What I always think has to be taken into consideration is that a development plan—and I'm sure you're going to agree with me—and the zoning by-laws actually belong to the people out there. They belong to the municipalities, and they belong to the planning districts. Their input is critical. Sometimes we get bogged down in the hearings on amendments and such where we almost get backed into a corner by some of the more aggressive government people that maybe have whatever interest is there.

So we always worked on a balance. I'm getting a little bit of feedback to the extent that they think the new provincial land-use policy recommendations will curtail some of the rural subdivision. I would encourage you to—one being on a retiring farmer maybe not being able to subdivide their yard site off and sell their property and remain in the district where they want to remain or in the rural area where they want to remain.

The second feedback I was getting was on industrial or commercial development, that it should be in industrial parks. Most rural municipalities don't have an industrial park. That becomes very difficult.

There's a lot of farm-based industry out there that I think we want to take into consideration. It is part of the economy, and it's certainly part of the economy in the urban centre, whichever you're closest to too. It doesn't have to be an industrial park or concentrated next to the urban centre.

So those are a couple of the concerns I'm hearing, but I realize it's high time we had a good look at the provincial land-use policies and tailored them to meet what's going on today. But just cautions, it's always—a municipality without people is useless, and there are a number of municipalities on the western side of the province that are down so low in population it becomes very, very difficult. Part of a municipality's lifeblood is supplying services to the people. It's not only supplying infrastructure; it's supplying services to the people. If you have no people, it takes away a great deal of what municipalities should be doing.

I'd like your comments back.

Mr. Ashton: Well, here's a good example, where, even though we wear different hats in this Legislature and have different roles, when it comes to issues like this, there's far more common ground than there are differences. I would say, first of all, I appreciate the concerns that the member is bringing forward that he's already hearing, and I would encourage him to continue to do that. Obviously, we have our formal consultation process, but I want to say to the member, particularly knowing not just his current role, but his previous roles, that he has a great deal of experience in this area, and I certainly value his recommendations and advice. I know that's not a normal thing for a minister to say to a critic. I mean, we're probably formal more than anything else, but, on a personal level, I want to say that I mean that and I fully will take into account a lot of the concerns that the member is bringing forward.

I appreciate some of those specific items he's mentioned, and I think the key element here is exactly, I think what he and I both, you know, have some common ground on, which is to ensure that we have an opportunity for rural communities to go through some of the transitions that are taking place. I recognize the farm retirement challenge, but also I think it's important to have an opportunity for our municipalities to grow. Yes, to manage some of that growth and I appreciate the advice when it comes to the question of industrial parks versus on-farm developments; in some cases infrastructure will be one of the key elements of planning that will

determine that. What struck me when I was out in the valley, by the way, is the degree to which there's a lot of value-added light manufacturing that's going on that's farm based, that is really shifting the economic patterns in those communities. We're seeing products that are shipped worldwide. Actually, the other story of the flood, by the way, was that the valley was open for business in many, many ways, and I think that's important to recognize.

I do think that it's important to have a focus that looks at what a farm family is and what other options there are in terms of full-time agriculture, because I just go back to the following situation in terms of sustainability. If you have three, four sections of land, depending on which part of the province and what kind of land, a few years ago, the member could probably tell me in his area how many farm families you would have had 50 years ago, or at the time of settlement. You would have had certainly several. For many years in the province, three, four sections of land is a minimum level for a family farm operation. We have whole areas of the province where you had four, five, six families in an area of land with one farm family currently in that land. In many cases you have, perhaps a farm family where the head of the operation are in their 50s, in their 60s and, you know, the issue of farm succession.

I have asked the question, and I'll ask this again rhetorically, publicly, in terms of sustainability, why we can't look at shifting that pattern back. There is a demand, I think, out there for—and I don't like using the term hobby farms, because I actually think that really puts it in a lower category than it is for a lot of people. We are seeing a lot of interest from Europeans, in various parts of the province that have emigrated, and they want to have a rural dimension even though they don't necessarily see themselves as being full-time farm operators. A lot of it will come down to, I think, subdivisions, how you subdivide, and I also, by the way, want to throw out the issue that concerns the use of agricultural land because the honourable member mentioned about Department of Agriculture and some of their role and some of the provincial land use policies in terms of farmland.

What always strikes me is if you had three, four sections of land a few years ago, just take the number of farmers and farm families who were living on it, but with agricultural practices of the day, you always had a significant amount of land that was not necessarily even in agricultural production at the time or was ever in agricultural production. I'm talking about shelter belts and forest areas that were

also important because you needed a wood supply, perhaps for hunting and various other reasons. To my mind, there's got to be a way in which we can make sure that we don't see a significant loss of agricultural land, but at the same time, we don't end up with planning processes that result in fewer and fewer people living in areas that used to be able to sustain in probably as sustainable or in a more sustainable way than we currently do with a larger population. I think that's the key.

Now, Mr. Acting Chairperson, I appreciate, by the way, what the member said about zoning and a lot of the local decision making. I also appreciate the fact that different municipalities have different perceptions. There's always the livestock operation issue, and I won't get into that, unless the member wants to get into it, but I think there's probably the clearest example. There are all sorts of other zoning issues where different municipalities have different approaches to development and what is an acceptable mix.

My view has always been, by the way, that there's kind of an inverse proportion. The closer you get to urban areas, particularly the city of Winnipeg, the more you get planning that echoes urban planning principles than rural, even if you're in a rural municipality. I want to stress again there, that I think on the agenda has to be the future of rural Manitoba and the fact that there are a significant number of municipalities that are in population decline, some a very significant decline. I think the question has to be asked, what's wrong with this picture? There's a great quality of life in rural communities. There are people that want to live in rural communities. There's got to be a better way of planning to ensure that what people want is what we get.

So if that's the one vision—I know I mentioned this about three different times—and I think the member has come up with some suggestions on some of the specific components—that I would welcome any and all suggestions on that because I think provincial land-use policies should not be seen as one big no stamp because I think sometimes people see municipal planning as kind of a, you know, big no stamp. You either get accepted or you get the big no, you can't do this.

I would like to see them as part of revision of enabling sustainable development. I'd run through some of the specific elements we're looking at, but I think members hit on a number of them already. We're very open on some of those suggestions.

I think this has got to be a broad review. Not only is nothing being sort of left out for consideration, but we've listed a whole series of things. I would like to see a fundamental vision and perhaps some significant changes when we do implement the PLUP changes because a lot has changed in the province since 1994, some for the better and, in terms of rural population, not for the better in many parts of the province. I want to change that.

* (11:40)

Mr. Briese: I certainly appreciate the minister's comment on enabling. We can't, any of us, I think, go out there and be heavy-handed, and that's the way we conducted our business as a planning district in the Neepawa and area planning district for a number of years. We had our confrontations and stuff that we had to work our way through, but I think, and you're well aware of the Neepawa area, it shows in the progress the community and the surrounding area is making right now. I think that's part of having a very good structure in place in that area.

I always encourage, and I can never say it enough, listen to the local knowledge because it's very, very important. I also liked your reference to the farm family instead of the family farm. I've heard that phrase, family farm, over and over and over again, and when you ask somebody to give you a definition, they don't have one. It usually stops them in their tracks, but farm family is, to me, a different connotation. A farm family, in the simplest definition I can give, they produce food; in whatever way, shape or form, a farm family produces food. It may be a market garden, it may be whatever, but it's a farm family producing food.

In the last *Cattle Country*, the Manitoba Cattle Producers' magazine, Allan Preston had written an article in there about the seven miles of his road that he came out to get to the highway, talked about the yard sites that were along there and who actually was in agriculture and what these people did often. It's just an excellent article. It gives you an idea of what the rural community is nowadays compared to when everyone was just one individual farm.

So I hope, as we move through this review of the provincial land-use policies, that we consider all those things. I guess if there's one final question, and I probably do know the answer, but I'd like it on the record too. You've already mentioned you've been consulting with the Association of Manitoba Municipalities on it. What other groups are you

dealing with? Are you consulting with KAP and all those others, the Manitoba Cattle Producers and Manitoba Pork?

Mr. Ashton: I just [*inaudible*] the member's broad-based list. I do want to indicate that, even prior to the PLUPs' review being launched officially I certainly have had the opportunity to meet with farm organizations, particularly KAP with some of their specific concerns. It's interesting because the terminology the member used certainly is exactly what I'm referring to. In terms of farm communities, I think it's important to recognize that many farms, for example, are incorporated, but they're not corporate farms. You know, they're operated by farm families. It's a legal definition.

So a lot of that terminology is no longer very useful because I hear people often say about family farms and corporate farms. Well, there are a lot of family farms that are incorporated, I mean, still operated by families. Exactly the phraseology, the definition the member uses is exactly what is the key to this vision here,

You mentioned about what is happening with diversity that's out there? I don't think people have any idea on a lot of the rural communities. I'm talking about people living in, say, the major urban centres, about how much diversity there is and how much creativity there is that's out there. One of the key elements that we have to preserve is that ability to be able to produce food. That's exactly the key element here. For many people it's a way of life.

It's like fishers and miners in northern Manitoba. They don't make a lot of money on fishing, but it's been in the family for generations. You have situations with immigrants. They came to Canada because they want to be able to farm, but they're not necessarily getting a hundred percent of their income or even the majority of their income from farming.

A lot of it gets back to, I think, having planning principles—and the member mentioned the word, I'll mention it again—that are enabling and what I find, by the way—I'm not trying to give away department secrets here, but we've had some discussions already with our planners. Our planners have a lot of ideas on what should or should not happen. They don't just have a big no stamp. We're actually seeing some very significant progress across the province on planning authorities. I think what is happening is that through that process we're also getting people involved in planning, either provincial or municipal and elected officials who see the limitations in a lot

of cases of what outdated planning principles apply. There are many cases where maybe it makes more sense to be able to enable something where we're having to reject things because they don't fit the situation that is described by the provincial land-use policies.

Madam Chairperson in the Chair

I also think it's important to do update plans even within those policies. Because one thing that is very encouraging, particularly in the Capital Region, is municipalities have taken land that should never have been zoned for residential use and increasingly is not feasible for residential use, where they're now switching that out of residential into other use, then seeking to get other areas which are more suitable for residential use, particularly with infrastructure and environmental issues, getting those adopted. So part of it is actually not just taking the principles but adjusting with them.

I just want to finish off by saying that we have a broad consultation. What I find interesting is when I talk to, say, KAP, when I talk to the municipalities, there's a lot of common ground there, even though at times there may have been some issues where you get some differences of opinion. I think it is all because farm organizations and municipalities, it's all the same thing. It's all rural Manitoba that we're talking about. The key element here, I think everybody is recognizing, is the degree to which we do have declines in populations in parts of the provinces, I realize not in the member's area, that are significant in our continuing trend and we have to deal with that.

We also have to look at where rural communities are successful and how they're being successful because there are many. I've seen the census surveys. There's a misperception that all rural communities are declining in population. I'm talking about rural municipalities. Not true. In some cases you have the surrounding rural municipality has decreased in population, but the urban centre has gone up. In some cases both are increasing. So I think we have to get out of the idea there's some success stories. Maybe through our provincial land-use policy review we can reflect some of what's working out there and maybe put it into the provincial land-use policies in a way in which we can get some further development in other parts of rural Manitoba.

* (11:50)

Mr. Briese: I mentioned a couple of feedbacks I've been getting on the provincial land-use policies. I forgot one that I heard just recently was there seems to be some movement in them to put buffer zones around wildlife management areas and certain other areas of the province. That would most impact probably the north end of my constituency in the Interlake where there is an awful lot of provincial Crown land. The other thing I'm hearing, and it's only anecdotal at the moment, is that with the decline in the cattle herd in the province that we're experiencing right now, some of that Crown land that was leased out for pasture is being freed up back to the Province and that they're not too concerned about leasing it back out. I would suggest that there might be some concerns, and I see the Minister of Conservation (Mr. Struthers) just put out some rules yesterday on four-wheel vehicles and the chance of them starting fires. I would suggest that we might be increasing that problem if we start to do some of these things.

I think the best thing to be done on a lot of that land is have a cow on it, and in those areas one cow is an economy. It impacts the economy of the urbans and the rurals alike. I want to really make sure that we stay headed in the right direction on some of those considerations. Karin Wittenberg from the university, in Agriculture, told me—and I wasn't aware of this until about a year ago when she enlightened me, that land that's grazed or land that's cut for hay, permanent cover land, is more of a carbon sink than land that's just left sitting, because it absorbs carbon as it's growing. So the point is, it's a very valuable tool, environmentally, in my view, to have those cattle out there grazing. There was some concern on the possibility if there are any major buffer zones, but then you just add to the problem of possible fires.

I don't know if you want to respond or whether—

Mr. Ashton: I appreciate some of the issues the member's raising, certainly, buffer zones under various circumstances have come up. I know one of the issues for KAP was certainly where you have land that has been set aside for nature preservation, if I can use that term, that it not impact unduly on the farm community. I think the member is getting into some of the specifics on the sustainable land-use issues, and I certainly encourage him to raise that through the PLUPs consultation, because these are all issues that we'll be looking at through the PLUPs consultation, recognizing again that these have not

been updated since 1994, and a lot of the focus on climate change, for example, has occurred since 1994, so we're more than open to his and any other submissions on this.

Mr. Briese: Just a couple of questions on the Neighbourhoods Alive! program. I'm going to move off the provincial land-use strategies now. Could the minister give us some insights into the additional funding that's going into Neighbourhoods Alive! program. How are you gauging the results out of Neighbourhoods Alive!?

Mr. Ashton: Well, it's important to note that the initial Neighbourhoods Alive! program was focussed on Winnipeg, Brandon and Thompson, the three largest cities in the province. There was a number of factors that went into that but, certainly, the socio-economic circumstances—all three communities, for example, were part of the urban Aboriginal strategy, TUB [*phonetic*], so we started with those three cities and a number of neighbourhoods in the city.

The second stage was an expansion to various additional neighbourhoods in the city of Winnipeg, and the third stage, the most recent stage, was the expansion into additional communities, and as the member is aware, we expanded into Portage and Selkirk and Dauphin and The Pas and Flin Flon. So we're at various different stages with those various communities.

I would say in the three existing initial communities there's been a significant amount of success. Each community has had, and communities within those communities have had different focusses, but you will see projects ranging from community development to improvements in housing, improvements to local businesses. We funded total renewal of playgrounds. You know, you name it, we've seen some significant focuses. In fact, one of the more recent developments has been in the area of public safety and a lot of focus on improved lighting.

I would say that if I was to characterize our first three communities, there is no doubt in my mind that it's been a huge success.

Current status of the new communities is we're funding 1,013,000 that's available to the five new Neighbourhoods Alive! centres to support various different projects. That is very important to my mind, because we are moving ahead in this particular case to the next step in those new communities. They are

all either at the point or will soon be at the point of having Neighbourhood Renewal Corporation entities, either newly incorporated or pre-existing organizations that are operating in terms of that role. We've already started to see the flowing of grant funds to the five new communities and we've made a number of announcements. We're seeing some very significant community-based projects that are being brought forward.

If the member's interested on the actual valuation, there was a valuation in 2005. It certainly was very positive and we will be doing further valuation this year as well.

One thing I'd like to note is the degree to which I believe that Neighbourhoods Alive! and many of the other programs that we have in place are a significant part—along with primarily the community initiatives—of the major turnaround we've seen in many communities, particularly here in the city of Winnipeg. We're seeing communities in which you have homes boarded up, homes that have virtually no market value, declining population; we're now going to have increased population, home values have increased and there's a real sense that those neighbourhoods are turning things around. That is testament to the work of the people living in the community and I'm very proud, though, that we as a provincial government have brought in a program like Neighbourhoods Alive! and some of our other initiatives that—I mean, we're part of the solution. I don't think enough attention is paid to the fact that the real success story here is in the core area of Winnipeg and the north end of Winnipeg and a lot of those neighbourhoods that are really turning things around. More things to happen, yes, more work needs to be done, but that's the real success story that, unfortunately, doesn't get much coverage. There's too much coverage on the negative news, not enough on the positive news, and there is positive news out there.

Mr. Briese: I wonder if the minister could share with me a list of the projects, like if I could get it into my hot little hands at some point. Is there any movement—just one small question on this one—are there plans for further expansion of the Neighbourhoods Alive! program into more communities?

Mr. Ashton: Well, certainly, it's been an issue that has been raised particularly in the city of Winnipeg. You know, there are additional neighbourhoods—I'm not just saying this because the Member for

Elmwood is here, but he has raised that issue with me, the rookie MLA for Elmwood (Mr. Blaikie) who managed to raise that, I think, in one of our first conversations. One of the things we are certainly looking at, because I know this has been identified by a number of MLAs, there are pockets of need that are out there. There are communities, perhaps smaller than what we're dealing with in Winnipeg with existing Neighbourhoods Alive! communities, where there's a need.

I do want to note, by the way, that when we supported the provision of additional rec staff provincially, that when we did that with the city of Winnipeg—we also have some additional funding for other communities—we are doing that both in Neighbourhoods Alive! communities and in communities with similar socio-economic profiles. So, definitely, we're looking at that on a pilot project basis, so not only do I not rule out any further expansion of Neighbourhoods Alive!, it's certainly something we will consider.

A key principle of the expansion thus far, though, has been that we have not reduced funding for existing communities. We've built on that funding and that would certainly be the basic principle here over the next period of time. We would certainly look at that kind of a potential expansion because we certainly are receiving very positive feedback in every Neighbourhoods Alive! community where we're currently partnering with local communities.

*(12:00)

Hon. Jon Gerrard (River Heights): Last year, after chasing around for quite a while, I finally got established that it was the Minister for Intergovernmental Affairs who was responsible for ensuring that there was a reasonable approach to addressing the huge problem of erosion along the Winnipeg River near the Sagkeeng First Nation.

Can the minister give me an update on what has happened in the last year? What progress there has been made in resolving this issue?

Mr. Ashton: We're not involved with any issues related to drainage or riverbank erosion. IGA deals with municipalities, municipal funding. IGA used to have Infrastructure; Infrastructure is now part of MIT. I think the member may still be doing some more running around in terms of that, but we're not directly involved with that at all.

Mr. Gerrard: I thank the minister, who is sending me on some more wild goose chases. It was, I thought, pretty clear, last year, that the Minister of Intergovernmental Affairs had the lead on that, but if that's not the case, then I will pursue another minister.

Let me then ask, quickly, about the long-run plan for Peguis. I believe that falls under the Minister of Intergovernmental Affairs, in terms of the flooding. What is the minister's long-run plan to prevent the problems, the huge problems, that there were this year in terms of 147—or so—homes being flooded, and extensive damage, and huge costs for repairs, and so on.

Mr. Ashton: I did provide some information earlier, and just to summarize it to the opposition critic, there was an agreement signed. Actually, I was Water Stewardship Minister at the time. We took the position that the First Nations jurisdiction is the federal government's fiduciary responsibility, but there really is a need for significant mitigation in Peguis, and other Aboriginal communities. We started by doing a lot of the surveying work, which is now completed. There was some action already taken on a couple of items which did provide some particular flood relief.

But what we're doing now is we're taking a lot of that technical information. Our Department of Water Stewardship has been working on specific items and even though, traditionally, provincial governments have shied away from being involved on reserve, our position has been we're not only not taking that approach, we are working actively with the First Nations, because we're also talking about Fisher River, and other affected First Nations, to the point that the Minister of Aboriginal and Northern Affairs, and myself met with the federal Minister of Indian Affairs. We're focussing on a number of things. One is mitigation. Clearly, we do have some expertise, and similar to what happened with Roseau River after '97, we see a real opportunity for provision of improved mitigation through a broader umbrella agreement with the federal, provincial and First Nations' governments.

I want to also add, I mentioned this earlier, as well, that we have been approached to actually provide direct emergency services. Right now, EMO's role on reserves is restricted to, actually, the DFA for individuals' side. There is a great deal of interest from, certainly, Peguis. I talked to the chief directly, Chief Hudson, and other First Nations about

having a similar arrangement to other provinces, where EMO, actually, by agreement, provides services more equivalent to what we do in working with our municipal partners.

So I can see both mitigation and emergency services, with us, the province, playing a much greater role. Our view is First Nations Manitobans are Manitobans, and that's not to take away from any of the fiduciary responsibility of the federal government, but we've taken a proactive position here, recognizing that it was a disproportionate impact on Peguis, this year in particular. Quite frankly, if we can see the kind of improvements we've seen in Roseau River in the Red River Valley, we would; the same should apply to Peguis. The technical work that's being done right now, I think, will identify some of the specific items, but we know there are certainly things ranging from crossings which have been a hydraulic barrier, perhaps some cases permanent diking. We're also talking about planning as well, because I know the Chief has got a concern about that, making sure there's proper planning down the line that takes into account flooding areas.

So we want to see a comprehensive approach and agreement by all the governments that should be at the table on this, and we want to see it soon as well. Our goal is not just a long-term goal, but I can indicate to the Member for River Heights we want to see some improvements by next flood season.

Mr. Gerrard: I'm pleased to hear that because after 10 years and not very much happening, it's certainly about time. Does the Minister for Intergovernmental Affairs have any responsibility with regard to Jordan's Principle?

Mr. Ashton: No. But I know the whole issue. I know the member's interest in it and the general context which it came out of, particularly, you know, the situation that developed in Norway House. I would say the principle we're talking about here with Peguis—and by the way, I would disagree with the member when he says that nothing's happened. We actually took the initiative to do the work that's already been done, particularly the technical work, which is what we did in the Red River Valley. I mean, you do the wider surveying and you identify exactly what the problem is and then you work on mitigation.

Our basic principle here, I think, is the fundamental principle of Manitoba, which is, in this case, First Nations Manitobans are Manitobans.

That's not to take away from the fiduciary responsibility of the federal government, but it is to say that we want to work actively with First Nations, and, yes, the federal government, on flood mitigation. So that's the basic principle we're approaching here right up to and including us doing planning for works on reserve even though it's not provincial jurisdiction, because we recognize it's fundamental to getting the kind of attention that First Nations need on flooding issues.

The key principle here is the principle that if you're a Manitoban, you're a Manitoban, which echoes some of Jordan's Principle in a lot of ways, but probably predates it, and in my mind is something that you always should be focussed in on First Nations. I'm sure the Member for River Heights has a similar view, from his comments, and that's the way we're approaching the flooding situation.

Mr. Graydon: Mr. Minister, you had talked about the evacuation and the orders for evacuation because of road closures, and we see and we certainly sympathize with the Peguis community who were forcibly, well, not forcibly, but were evacuated. Many have lost their homes and a lot of personal possessions. We're certainly sympathetic to that. We've—like I said one day in the House here, I've lived through the flood of '50. I know what it's like to be moved and uprooted even as a child. Those memories carry on with you forever and a day.

However, I have a question about the Roseau Reserve. Who authorizes the evacuation for reserves in this situation?

Mr. Ashton: It's essentially the equivalent of EMO. It's MANFF, the Manitoba Association of Native Fire Fighters, and the decision to evacuate is one that is made by the First Nation in discussion and consultation with INAC. We're not involved in anything other than providing the flood forecasting and some of the technical information. Once again, it reflects the different jurisdiction with First Nations, and if there was a change in the provision of emergency services we might be more directly involved through EMO, but we are not involved in the actual evacuation, either the decision or the implementation. That is something that involves the First Nation, MANFF and INAC.

*(12:10)

Mr. Graydon: Is there any protocol that suggests where the people are evacuated to? I'll give you an example. There were many communities close to the

Roseau that have vacancies, facilities for evacuees and more than happy to have—or would've embraced the evacuees in these communities. In the situation, as it turned out, it would've given the evacuees an opportunity to return to check their homes, check their basements to see if their pumps were running as the highway through the reserve was never closed. Is there any protocol for that? Any thoughts going forward with that, Mr. Minister?

Mr. Ashton: We don't authorize or conduct the evacuation. It's something that is done by the First Nation co-ordinated by MANFF and is authorized by INAC, Indian and Northern Affairs Canada. So my suggestion to the member as local MLA is that he may want to raise that perhaps with his member of Parliament or directly with any of the governments or agencies that are involved with this. We certainly have our own protocols where we have direct involvement jurisdiction, but we have no direct involvement jurisdiction with First Nations evacuations.

Mr. Graydon: Can you give me a thumbnail view of what the protocol is on some of the other situations such as the seniors home in St. Adolphe?

Mr. Ashton: St. Adolphe, what occurred there is because of the potential for the flood levels to reach a level at which there could've been an impact on the access into the personal care home. We moved in advance of actual impending flooding, recognizing the fact that there is a disruption, particularly in personal care home residents, who are often elderly and have medical conditions. So, in that particular case, that was a decision that was made, essentially by the Department of Health, to do that.

It's a similar principle that would've applied in other situations in the sense that there may be situations we don't have a total evacuation, but where you have a partial evacuation of a community, you start with the most vulnerable people. That's similar to what happens, you know, in forest fire situations in many cases. So that was essentially the key element there. It was an access issue, and the potential began as if you have any situation where you do not have full access into a facility like a personal care home or a community, we move towards what's called a precautionary evacuation.

The one community with a provincial jurisdiction where that did occur this year was Riverside in the R.M. of Morris, and that occurred again because of the fact that there was an access issue. As soon as you have no ability to guarantee

providing land-based access to emergency services, you move to a precautionary evacuation. I stretch that because some people outside of the valley get confused. Not everybody that was evacuated was flooded, and, in fact, most evacuees in sort of the valley were not flooded because there was certainly virtually no damage to homes anywhere, because of the diking and the water levels that were there. So that's the general principle of providing emergency services.

Mr. Briese: Madam Chairperson, I'd like to just touch briefly on the Auditor General's report on the R.M. of La Broquerie. I'll make a couple of observations and then ask a question, I guess. There are a number of recommendations in it that are aimed at the municipality, and there are a number aimed at the department. The Municipal Act that we work under right now was put in place about 10 years ago, probably just over 10 years ago, and it's been in place long enough now that we're possibly seeing a couple of weaknesses that might be in it. It takes a period of time to see where some of the weaknesses may be, and it's possible that we're seeing some of them in this Auditor General's report. I'm aware of some situations in some other municipalities across the province where there seem to be some problems.

Now, when I first went on municipal council, which was just shortly after the minister actually arrived in this House, I think—

An Honourable Member: That long ago?

Mr. Briese: —a long time ago. When I first went on municipal council they had at that time, I believe, there were six municipal service officers, plus I think there were two financial officers—and then there was Roger Dennis, who was another level in there, who seemed to me, through the time I was around there, the guru of municipalities. He seemed to know what went on in every municipality everywhere in the province. When he retired, I don't think the position was refilled. I'm not positive what the workload is, but it does seem to be that we don't have quite as much liaison staff out there for municipalities, and maybe we're running a little lean there and maybe we need a little more help in that part.

But a specific question is: Are we moving to implement the recommendations that are made to the department in the Auditor General's report, and what are the time lines that we might be looking at having those implemented?

Mr. Ashton: Well, first of all, yes, the member knows, obviously, the background of the current act. I know at the committee I had the opportunity to thank the chair of the Public Accounts Committee because he was the minister at the time, the Member for Russell (Mr. Derkach). I think the key element, by the way, to recognize is the fundamental principle of the act, which had not been revised for many decades. It still stands—and that is 198 municipalities and the movement towards greater recognition of the autonomy of those municipalities. That fundamental principle hasn't changed. We have, though, accepted the recommendations of the Auditor General's report. I think we've seen significant improvement in the municipality itself. I believe that, I could get into more detail. I know we're running short of time. So I'll just leave it at the fact that we have already started implementing and we will implement all of the OAG's recommendations.

Mr. Briese: Madam Chair, I know part of the recommendations is along the education vein and the AMM works hard at education, as does the department. But I think there needs to be a little bit more of the safety built in there than education. There's a lot of cases where, for various reasons, these seminars aren't attended and need to—and I'm not absolutely sure what the best direction to go is on it. But I think there may have been a few weaknesses, as I said earlier, in The Municipal Act we work under now, and maybe there needs to be a move to correct them.

I had another train of thought there, and I've lost it.

One of the other things I just wanted to ask, and I presume the minister is aware of this, it probably falls under a different department, but waste reduction and recycling support levy. In our case, in my municipality, we're in a regional landfill site with about 10 or 11 municipalities, both rural and urban. We pay for those, all the services, it comes out of the municipal taxes. If there's a shortfall we top it up, all that kind of thing. Now, this is calling for a \$10 per tonne waste delivered fee, and then it says of the revenue collected, 80 percent will be rebated to municipalities to further promote recycling.

Well, in our case at least, and I expect it's pretty common across the province, the \$10 is going to be coming from the municipalities. Then 80 percent is going refunded to them, and 20 percent is going to be used for increased provincial e-waste and hazardous waste collection.

Can you enlighten me a little bit on this one? It just sounds kind of silly to me.

* (12:20)

Mr. Ashton: Well, it's important to note that you've got two separate waste streams. You've got a municipal, municipal collected, and a private waste stream. What this does is that, in many cases with the municipalities that have class 1 landfill sites, it will actually involve additional revenues. It also does something else besides the revenue, and I realize we're short of time.

I'll just summarize it very quickly. It also provides a disincentive for waste. We have some of the lowest tipping fees anywhere in Canada. This will change that. So the combined impact will actually be additional revenue for a number of municipalities, additional resources on the recycling side, and I think there's a real need for that. I'm not the minister involved with recycling, but I can say most municipalities are saying that their municipal recycling programs are facing some significant pressures because of the drop in commodity prices.

We view this, as a party, for us as the government—I know the Minister of Conservation (Mr. Struthers) is working on this, and this will actually help. There'll be more revenue, both for recycling and more of a disincentive for the landfill sites to be overused. But, also, in particular, it will capture some of the private dumping that's taking place and will provide a much truer recognition of the real costs of operating those facilities for the municipalities.

Mr. Briese: Just one quick comment after what you said, and then we'll move on.

We've talked about this ad nauseam when our landfill went up, and we don't charge for any waste coming in there because it'll get dumped in the municipal ditches if we do.

So, if the Province puts on a \$10-a-tonne charge, we're going to have to either put that on at the gate or pick it up as municipalities, and that is a reality. Out in the rural areas—and our waste disposal is in the rural area—they'll go into the ditch if they find out they have to pay \$10 a tonne.

I'd like to thank the staff of the minister's department because I've always found them very willing to and able to answer my questions and work with me, and I do appreciate that.

I would suggest my questions are done, and we can move to line-by-line.

Madam Chairperson: Is the will of the committee to go to resolutions? *[Agreed]*

Resolution 13.2: RESOLVED that there be granted to Her Majesty a sum not exceeding \$38,463,000 for Intergovernmental Affairs, Community Planning and Development, for the fiscal year ending March 31, 2010.

Resolution agreed to.

Resolution 13.3: RESOLVED that there be granted to Her Majesty a sum not exceeding \$11,446,000 for Intergovernmental Affairs, Provincial-Municipal Support Services, for the fiscal year ending March 31, 2010.

Resolution agreed to.

Resolution 13.4: RESOLVED that there be granted to Her Majesty a sum not exceeding \$174,606,000 for Intergovernmental Affairs, Financial Assistance to Municipalities, for the fiscal year ending March 31, 2010.

Resolution agreed to.

Resolution 13.5: RESOLVED that there be granted to Her Majesty a sum not exceeding \$2,497,000 for Intergovernmental Affairs, Emergency Measures Organization, for the fiscal year ending March 31, 2010.

Resolution agreed to.

Resolution 13.6: RESOLVED that there be granted to Her Majesty a sum not exceeding \$145,000 for Intergovernmental Affairs, Costs

Related to Capital Assets, for the fiscal year ending March 31, 2010.

Resolution agreed to.

The last item to be considered for the Estimates of the department is item 1.(a) Minister's Salary, contained in Resolution 13.1.

At this point, we request that the minister's staff leave the Chamber for consideration of this last item.

The floor is open for questions.

Seeing none, Resolution 13.1: RESOLVED that there be granted to Her Majesty a sum not exceeding \$4,441,000 for Intergovernmental Affairs, Administration and Finance, for the fiscal year ending March 31, 2010.

Resolution agreed to.

This concludes the Estimates for this department. The next set of Estimates that will be considered by this section of the committee is the Estimates of Civil Service Commission.

What is the will of the committee? Will the committee rise? *[Agreed]*

Committee rise. Call in the Speaker.

IN SESSION

Mr. Gregory Dewar (Selkirk): Madam Deputy Speaker, I believe if you were to canvass the House, you'd discover a willingness to call it 12:30.

Madam Deputy Speaker: Is there a will to call it 12:30? *[Agreed]*

The hour being 12:30, the House is adjourned and stands adjourned until 1:30 p.m. on Monday.

LEGISLATIVE ASSEMBLY OF MANITOBA

Friday, May 8, 2009

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