



Fourth Session - Thirty-Sixth Legislature

of the

**Legislative Assembly of Manitoba**

**DEBATES  
and  
PROCEEDINGS**

**Official Report  
(Hansard)**

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Speaker*



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

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

## LEGISLATIVE ASSEMBLY OF MANITOBA

Monday, May 25, 1998

The House met at 1:30 p.m.

### PRAYERS

### ROUTINE PROCEEDINGS

### READING AND RECEIVING PETITIONS

#### Mining Reserve Fund

**Madam Speaker:** I have reviewed the petition of the honourable member for Flin Flon (Mr. Jennissen.) It complies with the rules and practices of the House. Is it the will of the House to have the petition read?

**An Honourable Member:** Dispense.

**Madam Speaker:** Dispense.

*WHEREAS mining is an annual billion-dollar industry in Manitoba concentrated almost entirely in northern Manitoba; and*

*WHEREAS the Manitoba mining industry directly employs more than 4,300 people pumping more than \$240 million in wages alone into the provincial economy; and*

*WHEREAS part of the mining taxes on operating mines goes into the Mining Reserve Fund; and*

*WHEREAS the Mining Reserve Fund was set up for the welfare and employment of persons residing in a mining community which may be adversely affected by the total or partial suspension, or the closing down, of mining operations attributable to the depletion of ore deposits; and*

*WHEREAS the Mining Reserve Fund had more than \$15 million on account as of April 1998, despite withdrawals by the provincial government of more than \$6 million which was put into revenue; and*

*WHEREAS many mining communities having contributed millions of dollars to the provincial*

*economy for many years are now nearing the end of their known ore resources and as such this fund is extremely important to the future of these communities in northern Manitoba; and*

*WHEREAS in order for a new banking service to establish a branch at Lynn Lake it has been suggested that they would need a minimum of \$12 million on account.*

*WHEREFORE YOUR PETITIONERS HUMBLY PRAY that the Legislative Assembly of Manitoba may be pleased to request the Minister of Energy and Mines to consider transferring the account of the Mining Reserve Fund to a banking service in Lynn Lake should such a facility meet provincial standards.*

### PRESENTING REPORTS BY STANDING AND SPECIAL COMMITTEES

#### Committee of Supply

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

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

**Motion agreed to.**

\* (1335)

### MINISTERIAL STATEMENTS

#### World Trade Conference

**Hon. James Downey (Minister of Industry, Trade and Tourism):** Madam Speaker, I have a statement to make and copies for distribution.

I appreciate members bearing with me. The statement may be a little long, but I think it is an important subject.

Madam Speaker, I would like to take this opportunity to inform the House of the important developments regarding the efforts to further liberalize world trade this past week at the meeting of the world's Trade ministers under the World Trade Organization.

At the personal invitation of Canada's federal Trade minister, the Honourable Sergio Marchi, I was able to participate as a member of the Canadian delegation to these meetings. These meetings provided an important opportunity for Trade ministers to reflect upon the implementation of the results of the Uruguay round of multilateral trade negotiations and to discuss plans for future trade negotiations under the WTO.

I took the opportunity at these meetings to put forward Manitoba's desire for continued opening of world markets and in particular the further opening of important export markets in Europe, Latin America and Asia-Pacific. I would also underline the particular importance of Manitoba places on continuing the process of integrating agriculture into the world trading system by further opening markets and disciplining harmful subsidy practices. Manitoba's views were faithfully reflected in the interventions by Canada, and I would like to table in the House a copy of remarks by federal Minister Marchi, as well as remarks tabled by Prime Minister Chretien to this World Trade conference.

The conference culminated very successfully from Manitoba's and Canada's perspective. I would like to table a copy of the Ministerial Declaration approved at this conference. This declaration calls for a work program to make the necessary preparations for ministers to re-engage in the multilateral trade negotiations meeting in the United States in late 1999.

The built-in work program under the WTO calls for negotiations on agriculture and services to restart prior to the year 2000. World Trade ministers exchanged views on what other issues should be added to these negotiations to achieve a balanced package reflecting the interests of all countries and promising a substantive and expeditious outcome.

While views differed on the best manner in which to achieve this balanced package, my discussions with members of other delegations and the successful

declaration confirm that all countries remain committed to the WTO and the process of further opening world markets. The conference also witnessed a celebration of 50 years that have elapsed since the establishment of the multilateral trading system. Distinguished world leaders included the United States President, Bill Clinton, Prime Minister Tony Blair—you would have been proud of his speech, I am sure, to the member opposite; not very much along the lines—of the United Kingdom, and President Nelson Mandela of South Africa spoke with eloquence and conviction of the need for renewed commitments to the multilateral trade system and to engage all segments of society in our efforts to further advance toward open markets and liberalized trade.

I would like to table copies of the remarks from these world leaders for the information of fellow members of this House. Madam Speaker, I will table these following my remarks. These remarks also reflect the importance of consulting with all interested Manitobans from the critical issues under discussion at the WTO. My colleague the honourable Minister of Agriculture (Mr. Enns) and his staff have already begun a process of consulting with interested groups in Manitoba's agriculture community. It is my intention to directly engage other interested Manitobans in discussions through the course of 1998 and early 1999 and our interest in further multilateral trade negotiations. In that context, I also took the occasion to meet with the Honourable Bob Speller, chairman of the House of Commons Standing Subcommittee on Trade, Trade Disputes and Investment of the Standing Committee on Foreign Affairs and International Trade and to urge him to conduct hearings in all regions of Canada to directly gather the views of Canadians on this issue, and I am sure the member for Crescentwood (Mr. Sale) will be pleased with that commitment.

\* (1340)

Madam Speaker, I would like to extend my thanks to federal Minister Marchi for extending the invitation to provincial trade ministers to participate in this event as a member of the Canadian delegation. As trade negotiations evolve, they are impacting more and more on areas under provincial jurisdiction, and provinces must be able to directly participate in these discussions. Minister Marchi has made every effort to allow such

participation. I commend him for recognizing the need for full provincial participation.

I apologize for the length of the statement, Madam Speaker, but I also have the speeches which were given out at the WTO. I will withhold the desire to read them, but I will table them for members.

**Mr. Tim Sale (Crescentwood):** We on this side of the House are pleased that the minister has discovered the WTO and took the opportunity to attend the meetings last week which we extended and facilitated on our part by allowing the Estimates debate to be moved and made more flexible so he could attend.

Madam Speaker, it is a remarkable transition that we have seen. Only a year ago this same government was denying that there was such a thing as the multilateral agreement on investment. They did not appear to know that it was under negotiation. Only a year ago the secrecy surrounding these negotiations was so dense and dark that very few members on either side of the House even knew what the initials stood for. So I am glad to see that the government not only supported our motion to defeat and defer any discussion on the Multilateral Agreement on Investment, but that in fact the government, through the Minister of Trade, supported the taking of those discussions back to the WTO where they will receive much more open and, I think, testing scrutiny than they would have in the closed and cozy atmosphere of the OECD nations. I am also pleased to hear that the government has urged the Government of Canada, through Mr. Speller, to hold hearings on multilateral investment and trade issues across the country. That was, of course, the commitment they made in supporting our motion on the MAI, and I am grateful to see that the minister has followed through on that commitment.

The interests of our province can only be further supported and be improved by the citizenry, particularly the union and business, management and labour, academic and nongovernmental sectors becoming fully and completely informed about trade and trade issues, and how they both positively and negatively impact not only on our country but on many other countries in the world. It is not unusual to pull off the web, on any given day, a number of very, very troubling statements about the impact of some trade measures on Central

and South American countries. It is not at all unusual to hear of very unfair trade practices being engaged in which have the effect of seriously undermining the health and welfare of the peoples of many nations of our world. So I welcome the new openness that this statement appears to portend for us in the future.

We welcome any hearings that will be held in Manitoba and will do our part to facilitate members of our community, labour, business, the nongovernmental sector, the cultural sector to make full and informed presentations to those hearings when they occur, and I thank the minister for his statement.

### Introduction of Guests

**Madam Speaker:** Prior to Oral Questions, I would like to draw the attention of all honourable members to the public gallery where we have this afternoon thirty-seven Grade 5 students from Beaumont School under the direction of Mrs. Kim Burnett. This school is located in the constituency of the honourable member for Charleswood (Mrs. Driedger).

Also, sixty Grade 5 students from Garden Grove School under the direction of Mr. Jim Lapp. This school is located in the constituency of the honourable member for Inkster (Mr. Lamoureux).

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

### ORAL QUESTION PERIOD

#### Manitoba Medical Association Negotiations

**Mr. Gary Doer (Leader of the Opposition):** Madam Speaker, my question is to the First Minister (Mr. Filmon). On May 15 of this year, the Minister of Health stated that he was going to impose a fee schedule on the MMA, in fact on services including obstetricians, and he called the MMA irrelevant and made a number of other comments. On May 22, the same Minister of Health flip-flopped on his position on negotiations and said that he would in fact allow for partial arbitration of the issues before the doctors.

Madam Speaker, it is very puzzling for the public and certainly patients and families that have to go through

the uncertainty of the situation to have the flip-flop nature of the Minister of Health in his negotiations with the doctors. I would like to ask the Premier: did the Premier give his Minister of Health a mandate to impose a fee schedule against the so-called irrelevant MMA, and did he reverse that mandate in the partial arbitration announcement a week later?

**Hon. Darren Praznik (Minister of Health):** Madam Speaker, I appreciate the question from the Leader of the Opposition. It is regrettable that the current status of negotiations with doctors through the MMA is where it is today, but a lot of it has to do with the number and a long history, but more importantly, with the fact that this is not collective bargaining like any other. We had an agreement with physicians that expired this March, yet during the life of that agreement, on many occasions physicians withdrew services looking for additional remuneration, which would not be able to happen in any other relationship.

My reference to the MMA was with the difficulty one has when you do have an agreement or you are attempting to negotiate one, the inability of the organization to ensure physicians continue to provide services on the basis of that agreement, or while you are negotiating, seeing withdrawals of services across the province, which would not be allowed under The Labour Relations Act unless in fact you had a full strike. Those are the comments that I made.

\* (1345)

**Mr. Doer:** It sounds like another flip-flop to me, Madam Speaker, in terms of what he has done. Perhaps the Minister of Health would try to build responsible partnerships with providers of health care instead of alternately insulting them and changing his position from day to day. It is better to build long-term partnerships to retain and recruit doctors in Manitoba, rather than engaging in insults, which is easy to do but hard to, over the long haul, maintain medical services for our patients.

The government has identified that it would now go and put some items before an arbitrator and some other items would not be available to an arbitrator. I would like to ask the Premier (Mr. Filmon): will he provide that all items in dispute be available to be dealt with

through arbitration, all items so that we can have the withdrawal of services for future patients, that uncertainty removed from families here in Manitoba?

**Mr. Praznik:** Madam Speaker, first of all, there is no one more than I who would have liked to have seen a different approach to bargaining at this particular time. In fact, over the last year I have worked very, very hard with my staff, with my Associate Deputy Minister Roberta Ellis to build relationships, particularly with Dr. Ian White, and because of that building of relationships we managed to settle emergency issues, both rurally and in Winnipeg, as well as issues that evolved over the year with intenseness.

Regrettably this spring, Mr. John LaPlume and the MMA took a course of action where they basically said to the province they wanted \$7 million up front, whether they were entitled to it or not under an old agreement, and took us off the course on which we embarked, and that is very regrettable. Quite frankly, over the last number of months we have continually been forced to respond, either proactively or reactively, to a host of service withdrawals that the MMA has encouraged across the province, and we have done that to put patients first. It is not the best way to bargain, but it is the way that we have been forced into by the actions of the executive director of the MMA and their board.

Madam Speaker, I would like to table a letter today that I think clarifies the issues that the member for Concordia has referenced.

**Mr. Doer:** Madam Speaker, our Health critic has asked questions about the insulting comments that the Minister of Health has made about nurses and nurses organizations. We have read weekly the insulting comments and personal attacks of this minister, and we believe the long-term solution to recruitment and retention of health care professionals in Manitoba, whether they are doctors or nurses or health care staff across this province, is to build a relationship, a partnership in respect, not the kind of political rhetoric we see from this minister.

I asked a very simple question to the minister. For the sake of families who are facing a withdrawal of obstetrical services for new patients, will the Minister

of Health agree to put all items in dispute before a binding arbitration panel? Surely that is in the best interests of the patients, and therefore it is in the best interest of this Legislature.

**Mr. Praznik:** Madam Speaker, I have not been insulting to physicians or nurses. Just because from time to time I will take issue when any health care provider or physician withdraws services and puts Manitoba patients at risk does not mean one is insulting, nor when one gives a reflection on a course of action that may not meet the agreement of that particular group.

Madam Speaker, in the letter that I have tabled before the House, I think we make it very clear that the two issues that we indicated we were not prepared at this time to go before an arbitrator were issues that ran across all categories of physicians, not just obstetricians. They were the after-hour premium which we have announced, beginning July 1, will be there for all physicians across the province, a 30 percent increase in fee, and the second has to do with medical malpractice insurance.

I can confirm today that the some \$6,000-per-obstetrician-fee increase that is expected this year will be paid for by the province, and that is in this letter.

\*(1350)

**Madam Speaker:** The honourable member for Osborne.

#### Point of Order

**Mr. Doer:** Excuse my intervention here, to the member for Osborne (Ms. McGifford), but the minister is supposed to table three copies of any letter. That is our rule. We are asking the table for a copy of that letter so we can read it, can ask questions. I would like the Minister of Health, as a courtesy, to table three copies so the Clerk's office can provide us a copy of those letters. Thank you.

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

**Mr. Praznik:** Madam Speaker, the Leader of the Opposition is correct. I omitted to table these two copies.

**Madam Speaker:** The honourable government House leader, on the same point of order.

**Hon. James McCrae (Government House Leader):** It just goes to show how open and helpful the honourable Minister of Health is that he is doing that. The honourable Leader of the Opposition has it wrong. As I understand the procedures here, ministerial tablings and so on at the time of tabling of documents usually entail three copies. The members on the honourable member's own side of the House daily in Question Period table one copy of matters that they put before the House. So, on a point of order, for the honourable Leader of the Opposition to make that point is totally incorrect, but I thank him for doing so because all he has done is pointed out how courteous the Minister of Health is.

**Madam Speaker:** Order, please. On the point of order raised by the honourable opposition Leader, all members in the Chamber, when tabling documents, are to indeed provide three copies of all materials being tabled.

#### Health Care System Unlicensed Blood Products

**Ms. Diane McGifford (Osborne):** Madam Speaker, last week the member for Kildonan (Mr. Chomiak) raised the issue of Manitoba institutions using unlicensed blood products imported from the United States, specifically from the Alpha Therapeutic company, a company which we now learn is in court for regulatory violations in the production of blood products.

I would like to ask the Minister of Health, in light of this new information, in light of AIDS, in light of hepatitis, in light of individual and family suffering, if he is going to continue to wash his hands of this matter, or will he take some initiative, show some respect for the lives of Manitobans and tell us what he is doing here in Manitoba to ensure the safety of unlicensed blood products.

**Hon. Darren Praznik (Minister of Health):** Madam Speaker, we have discussed this in the House on a number of occasions and, again, for the benefit of the member for Osborne, the regulation of the safety of

pharmaceuticals, food products and blood products in this country rests with Health and Welfare Canada, with the federal government. They are the agency that is equipped with the staff, resources and expertise, and they have the mandate constitutionally to do that.

Within the Department of Health in Manitoba, our director of Public Health, Dr. Greg Hammond, deals with our relationship with Health and Welfare Canada, gathers information for me, and I am advised, through his inquiries as a physician, as the director of Public Health for Manitoba, that these particular products have met the safety standards of Health and Welfare Canada. The particular infractions that she refers to have to deal with training, computer security, record-keeping facilities and investigation within that organization and not with the manufacturer quality of that product.

**Ms. McGifford:** Madam Speaker, infractions are infractions, and I would like to ask this minister, who well knows that the largest trauma treatment in the province, the Health Sciences Centre, is using unlicensed human serum-albumin 100 percent of the time, to investigate and unveil very shortly a plan of action that will assure all Manitobans of their safety.

\* (1355)

**Mr. Praznik:** Madam Speaker, considering the product is not available within the country and is imported, and considering that the regulatory body, the national government, has done their work and is allowing the product into the country, I imagine what the member is suggesting is we no longer make the product available with the attending consequences. Those consequences could be very serious. They potentially could result in someone's death. Is that what the member is suggesting to us?

The member well knows that the Canadian Blood Services is in the process of being set up by us as provinces, is unlikely to be operational as a provincial trust agency until later on in the fall. So, Madam Speaker, I would like to know if the member is proposing that because of the fear which she is engendering when the regulator is not requiring that the product not be provided in Canada, is she suggesting that we not allow its use in our hospitals with the resulting death or injury that could take place?

**Ms. McGifford:** It sounds like déjà vu. I am sure this speech was made about hepatitis C, too.

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

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

**Ms. McGifford:** Thank you, Madam Speaker. I would like to ask this minister and his government if he plans to tell Manitobans, who may in the future suffer the consequences of infected blood acquired through unlicensed human serum-albumin, that he is very sorry but there is no compensation because it was the federal government's fault. That is what he is doing with hepatitis C. Is this the plan?

**Mr. Praznik:** Madam Speaker, the alternative to what the member is suggesting is we say to those people who may die because they do not get it that the member for Osborne does not want you to have this product, even though the federal regulatory agency says that it is allowable and usable in our facilities, because she insists that you not get it. That today may be the very real choice that health care providers are facing. The member talks about the past in blood. Yes, there is a history with the Red Cross certainly, and if the Canadian Red Cross has not learned from that problem in their current operations, then we should shut down the whole blood supply system today entirely and give no one blood. We know in the future as well there will be and always will be risk with blood, some risk. I would expect though that those who provide blood are making those who receive it aware of the risks, which has not always been the case in the past.

#### **Manitoba Medical Association Negotiations**

**Mr. Dave Chomiak (Kildonan):** Madam Speaker, we have had an opportunity to review the minister's letter, a missile, I suppose, back to the MMA with respect to the negotiations. That is what it has become when the minister makes unilateral decisions on Friday afternoons, as he has done on successive Friday afternoons and flip-flops on positions. How do you negotiate when you do not listen, when you do not sit down at the table? [interjection]



Perhaps the Premier (Mr. Filmon) can inform the House: how can we have negotiation of this matter when the first paragraph of the minister's letter indicates that the offer to the MMA was the unilateral offer made by the minister when he said the MMA was irrelevant and he was going to impose a settlement? He has gone back to that in this letter.

**Hon. Darren Praznik (Minister of Health):** Madam Speaker, you know, it is very interesting. The member talks about unilateral decisions, and I could not agree with him more. It was unilateral when, contrary to the existing contract on fee for service we had in place, many rural doctors withdrew their services last spring. It would have been a unilateral decision if several of our physicians under fee for service in Winnipeg would have withdrawn their services last fall. It would have been unilateral when internists last winter threatened to withdraw services. It was unilateral when pediatricians in Brandon withdrew their services. It was unilateral when obstetricians in Brandon withdrew their services, and considering today that there is no strike, it is unilateral when obstetricians withdraw their services.

So, Madam Speaker, the reality of the framework in which doctors and governments negotiate is it is not collective bargaining in the form that we are all familiar with, and we are always dealing with unilateral decisions and withdrawals of service. It was the priority of this government to get in and deal with problems on a basis that would prevent withdrawals of service, and we will continue to do that.

\* (1400)

**Mr. Chomiak:** Madam Speaker, can the minister explain why the government is refusing to put the matters before binding arbitration if in fact we are interested in helping the million people of Manitoba, and not be involved in the constant fights between this minister, his insults to the MMA and the MMA on the other side? When will he stand up for Manitobans and put this matter before binding arbitration?

**Mr. Praznik:** Madam Speaker, continually the member talks about insults. If it is insulting to take actions to protect mothers and patients and the citizens of Manitoba, then I will be insulting because I will always put patients first.

Madam Speaker, I appreciate, because many things are going on currently, that he just had a chance to read the letter. We have indicated we will put obstetrical fees to binding arbitration. The two issues are province-wide, are across all doctors. We have indicated that, if they are not settled at the bargaining table for all doctors, we would agree that those items also for obstetricians would go to binding arbitration. So I do not know where the member is coming from. It is in that letter.

**Mr. Chomiak:** Madam Speaker, my final supplementary to the minister. Can the minister explain how in this province we are going to negotiate settlements with nurses that are coming up—obviously we are in the middle of negotiations with doctors—when the minister takes unilateral action, insults the doctors and the negotiators, has insulted the nurses by comparing them to people that are in Beirut or the Middle East, has insulted the board of many of the hospitals by acting unilaterally? When will we get to the state in this province when we can start sitting down and talking and working with the people that are in our health care system and not attacking them, and dealing with the people of Manitoba to get the health care they deserve?

**Mr. Praznik:** Madam Speaker, with respect to nurses, first of all, nurses have collective agreements. There are processes under The Labour Relations Act that do not apply in our negotiations with doctors. They do not come under the act, and we do not have a collective agreement. Nurses, when they enter into an agreement, live up to it. We have not seen illegal walkouts or strikes by nurses.

Madam Speaker, with reference to insulting and dealing with health care workers, I have been in this House as Minister of Health for a year and a half, and I remember in my early months here as Minister of Health, the member for Kildonan continually asked me about settling disputes between LPNs and R.N.s. And what did we do? We put them in a room together; we developed a process to sort out the turf wars that are there. We also put in the room the purchasers of their services and the RHAs, and what we were trying to do is achieve a peace in those professions that has not been there in reality for quite a number of years.

### Winnipeg Child and Family Services Caseloads

**Mr. Doug Martindale (Burrows):** Madam Speaker, on Friday, a Child and Family Services supervisor told the baby Sophia inquest that he was responsible for 350 open cases, the sum total of eight workers handling 40 to 45 cases each. The Child Welfare League of America recommends workers handle no more than 10 to 17 cases. They also recommend that, because supervision is critical to effective service delivery, the ratio of social workers to supervisors not exceed five to one.

My question for the Minister of Family Services is: two years after the death of baby Sophia, the ratios continue to be one to eight workers, each of whom have caseloads that are four times higher than is recommended, and this doubles when supervisors are away. What is this Minister of Family Services doing about this ongoing situation that she has been aware of since the death of baby Sophia?

**Hon. Bonnie Mitchelson (Minister of Family Services):** I thank my honourable friend for that question, because it does provide me with the opportunity to indicate that we have significantly increased our funding to Winnipeg Child and Family Services year after year after year, Madam Speaker, to ensure that they have the resources available to do their jobs. I do know that under new leadership in the Winnipeg Child and Family Services agency they are going through a strategic planning process. The new CEO of Winnipeg Child and Family Services is taking a look at absolutely everything that is going on in the system, looking to try to ensure that the needs of children and protection of children are first and foremost in their minds at Winnipeg Child and Family.

**Mr. Martindale:** Madam Speaker, I would like to table three copies of a letter from the Manitoba Institute of Registered Social Workers and the Manitoba Association of Social Workers, a letter that this minister has had for some time. It is dated November 13, 1997. I would like to ask the minister why she has not responded in a proactive way to the request in this letter to address workload terms, adequate staffing and worker-to-supervisor ratios. When will she institute a

comprehensive workload audit? She has had this request since November '97. When is she going to respond to this request?

**Mrs. Mitchelson:** Again I have to indicate to my honourable friend that Winnipeg Child and Family Services is an externally funded and managed agency in the city of Winnipeg to deal with the issues around child protection.

Madam Speaker, I indicated in my first answer, and I will indicate again—[interjection] If the rude person on the opposite side of the House might stop—

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

**Madam Speaker:** Order, please.

**Mrs. Mitchelson:** Thank you, Madam Speaker. Continually, the member for Wellington (Ms. Barrett) chirps from her seat. I gave my honourable friend the critic for Family Services the opportunity to ask the question without interference or without rude comments, and I would ask the member for Wellington to afford me the same opportunity.

### Point of Order

**Mr. Steve Ashton (Opposition House Leader):** On a point of order, Madam Speaker, I am wondering if the minister was raising that on a point of order, because it would certainly not be in order to continue at length on what supposedly is an answer to a question. I would like to ask you to call the minister to order and perhaps remind her that time is limited in the House, and that is why we have specific rules about answers being relevant to questions. If the minister is concerned about the comments made by any member of this side, the minister can raise it in a point of order and not waste the time of Question Period.

**Madam Speaker:** The Minister of Family Services, on the same point of order.

**Mrs. Mitchelson:** On the same point of order, I will indicate to the member for Thompson that I possibly should have raised it as a point of order. I just want him to know that very often we hear from the member

for Wellington very rude comments hurled across this House, across the floor when people are trying to respond to questions. I do not think it is very becoming, and I would ask that you take my comments under the point of order under consideration and ask her to try to control herself.

**Madam Speaker:** On the point of order raised by the honourable member for Thompson, I believe the honourable Minister of Family Services clarified that indeed she should have raised it as a point of order. I would ask for the co-operation of all honourable members in this House to treat each other with courtesy, and when a member is either posing a question or responding to a question that the other members listen attentively.

\* \* \*

**Mr. Martindale:** Is the Minister of Family Services saying in her previous response that, because it is an arm's-length organization, she is not responsible, even though the government provides a hundred percent of the funding and she has been called to action by workers, by the Children's Advocate, by her own internal report and the Institute of Registered Social Workers, and her government continues to allow dangerously high caseloads of ratios of workers to families? When is she going to do something about it so that more families are not put at risk and we do not have further deaths because of this problem?

**Mrs. Mitchelson:** As I was trying to answer in the previous question, Madam Speaker, I have indicated that our government has continued to increase the support and increase the funding to Winnipeg Child and Family Services, and the millions and millions of dollars—we have more than doubled their budget since we have been in government. We have given them the money that they have requested to do their job.

I know that the new CEO at Winnipeg Child and Family has just gone through a strategic planning process and is looking to see how services can be improved. I am anticipating and expecting that we will see positive results as a result of that exercise at the Winnipeg agency.

\* (1410)

### **Manitoba Medical Association Negotiations—Withdrawal of Service**

**Mr. Kevin Lamoureux (Inkster):** Madam Speaker, on the way to the office this morning I was listening to one of our local radio stations, and I was listening to an eight-month pregnant lady who was obviously very, very concerned about the threat of a withdrawal of services, and justifiably so in terms of what has been happening with respect to the media and the discussion with respect to it.

My question, specific to the Minister of Health: is he prepared to give assurances to the public today that this government will not accept in any fashion a withdrawal of services in this particular area?

**Hon. Darren Praznik (Minister of Health):** Madam Speaker, for me to give the assurance that the member for Inkster wishes, I would have to have the assurance of this House that it would be prepared to legislate doctors to remain in their service. I am not in a position to guarantee that any independent physician who bills on fee for service will or will not provide service. I can assure the member that it has been our intention, since the MMA informed us this winter that they intended to encourage withdrawal of service across the province in various areas, to do what had to be done to minimize these and ensure that we had the minimal disruption to service to patients in our province. We will continue to do so.

**Mr. Lamoureux:** Madam Speaker, what we ask the Minister of Health to do is to recognize this as an essential service—

**An Honourable Member:** Question, question.

**Mr. Lamoureux:** To the Premier (Mr. Filmon), it is a question, a very sensitive question that deserves a proper answer. My question, specific to the Minister of Health is: will he deem this as an essential service and recognize that it is not acceptable that withdrawal of services is in the best interests of our patients in the province of Manitoba and indicate that the government of the day will not accept a withdrawal of services?

**Mr. Praznik:** Madam Speaker, the member may be referring to The Essential Services Act which can be

invoked in a number of situations. That is not applicable in this case for fee-for-service physicians, so I do not have the legal power to do that. If the member is suggesting that this Legislature entertain providing the government with the legal power to do that, that is certainly a very different question than one that has been entertained by us today.

**Mr. Lamoureux:** Well, Madam Speaker, my question, then, to the Minister of Health: is he, as Minister of Health, looking into the possibility of bringing what legislation would be required in order to give the assurances to those who are expecting that that service is going to be provided and is going to be first-class service? I think that the patients of Manitoba are owed that from this minister.

**Mr. Praznik:** Madam Speaker, one thing I do not believe that you can do is to, by law, force any professional to give their absolute best service or commitment to continue to work. You can force them perhaps back to their work, but I just say to the member that we have recognized as a government that there is a host of areas in our fee schedule. Let us not forget that the MMA has had the power of allocation in that fee schedule, so many of the areas they must take responsibility for, and we are attempting to address those.

It is interesting to note that of the 53, I believe, obstetricians in the province, only 30 or less are withdrawing service, so even the MMA is not speaking for all of them in the province.

### **Misericordia General Hospital Urgent Care Centre**

**Mr. Tim Sale (Crescentwood):** Madam Speaker, Manitobans, particularly the ones living around Misericordia Hospital, are learning when an agreement is not an agreement, and that is when the Minister of Health is the one making the agreement.

The Minister of Health has repeatedly promised the people of Misericordia Hospital an urgent care centre as part of the conversion plans, and while most people oppose the closure of this great hospital, they were

prepared to at least have an open mind about an urgent care centre that might be there to meet their needs. Now it appears that there is not even going to be an urgent care centre.

Will the minister confirm that it is now to be a nonurgent care centre? In other words, if you are really sick in the middle of the morning, at two in the morning, and it is not urgent, you can go there but it is a nonurgent care centre. Will he confirm that?

**Hon. Darren Praznik (Minister of Health):** Madam Speaker, no, I will not confirm that.

**Mr. Sale:** Madam Speaker, I want to quote from the dialogue of the Winnipeg Hospital Authority newsletter: Misericordia Hospital emergency converted to a 24-hour nonurgent primary care centre. The people of that area do not need another walk-in clinic. I will table—

**Madam Speaker:** Order, please. The honourable member for Crescentwood, to pose his question now.

**Mr. Sale:** Will he now commit to tell the Winnipeg Hospital Authority that this is not acceptable, that an urgent care centre is what is required, not a nonurgent care centre, that it must have diagnostic and short-stay holding facilities and be a real 24-hour emergency care centre that provides urgent care at a high level and not simply a walk-in clinic?

**Mr. Praznik:** Madam Speaker, when the discussions with Misericordia took place, it was the commitment of this government and the Winnipeg Hospital Authority to ensure that we developed a primary care centre with an urgency capacity. We in fact would hope that that facility would be able to provide relief during the flu epidemic and a host of other things because of its central location. In fact, we have even identified that particular site—if it should work—in our discussions with Misericordia, for the sexual assault receiving area.

So the detail of how this will be put together is a part of what the implementation teams are working on, but the commitment of this government was for a primary urgency care centre, and that is what we intend to build, despite the comments from the member for Crescentwood.

### **Infrastructure Renewal Northern Manitoba**

**Mr. Oscar Lathlin (The Pas):** Madam Speaker, my question is directed to the First Minister.

Last week, in explaining his grant to Headingley, more than \$5 million of water project money, he said that "In the interests of a clean and sustainable environment, those services need to be provided today or in the near future." Then he also said "The servicing is required for those homes that exist today and have existed for decades in that area."

Now, if he indeed believes that sewer and water service is essential—and I agree with him wholeheartedly; I do not begrudge Headingley getting anything that they need—my question to him is: why has he not attempted to get a single federal-provincial northern infrastructure agreement in the 10 years that he has been in office through two successive federal governments?

**Hon. Gary Filmon (Premier):** We continue to work with the federal government to provide for funding for various different initiatives in northern Manitoba. If he is referring to various initiatives on reserve, on First Nations communities, even there he may recall that when Jerry Storie was the member for Flin Flon at the time, he raised the matter with the member for Brandon West (Mr. McCrae) to ensure that there was funding provided for Pukatawagan for sewer and water. We are certainly supportive of it and continue to urge our federal government to provide for sewer and water—[interjection] The member for Wellington (Ms. Barrett) seems to have all the answers today, Madam Speaker. I will let her stand up and give them.

### **Northern Affairs Communities Capital Projects**

**Mr. Oscar Lathlin (The Pas):** I just have one more question for the First Minister, and that is I wonder if the First Minister would be able to tell us what the benefits would have been in terms of health care prevention had he acted 10 years ago instead of the minimal annual amount his government has put into capital projects in Northern Affairs communities.

**Hon. Gary Filmon (Premier):** Madam Speaker, there has not been a government in the history of this province that has put more money into northern Manitoba, particularly as it applies to First Nations communities—things like the hydro for north-central communities in northern Manitoba, almost a \$1-million project; settlement of two and a half decades outstanding agreements on Northern Flood Agreement that involved hundreds of millions of dollars; pouring of \$30 million into settlements with respect to outstanding issues on tax collection that have gone right into improving dramatically the living conditions and giving money directly to the people in northern Manitoba; entering into agreements on gaming that provide, I believe, to his former First Nation, something in the range of \$5 million a year in additional funding there; things that could not be done when the New Democrats were in government because they refused to settle any of those matters; transference now underway of a million acres of land to our First Nations communities.

These are all things that New Democrats would not or could not settle that this government has done, and they are worth hundreds of millions of dollars of benefit to northern Manitoba natives.

### **Burntwood Health Authority Funding Formula**

**Mr. Steve Ashton (Thompson):** Madam Speaker, I would like to table three copies of a letter from the Burntwood Health Authority which outlines the concern, and by the way, this is from a health district along with The Pas and Flin Flon that have been the hardest hit by cutbacks in northern hospitals over the last number of years. They express concern about the fact that Manitoba Health announced in February that it is not proceeding with the population health-needs-based funding formula. Just coincidentally, that would have dealt with one of the major problems with funding for northern hospitals, the fact that our patients need higher degrees of care.

I would like to ask the minister responsible for Health whether he has met with the Burntwood Health Authority, as was their request in February of this year, and if he can explain to this House and the Burntwood Health Authority why the population health-needs-based funding formula is not proceeding.

\* (1420)

**Hon. Darren Praznik (Minister of Health):** First of all, I have opportunity to meet on a very regular basis with the chairs and CEOs of all health authorities across the province, and the discussions of this winter were some revisions. That should not affect the goal that the member is talking about. Obviously, we want to ensure that health authorities have the resources to meet the needs in their particular area and we are moving towards that. Where the refinement, of course, was is that those health authorities will have to be able to meet standards that are province-wide in the services that they provide, that they will not have necessarily a carte blanche in what services they provide. They still have to provide home care, they still have to provide basics of services that are designated to be provided in their areas, and we would hope that over the next number of years, as we evolve our funding formula, the kind of issue that the member brings to this table will in fact be met.

**Mr. Ashton:** Why will the minister not acknowledge that, in the letter, the health authority expressed its grave concern about this unilateral change in Manitoba Health's policy and its impact on northern Manitoba? When are we going to get action to improve the funding of northern hospitals, not in time but now when our northern hospitals need it?

**Mr. Praznik:** First of all, the only real change is there was a perception on the part of some that the new funding method would give a carte blanche amount of money, based on a formula, to each regional health authority who would then have almost carte blanche control over how it would be spent. That could have resulted in different levels of home care service across the province to individuals, different services being offered than we would require as a provincial government in terms of bringing as many services as possible to people at the local level.

Madam Speaker, I can tell the member, in the meetings that I have, various issues are being addressed in northern Manitoba, approval for funding for clinics, discussions that we are hoping to get underway with First Nations. There is a lot of good work going on, on its way to improve a number of the issues that he raises, but if the member is advocating that we just divide the

pot into 13 different segments and say to each health authority: you will determine whether or not your people have home care or you have this or you have that, that would be very irresponsible, and that is what this issue is really about.

### **Post-Secondary Education Tuition Fee Policy**

**Ms. Jean Friesen (Wolseley):** Madam Speaker, Brandon University students face a 10 percent fee increase, and the university expects a 9 percent decrease in enrollment with no corresponding increase at the community college.

This has become the pattern of Tory policy, Madam Speaker, going in exactly the opposite direction in post-secondary education than the European community or many American states. I would like to ask the minister to tell the House whether this is the deliberate post-secondary policy of the government, or is it simply a result of the continuing inability of this minister to develop a tuition fee policy for young Manitobans?

**Hon. Linda McIntosh (Minister of Education and Training):** Yes, Madam Speaker, this question has been asked, has been answered. It was not, unfortunately, asked in Estimates but has been asked in Question Period.

Madam Speaker, I have indicated to the member that the tuition fee policy has undergone two stages at this point. I have to backtrack and point out that, during the legislation being formed on the Council on Post-Secondary Education, the one thing the member stressed and with which I agreed was that there be consultation with students on a variety of things. That is mandated. Currently, the tuition fee policy, which was drafted first by the interim transition committee and then forwarded to the council once it was formed, has been now examined by the council and is presently going through the consultation process with students. It should be ready for announcement in the fall in time for next year's tuition. I have explained this to the member before.

I also indicate, Madam Speaker, that her lead into the question about the state of universities in Manitoba left a very false impression on the record which, if you give

me the opportunity in subsequent questions, I will answer.

**Ms. Friesen:** Could the minister explain why, as she refers to it as she has in the House previously, this massive—her words—consultation with students? When I asked students what this massive consultation means, it means that they were in effect asked over a year ago to make a presentation to this committee. It is a year later. There is no massive consultation, and there is no tuition fee policy. Will the minister tell us when she intends to rectify that?

**Mrs. McIntosh:** Yes, let me explain, again, to the member—through you, Madam Speaker, to her. About a year and a half ago, we formed an interim transition committee. To that committee we—[interjection]

**Madam Speaker:** Order, please. The honourable Minister of Education and Training, to complete her response.

**Mrs. McIntosh:** Between the member for Wellington (Ms. Barrett) and the member for Thompson (Mr. Ashton), it is very difficult to give courteous answers in the House.

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

**Madam Speaker:** Order, please.

**Mrs. McIntosh:** Your comments were called for, and his certainly were not. Madam Speaker—

#### Point of Order

**Mr. Steve Ashton (Opposition House Leader):** On a point of order, Madam Speaker, and I rise on a similar point of order to the point of order I raised before, although I would suggest that the Minister of Education went far further than the Minister of Family Services (Mrs. Mitchelson). I do not think she would even have had a point of order, let alone answering questions.

For the record, all I had said from the floor was question whether this ad hoc committee was an interim ad hoc committee. I thought the term “interim committee” that she referred—“interim transition committee” was rather a puzzling one. But the main

point is to ask the Minister of Education for once to answer the question asked by our opposition critic, the member for Wolseley.

**Madam Speaker:** The honourable government House leader, on the same point of order.

**Hon. James McCrae (Government House Leader):** Yes, Madam Speaker, it is an interesting strategy. You create disorder and then find a way so that you can rise and complain about the disorder in the House, and that is what happens sometimes. Honourable members in the New Democratic Party have a tendency to create disorder in our daily Question Period.

**Madam Speaker:** On the point of order raised by the honourable member for Thompson, first, I would remind the honourable member for Thompson that it is not an opportunity when raising a point of order to clarify the record in what one has said. The second point could be determined a point of order where he asked that the minister respond to the question asked, and indeed I will concur that that is a point of order.

\* \* \*

**Madam Speaker:** The honourable minister, to complete her response.

**Mrs. McIntosh:** Thank you, Madam Speaker. I welcome the chance to answer the question. As I explained to the member on many previous occasions, the interim transition committee was charged with the task of forming the council, the council we knew would ultimately be asked to form a tuition fee policy. To ready the council for that purpose, a subcommittee of the committee was formed. On that committee sat students, sat the president of the Manitoba Students' Union of the University of Manitoba, sat the president of the college—the student union at the college as well. They formed a formula; they prepared a formula which was presented to the committee when it was ready—the council, rather. The council has looked at that—[interjection].

**Madam Speaker:** Order, please.

**Mrs. McIntosh:** I believe he is saying a lot more, Madam Speaker, than he said he said. However—

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

**Madam Speaker:** Order, please. The honourable minister, to quickly complete her response.

**Mrs. McIntosh:** Thank you very much, Madam Speaker. In short, a committee made a recommendation for the council. The council will now begin its consultation which takes place this summer, as I explained to the member on numerous occasions. The council now has to do its consulting, and that, as I have told the member before on numerous occasions, should be ready in the fall.

Madam Speaker, I do not know how much more clear I can make it. It is a two-stage process that does involve massive student consultation, and I am sorry that the members do not like that but—

**Madam Speaker:** Order, please. Time for Oral Questions has expired.

\* (1430)

### Speaker's Ruling

**Madam Speaker:** I have a ruling for the House.

I took under advisement, in order to review the specifics in Hansard, a point of order on April 16, 1998, during Question Period.

The point of order raised, by the honourable member for Burrows (Mr. Martindale), concerned an answer given by the honourable First Minister (Mr. Filmon) to a question asked by the honourable member for Osborne (Ms. McGifford). The point of order raised by the deputy House leader for the official opposition was that the First Minister was not responding to the matter raised and was provoking debate. Having reviewed the Hansard transcript, I would concur that there was a point of order. The First Minister should have, in responding to the question, complied with Citation 417 of Beauchesne. He should have responded to the matter raised and should not have provoked debate.

## MEMBERS' STATEMENTS

### Missing Children's Day

**Mrs. Myrna Driedger (Charleswood):** Madam Speaker, it gives me great pleasure today to share

information with my honourable colleagues about the significance of May 25. May has been designated as Green Ribbon of Hope month. I am very happy to see many members wearing their ribbons today, especially because today is also Missing Children's Day. The Green Ribbon Campaign and Missing Children's Day are promoted by Child Find to help raise awareness on issues related to missing children.

Green is regarded as the colour of hope and epitomizes the quest for the safe return of all missing children. Child Find Manitoba is a nonprofit organization whose mandate is to provide education programs on child personal safety to reduce the number of Manitoba children who go missing each year. Child Find also assists in the location of missing children through fingerprinting and photo identification clinics, the publication of pictures of missing children and the distribution of education material.

Because a missing child is everyone's responsibility, I would like to thank everyone here for supporting the Green Ribbon of Hope campaign. Only with increased awareness and education can we reduce the number of children who go missing each year. Thank you for your support.

### Burntwood Health Authority

**Mr. Steve Ashton (Thompson):** Earlier in Question Period, I raised the important issue of northern health. I want to put on the record the fact the Burntwood Health Authority has made it very clear to the Minister of Health (Mr. Praznik) that it has grave concerns about the funding formula that has been applied to northern hospitals.

I want to stress the backdrop of this because in 1993 we were faced with massive cuts to northern hospitals, whether it be in Thompson, The Pas or Flin Flon. The then Minister of Health, the member for Brandon West, came to Thompson, held a public meeting. Those cuts were put on hold until—when?—just after the provincial election, after which they were put in place. Our northern hospitals have been the hardest hit of any hospitals anywhere in the province. Is it any surprise now that this provincial government has in February of this year refused to institute a funding formula that would—guess what, Madam Speaker?—



benefit northern Manitoba by recognizing the kind of patients and the patient care that we have in our northern hospitals.

I say to the Minister of Health he should heed the warnings, the grave concerns being expressed not just by members of the opposition, not just by northerners generally, but here by the Burntwood Health Authority. I want to put on the record by the way, Madam Speaker, that the Minister of Health was invited to meet with the health authority's board of directors in February. He has not done so. I also want to put on the record the same invitation I extended to the then Minister of Health, the member for Brandon West. I would like to invite the Minister of Health to come to northern Manitoba to meet with the board of directors of his own appointed Burntwood Health Authority in a public meeting and listen to the people of northern Manitoba, which the member for Brandon West did do.

I say to the Minister of Health his talk of an evolving funding formula just does not cut it, Madam Speaker. The people of northern Manitoba want a fair system. They want a system that is based on the needs of northern Manitoba, and we want exactly what the Burntwood Health Authority wants, that fair funding system now.

### **Eden Mental Health Centre**

**Mr. Peter Dyck (Pembina):** Madam Speaker, yesterday was a day of accomplishment for Eden Mental Health Centre in Winkler. Their renovation project, which was a long time in planning and preparation, moved from the months of construction to completion. The staff at Eden will now be able to pursue their mission of healing and patient care in a greatly enhanced facility. The improvements will increase patient comfort and safety and enhance the physical facilities for providing a variety of vital services and programs.

Our government is a proud partner in the project through \$750,000 in contributions and in advising on a number of factors connected with planning and execution. The commitment of Eden Mental Health Centre and the community was reflected in their financial contributions toward the project. I am proud to note that our government is maintaining its

commitment to improve mental health facilities and treatment services for Manitobans as part of the overall plan for mental health reform.

The development and continued vitality of Eden Mental Health Centre provides a solid community base for both inpatient and community-based care in south-central Manitoba. Eden has been and continues to be a very important factor in the planning and development of regionally based programs and services which are geared to maintaining and strengthening the mental health of Manitobans as close to their home communities as possible.

Madam Speaker, on behalf of all honourable members, I would like to wish the board and staff of Eden Mental Health Centre every success as they serve the community for many years to come. Thank you.

\* (1440)

### **Bank Closures—Lynn Lake**

**Mr. Gerard Jennissen (Flin Flon):** Madam Speaker, bank profits for the second quarter are up over last year. The merger plans of the four major banks continue with little comment or opposition from the federal Liberals. It is predicted that as many as 120 communities across this country will lose their only bank over the next two years.

Lynn Lake has become a national symbol of what the major banks are doing. The local bank there closed in January, forcing residents to make a minimum three-hour round trip just to cash their pay cheques. The local branch had been there for many decades and was still making a profit when it was closed. The mine at Lynn Lake itself has an annual payroll of over \$6 million. While banks seek ever higher profits and engage in merger mania, the one thousand residents of Lynn Lake and numerous local businesses are the innocent victims.

Recently, along with the NDP M.P.s Lorne Nystrom and Bev Desjarlais, I was pleased to meet in Lynn Lake with residents to discuss what could be done. We have proposed that the Mining Reserve Fund which comes from the North be kept in the North. It could result in Lynn Lake once again getting banking service.

Following our Lynn Lake meeting, the Rural Development minister put out a phoney press release claiming that the province is doing something about the issue. Under pressure from the media, he now accepts responsibility for what he calls a mixup. As a result, the Minister of Energy and Mines (Mr. Newman) has now agreed to seriously consider our proposal.

Moving the Mining Reserve Fund account to the North makes sense, Madam Speaker. I urge the province to act quickly on behalf of the North and save their press releases for initiatives that are genuine and positive for northerners and Manitobans. Thank you.

### **Royal Canadian Mounted Police**

**Mr. Denis Rocan (Gladstone):** It gives me great pleasure to rise today and to wish the Royal Canadian Mounted Police a very happy 125th birthday. Yesterday, the RCMP celebrated its 125th year of service to Canadians. Winnipeg's D-Division marked the event with historical re-enactments by returning to its roots at Lower Fort Garry. The North West Mounted Police, the RCMP's predecessor in western Canada, initially used Lower Fort Garry as their first training ground in 1873.

The RCMP, one of Canada's most recognizable symbols, has undergone many changes throughout its 125 years. From a force of 300 men, the RCMP has grown to a force of 20,000 men and women across the country. As noted at the festivities yesterday, the history of the RCMP is nearly synonymous with the history of western Canada. The force was created at a very important time in our country's history, and it remains today a significant part of our heritage, not to mention our identity as a nation.

Please join me in wishing the Royal Canadian Mounted Police another 125 successful years serving Canadians. Thank you.

## **ORDERS OF THE DAY**

### **House Business**

**Hon. James McCrae (Government House Leader):** Madam Speaker, I wish to obtain the unanimous consent of the House notwithstanding the sequence for

consideration of Estimates as outlined in Sessional Paper 142, tabled on March 24, 1998, and subsequently amended to consider the Estimates of the Department of Industry, Trade and Tourism in Room 255 on completion of the Estimates of Status of Women. These changes are to apply until further notice.

**Madam Speaker:** Is there unanimous consent of the House to change the sequence for the consideration of Estimates, as tabled on March 24, to amend the Estimates to consider the Department of Industry, Trade and Tourism in Room 255 on completion of the Estimates of the Status of Women? This change until further notice, agreed? [agreed]

**Mr. McCrae:** Madam Speaker, just on a matter of House Business and prior to asking you to call Bill 57, so that the Minister of Health (Mr. Praznik) can very, very briefly introduce that bill for second reading, I would like to point out to honourable members that there have been discussions—[interjection] Yes, I was just describing the fact that there have been discussions between various members of the House. Those discussions will no doubt probably continue at least until the Minister of Health is prepared to introduce Bill 57 for second reading in this House.

So I just thought this would be an opportune moment to point out to honourable members the value of the working relationship that exists amongst the members of this House on all sides, and, of course, the ongoing relationship we have with the Clerk and the clerks at the table and indeed with each other as we attempt to carry out the work of the people of Manitoba.

I mean, just last week, for example, the honourable member for Thompson (Mr. Ashton) was unable to take part in the discussions. We had very fruitful deliberations between the honourable member for Burrows (Mr. Martindale) and myself and members of my staff. Sometimes the honourable member for St. Norbert (Mr. Laurendeau) gets involved and helps in ironing out little things that come along from time to time.

So, I know what the honourable member for Inkster (Mr. Lamoureux) and the honourable member for Thompson are talking about. I usually know what they are talking about. I am pretty good at reading lips after

all my years as a court reporter. So I say that to some of the members opposite, even though I might not hear every word that comes from across the way, very often I know what kind of frame of mind honourable members are in simply by reading their lips.

If you look on page 8 of our Order Paper today, Madam Speaker, you will see listed there Private Members' Business. You will see resolutions ranging from Resolution 33, in the name of the honourable member for Interlake (Mr. C. Evans), dealing with the Offloading of Road Maintenance, and onwards to Resolution 34, in the name of the honourable member for Inkster (Mr. Lamoureux), dealing with public school funding. Now those two resolutions alone have been the topic of discussion the last little while amongst members, and actually Resolution 44, as well, standing in the name of the honourable member for Dauphin (Mr. Struthers), we will probably report later on that to you, Madam Speaker, but I wonder if in the meantime you would be so kind as to call Bill 57.

## SECOND READINGS

### Bill 57—The Regional Health Authorities Amendment Act

**Hon. Darren Praznik (Minister of Health):** Madam Speaker, I move, seconded by the honourable Minister of Environment (Mr. McCrae), that Bill 57, The Regional Health Authorities Amendment Act; Loi modifiant la Loi sur les offices régionaux de la santé, be now read a second time and be referred to a committee of this House.

#### Motion presented.

**Mr. Praznik:** Madam Speaker, this bill will amend The Regional Health Authorities Act to ensure that health service delivery by health corporations within a regional health authority that operate hospitals or personal care homes or other facilities, in the provision of funding for the health services, that that funding will be based upon written agreements between regional health authorities and the health corporation.

The agreement will have to meet basic mandatory requirements, including, generally speaking, what services are being purchased, how that facility will be

funded, a dispute settlement resolution and other matters that may be directed from time to time, Madam Speaker.

The bill will also provide a process to assist regional health authorities and corporations operating within them in concluding such agreements. Experience in other provinces in the implementation of regionalization has shown that difficulties can be encountered in negotiating this type of agreement. These difficulties can prevent the parties from reaching agreement in a timely manner which can have a significant negative impact on the implementation of regionalization or the delivery of health care services within a region.

\* (1450)

During the negotiation of an agreement, the amendments will allow either party to request of the minister the appointment of a mediator to assist the parties in resolving any matter or matters in dispute. The intent is to assure that only the matters, in fact, that are in dispute trigger the requirement for a mediator or a settlement. We also have ensured that the parties can request more than once, so that a mediator can be appointed in what can be very complex agreements to resolve specific issues with which there may be a difficulty.

The mediator will be given a set period of time to conduct the mediation. This may, in fact, be extended if necessary. The reason that a set period of time is provided is that ultimately the time necessary may vary. Some issues may be very small and require a limited time. An entire agreement may require a mediator over quite a number of months, so we leave a fair bit of discretion in that area in appointing a mediator.

The mediator, upon the completion of their work as a mediator if there are still matters or matters in dispute, is to provide a report to the minister, it is proposed, in which any suggestions for resolving the issues may be made.

As ultimately the funding for all health services or the vast majority of health services in the province flows through this Legislature, Madam Speaker, and there is ultimate responsibility on government to ensure

services are provided, if through mediation no resolution can come about, then one may be established by, ultimately, the minister.

Madam Speaker, there are also several provisions here that allow for extension of existing agreements during this particular period and some other house-keeping matters.

I am pleased to report to the House that in the Winnipeg Health Authority, in the Winnipeg Hospital Authority, I have been advised that most, in fact all of the operating agreements with the hospitals are very near conclusion, that the chairs of the boards today are very close to finalizing their document, that there are not, I would suggest, major issues that are likely to warrant the appointment of a mediator today or the use of this resolution process.

We know, as well, that the Winnipeg Long Term Care Authority is beginning their discussions with the large number of providers in personal care homes, for example, and health clinics, many of whom have a community or social group or religious organization as their base. So this is a relatively good time to deal with this particular amendment because there is not today an issue for which the minister is being pressed to appoint a mediator. In fact, at other times in the future, that need may arise, so it is a good time to bring in this particular mechanism. I would advise members opposite as well that they may wish to look at other provinces governed by the New Democratic Party who have gone through this particular process. I know our colleagues in Saskatchewan have used a mediation settlement process as well and included that in their act in a similar fashion as we have, somewhat after the first act was passed. Thank you.

**Mr. Gary Doer (Leader of the Opposition):** Madam Speaker, I know the government obviously on the one hand says there is no urgency to getting this bill through the Legislature. On the other hand, on Thursday, we would note that the government tried to get leave from opposition parties to waive the usual requirements of notice—

**An Honourable Member:** We did not.

**Mr. Doer:** Well, I was informed by our House leader that there was a request, or deputy House leader, but I

want to speak to the contradiction not of the House business but of the minister's words. He says—and this is germane to my point and he said publicly—that there is going to be an agreement between the Minister of Health and the Winnipeg Health Authorities effective April 1, 1998. Then when we get closer in the mid-term break period to April 1, 1998, the Minister of Health says that it is going to be May 1, 1998, he is going to have an agreement. He says, Madam Speaker, this public comment, you know, and now he says he does not think he needs this act because there will be a voluntary agreement with the facilities that are negotiating with the WHA, but the government brings it in as a matter of legislation on a Monday when normally we have Estimates.

So, Madam Speaker, there is a whole set of what appears to be contradictions from a contradictory Minister of Health, and this is not becoming unusual. One day we are not going to have private profit home care, the next day we are, the next day we are going to extend it. Last week the MMA is irrelevant, a week later the MMA is not irrelevant, we are going to have binding arbitration.

This act could affect an agreement signed by the previous Minister of Health that was made with the faith-based institutions to deal with matters that— [interjection] I am prepared to debate this with the Minister of Health, as long as it takes, if he wants that to take place. Maybe we do not trust him because we have heard him say so many times so many different things on the same subject that usually when that happens from a minister, our antenna goes up and we become a little cautious in our approach to passing legislation that is (a) required by the government in an expedient way and (b) could affect agreements that they have entered into with other faith-based institutions in the past.

So the Minister of Health did not deal with his opening comments on how this would affect the whole status of the faith-based institutions. It was a point that was missed in his statement except to say, oh, trust me, we are really close to having an agreement with the faith-based institutions and all the other facilities in the WHA jurisdiction, and therefore we will not even need this legislation because we almost have an agreement. Well, if you have an agreement, why do you need the

legislation? If you do not need an agreement, what kind of hammer are you giving yourselves in those negotiations when you are trying to amend a written statement signed by the previous Minister of Health, under the authority of the Premier, with our faith-based institutions? I believe that the document was signed, and I am just going by memory here, on October 28, 1996. It was a last minute effort to get legislation through dealing with regional health and because the legislation itself, Bill 49, if my memory serves me correctly, in essence amended an agreement that the government had made prior to the last election on faith-based institutions, the government was in a conundrum. They could not get agreement from the faith-based institutions for Bill 49, so they went behind closed doors and they amended the letter that they had signed with the faith-based institutions prior to the last election.

The amended memorandum was signed by the previous Minister of Health. It was as a result of a meeting that took place with the faith-based institutions with the Premier (Mr. Filmon). It was a signed memorandum of agreement between the parties. Interestingly enough, Madam Speaker, when we asked questions to the Minister of Health (Mr. Praznik) last March, March of 1998, he basically said that he could not live with the terms of the agreement and terms of the authority required by the WHA and the faith-based and community-based institutions here in regional health, a matter that is before this Legislature now with another amendment in Bill 57.

I say to the government, if they wanted this kind of process in place before, why did they not bring it in in Bill 49 to begin with, when they brought in regional health to start with? Why did they not bring in the comprehensive memorandum of agreement with the faith-based institutions, which amended their promise in 1995, and why did they not develop a position on the legislation, Bill 49, at the time they introduced it? Madam Speaker, they could not and did not because they were basically going to override their faith-based agreement with the legislation they passed in Bill 49, and they got around that broken promise by the memorandum of agreement.

\* (1500)

The memorandum of agreement signed by the previous minister provided for authority to manage the

staff and resources in the faith-based institutions. It was a memorandum that was signed by the previous Minister of Health, and we have already had the public comments of Peter Liba and other volunteers who are members of boards of directors saying that they do not trust dealing with this government, and the government is trying to break their word with them. A similar comment was made by Concordia Hospital, by St. Boniface Hospital, by Misericordia Hospital.

What do we get from this Minister of Health? We get from this Minister of Health that he is confident that he will get an agreement, and the date he uses in the public arena and the date used by the WHA authority, which answers to the Minister of Health, is that they will have this agreement in place by May 1, 1998. So what happens at the end of May? What happens at the end of May? It appears to me that the government is now providing another bill. In 1996, they had the regional health bill; 1997 they amend the statute law amendments on regional health and promise us other legislation which they do not bring in; and in 1998 we have Bill 57. Now, I am just going by memory, but I challenge the Minister of Health to check my facts and see if they are not correct.

I also know that the memorandum of agreement was signed on October 28, 1996. Now, this should be a matter—I wonder whether the member for Rossmere (Mr. Toews) or the member for St. Vital (Mrs. Render), the member for Riel (Mr. Newman), the member for River Heights (Mr. Radcliffe), I wonder if members who have faith-based institutions adjacent to their constituencies have been involved in the new authority given to the regional health authorities under this bill. If this was a good, sensible long-term policy, why was it not introduced by the previous minister under Bill 49 when he was dealing with other matters that may be in dispute, for example employees and bargaining units and other issues, when the government introduced Bill 49 in October of 1996.

So, Madam Speaker, the minister, in my view, has not answered any questions about this bill in terms of why he introduced it and how it impacts on the faith-based institutions and the word of this government. I think that the minister of any government and the minister of any portfolio has a responsibility to explain properly to the House the powers that are in a bill and

not to just simply say that the legislation may not even be required, because he is confident there is going to be a voluntary agreement between the parties on this issue.

Madam Speaker, I do not like the way this bill is being introduced. It is a xeroxed copy that has been circulated, not the normal form that is circulated in the House. It looks to me like a bill that is being introduced by the Minister of Health (Mr. Praznik) to provide the government and the WHA with more leverage in negotiating with the faith-based institutions, more leverage to negotiate with a body of volunteers that already have a voluntary agreement with the provincial government. So why is the provincial government not agreeing to the memorandum of agreement signed by the Minister of Health and the faith-based institutions in October of 1996? Why do they think they need another weapon or power to potentially be more leverage, at this crucial point of negotiations, for the government in dealing with the faith-based institutions? Now, maybe I am just seeing double in the detail here, but I have it confirmed that the date of the memorandum of agreement with faith-based institutions was indeed October 28, 1996.

This gives more power to the minister. If mediation is unsuccessful in resolving all or any matters in dispute within the time period which later on is stated, the minister may, if he or she believes, resolve the matter or matters remaining in dispute.

So here we have a situation—well, the minister says public money. Well, maybe you should have thought about that before you and cabinet agreed with the faith-based institutional memorandum of agreement in October of 1996. Maybe you should have thought of that when you brought in the regional health legislation in 1996 under Bill 49. What I do not like and what I really object to is one minister of this government signing off on behalf of the government a process to deal with the promise that they made on faith-based institutions, a memorandum of agreement in October of 1996, and a new minister coming in and really basically undermining the previous minister, which may be his right to do, but it is not his right to do so with an external group which is party to an agreement with this provincial government. There is a second party to an agreement.

It is not a question of the minister just totally changing the policies from the previous minister, because you have another group of people that are part of a memorandum of agreement to get their agreement to be either quiet or not present objections to Bill 49 in 1996, because, initially, prior to the act being developed in the Legislature, the faith-based institutions noted that they were not going to agree to Bill 49 because it broke the letter that was sent by the previous Minister of Health to the faith-based institutions in 1995 just prior to the election.

So here we have a situation where the government is changing again the powers it is giving to itself to establish and implement regional health here in the province of Manitoba. Now, if they would have done this all up front in 1996, Madam Speaker, then everybody would know the terms and conditions under which the regional health authorities were being established, and everybody then could comment on the substance of the bill before the Legislature in 1996.

I really object when the minister says it is public money, Madam Speaker. It was public money in 1995 when you signed the letter to the faith-based institutions. It was public money when you passed or brought forward to this Legislature Bill 49. It was public money when you signed a memorandum of agreement with the faith-based institutions in Winnipeg, and it is public money in this bill now. So nothing has changed in terms of public money. The only thing that has changed in terms of the bill that is being provided to this House is a breach of promise that was made and given to the faith-based institutions and the other community-based boards when they signed the memorandum of agreement in 1996.

I know this government, when somebody wants something through quickly or wants it introduced quickly, the antennae should go up by all of us. Sometimes it is in the public interest for us to pass legislation in an expeditious way. We have brought in legislation ourselves on the Good Samaritan bill, when the government brought in legislation on the Good Samaritan bill, and it was donations to food banks. Obviously it was in the best interest of this Legislature to make that change.

But sometimes a bill is just being brought in to give the minister more power to basically coerce

organizations that have an agreement with the government from 18 months ago. It behooves this Legislature, I think, to stop, look and listen at the motivations of this minister and watch and see what kind of leverage he is trying to give his negotiators to reach an agreement that he said he would have on May 1, 1998, a period that has already been exceeded. Do not forget the Winnipeg Regional Health Authority was to come into place on April 1, 1998. Do not forget the Minister of Health (Mr. Praznik) said that he was going to bring in legislation to deal with the Winnipeg Regional Health Authority, and all he did was bring in a minor amendment that was passed under the statute law amendment period.

So, I am quite frankly concerned about this bill. I would prefer the government to have a voluntary agreement consistent with their word with the faith-based institutions here covered by the Winnipeg Health Authority. I think the government already has tremendous power. It already has a memorandum of agreement that was signed between the former Minister of Health and the faith-based institutions dealing with matters that are contained or could be dealt with in this bill that is provided to this Legislature.

**An Honourable Member:** We did get that agreement on May 1 on the issues we talked about on Labour Day.

**Mr. Doer:** Well, Madam Speaker, if you did have agreement, why do we need this legislation? Why do you need this hammer? Why do you have not only a hammer in terms of mediation, it is heads, I win; tails, you lose in terms of the minister's power, if mediation does not work? What is going to persuade one of the two parties that have the full unilateral right of the minister after the fact to mediate, when the minister—you know you have one party that reports to the minister, and they are also a party that is going to mediate, and the party that is going to mediate if there is no mediated settlement has the power of the minister to actually implement an agreement beyond the mediator?

Well, you know, any member of this Legislature has been around long enough to know that the Minister of Health (Mr. Praznik) has all the power with the faith-based institutions under this act. And you know what? Does this government not care about its own word to

these people? Does it not care about the memorandum of agreement that cabinet had signed in October of 1996? You have basically said that we have a cooperative joint agreement in 1996 signed and authorized by cabinet, by the Premier (Mr. Filmon), to be implemented, and then you have a Minister of Health (Mr. Praznik) that does not like the agreement of the previous Minister of Health, and he is going to give himself all the power.

\* (1510)

Is there anybody in southeast Winnipeg concerned about St. Boniface Hospital? Has anybody over there been and had it explained to them by the Minister of Health (Mr. Praznik) that this is not mediation when the minister can impose a settlement? That is not mediation. One party is a party of mediation, another party that represents the minister has the minister able to implement a settlement. Do you think we all came up the Red River in a bubble? You know, this little happy-go-lucky presentation for the Minister of Health—oh, it is all love, trust, and pixie dust, and we do not even think we will need it because we think we will have a settlement anyway. But if we do not have a settlement anyway, well, you know, we have got to need this anyway. What do you think we are supposed to do with these people? These are religious volunteer organizations, and you will not keep your word to religious organizations.

Madam Speaker, you are right, so why did you sign the memorandum agreement in 1996? Did you fully intend to break your word then? This is about the Minister of Health having all the power in his own hands. This is about—

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

**Madam Speaker:** Order, please.

**Mr. Doer:** So I think the minister's comments in introducing this bill—

**An Honourable Member:** Do not attack my minister.

**Mr. Doer:** Well, he may be your minister, but your brother may not agree with this legislation. But I have no difficulty in the government bringing in Bill 49 and

having all these matters of public money and faith-based institutions up front. I have no difficulty with the government bringing in a memorandum of agreement with the faith-based institutions in October of 1996 to pass the regional health bill with public money at that time. What I object to is the government saying one thing 18 months ago and signing away that joint agreement with the faith-based institutions and coming back here and telling us that this is just a little kind of passive bill with passive powers to deal with maybe a passive problem in regional health.

It is not a passive piece of legislation. When you have the right of both mediation and implementation, it is not a mediation process because you are both Crown attorney and judge or defence lawyer and judge at the same time as being parties to a dispute. What this does is this bill, by using weasel words and weasel word introductions by the Minister of Health (Mr. Praznik), this bill overrides the memorandum of agreement that was signed by the previous Minister of Health in dealing with the faith-based institutions.

Now, Madam Speaker, if you are going to do it, why do you not have the honesty just to say we are going to break our word? Why do you not go back to them and say, I am going to break my word, I am going to break the word of the government because it is public money, and we never intended to keep our word if we did not get our own way with the faith-based institutions? Why did you not say that?

**An Honourable Member:** Our word is our bond.

**Mr. Doer:** Well, it is your bond this week, and the bond will change next week and changes the week after, and it may change the week after that.

It talks about funding during negotiations. The bottom line is the government likes to say, when it is convenient for them, when the Regional Health Authorities make a decision that is unpopular in the public mind and unpopular in the mind of the patients of Manitoba, then the Minister of Health (Mr. Praznik) is going to try to say, oh, that is not me, that is the regional health authority. That was not me that extended the private profit contract in home care, that was the regional health authority that did that nasty

thing, but this bill makes it obvious that the government minister holds all the cards.

He sends one party in to negotiate, he sends one party to the mediation tables, and if the minister does not like it, then the minister can override all of it and get his own way and just sit there and do whatever he wants because he can in fact implement the powers that is given to him under the act: "The minister may, if he or she believes it to be in the public interest, resolve the matter or matters remaining in dispute."

Madam Speaker, this bill is the dictatorial rights of the Health minister bill to override the faith-based institution. That is all it is. You know, if you are going to do that, have the honesty to bring it in and say it. You know, if the Minister of Agriculture (Mr. Enns) thinks that is what we are going to do, at least have the honesty to say that is what we are doing. At least go back to your cabinet and caucus colleagues. I do not know whether you read these bills in caucus, but—

**An Honourable Member:** We commit them to memory.

**Mr. Doer:** Yes, I can see that, but I do not know whether you commit to memory your previous agreements with the faith-based institutions. Madam Speaker, but I think the glib Minister of Health (Mr. Praznik) with his flip-flopping and flip-flopping and his other—if the minister considers that a negative term, glib, I withdraw. Some people like to be called glib. We can hear the people who got under the skin of the former opposition critic for Natural Resources, the member for Lakeside (Mr. Enns). He is kind of the hall of famer. Those people who got under his skin during the opposite roles that were played based on the democratic process.

Madam Speaker, I wanted to just speak for a short period of time. I do have unlimited time, but I may want to give that unlimited time to another one of our members. But do not think Minister of Health (Mr. Praznik) that you can just take all these dictatorial powers onto yourself, break the previous agreement from previous ministers and just have us, you know, give leave on second reading to pass it quickly or not read the bill in terms of what it means. I suggest the Minister of Health go back and negotiate with the faith-



based institutions, getting an agreement that is consistent with your memorandum of agreement. I do not know why you are bringing in a hammer like this unless you feel you need it. Obviously, this Minister of Health is not very skilled at negotiating with anybody. He cannot get an agreement with anybody around the system. He is probably the most unsuccessful Minister of Health in negotiating agreements with anybody in the health care field. He has got more disputes. He has got more peace in our time press releases of any Minister of Health in 18 months, with complete failure after that.

We have just begun to read this bill, but I think it behooves the Minister of Health (Mr. Praznik) to tell the people of this province and the faith-based institutions why he has to break his word from Bill 49, why he has to break his word from the memorandum of agreement, and why he gives us a passive presentation of something that gives him dictatorial powers in regional health. Thank you very much, Madam Speaker.

**Mr. Daryl Reid (Transcona):** Madam Speaker, I move, seconded by the member for Crescentwood (Mr. Sale), that debate be adjourned.

**Motion agreed to.**

#### House Business

**Hon. Glen Cummings (Acting Government House Leader):** On behalf of the government House leader, I wish to obtain unanimous consent of the House, notwithstanding the sequence for consideration of Estimates as outlined in the Session Paper 142 tabled on March 24, '98, subsequently amended to consider the Estimates of the Department of Culture, Heritage and Citizenship, followed by Industry, Trade and Tourism on the completion of the Status of Women in Room 255. These changes are to apply under further notice.

**Madam Speaker:** Is there unanimous consent of the House to change the sequence for the consideration of Estimates to amend the order as follows: the Department of Culture, Heritage and Citizenship, followed by Industry, Trade and Tourism, on completion of the

Status Women in Room 255 until further notice. Is there unanimous consent? Agreed? [agreed]

\* \* \*

\* (1520)

**Hon. James McCrae (Government House Leader):** Madam Speaker, I move, seconded by the honourable Minister of Natural Resources (Mr. Cummings), that Madam Speaker do now leave the Chair and the House resolve itself into a committee to consider of the Supply to be granted to Her Majesty.

**Motion agreed to.**

#### COMMITTEE OF SUPPLY (Concurrent Sections)

#### JUSTICE

**Mr. Chairperson (Gerry McAlpine):** Order, please. Will the Committee of Supply please come to order. This afternoon, this section of the Committee of Supply meeting in Room 254 will resume the consideration of the Estimates of the Department of Justice.

When the committee last sat, it had been considering item 4.1. Administration and Finance (b) Executive Support (1) Salaries and Employee Benefits \$442,300 on page 95 of the Estimates book. Shall the item pass?

**Mr. Gord Mackintosh (St. Johns):** With regard to the meeting between the minister and the Chief Judge on May 4, would the minister tell the committee, other than the Chief Judge and the minister, who else was there at that meeting either for the duration of the meeting or for parts of the meeting?

**Hon. Vic Toews (Minister of Justice and Attorney General):** I have answered the questions in respect of that meeting.

**Mr. Mackintosh:** I do not recall any questions and answers as to whether there was another person at the meeting for the duration or for part of the meeting. If the minister recalls a particular date when that question was asked and answered, I would appreciate that, but for now I ask the minister that question.

\* (1530)

**Mr. Toews:** I have answered the questions relating to the meeting.

**Mr. Mackintosh:** So, is the minister saying that he is not answering questions regarding the meeting of May 4 between him and the Chief Judge?

**Mr. Toews:** I indicate that I have answered all the questions that I believe are relevant to that issue.

**Mr. Mackintosh:** As the opposition in this parliamentary democracy that determines what questions are relevant, I ask the minister will he now tell the committee who else was at that meeting? Was Ms. Humphrey there, for example? Was the executive assistant of the minister there, for example? Who else was there, other than the Chief Judge?

**Mr. Toews:** Well, Mr. Chair, this gives me an opportunity to discuss the entire issue of the independence of the judiciary, so I welcome the member's comments in that respect.

#### Point of Order

**Mr. Mackintosh:** The very simple question was who was at the meeting. It has nothing to do with the broader issues of independence of the judiciary. At this point, the question is simply who else was there. I ask the minister if he would answer the question posed and not engage in irrelevancies.

**Mr. Chairperson:** The honourable member for St. Johns does not have a point of order. I do not believe the minister has had an opportunity to address the question, so I rule that the honourable member for St. Johns does not have a point of order.

\* \* \*

**Mr. Chairperson:** The honourable minister to answer, please.

**Mr. Toews:** One of the very recent decisions of the Supreme Court of Canada dealing with judicial independence was the case of Erichs Tobias. I am pleased that the member has raised the entire issue

about the judiciary because this particular question gives me an opportunity to talk about what I consider a very, very important case and I think one that the member should become familiar with.

#### Point of Order

**Mr. Mackintosh:** I have been a member for a number of years now. I have never heard the likes of this kind of contempt for the process. The question of the significance of the independence of the judiciary is not my question. My question was who else was at the meeting.

I ask, through you, Mr. Chair, the minister to answer that, and I ask you, Mr. Chair, if you would now rule that I have a point of order indeed and that there was a very specific question. That is what is posed, and the answer must be relevant to the question. Otherwise, the process is subverted.

**Mr. Toews:** On the same point of order, I understand that the member may ask any question that he chooses to ask in this process, and I am entitled to answer the question in any way that I see appropriate.

**An Honourable Member:** No, you are not, not under our rules.

**Mr. Toews:** Well, now, the member for Crescentwood (Mr. Sale) indicates that he does not agree with that position. I believe that there is much latitude that I have in answering this question, and I think it is important that I answer it in the broadest possible way.

**Mr. Tim Sale (Crescentwood):** Mr. Chairperson, the contempt this minister has for this committee process is incredible. There is nothing in our rules that suggests that a minister can ramble on quoting from newspapers half an hour at a time on irrelevant answers to very specific questions.

Under our rules, if you will consult them through the Clerk—I am sure you have them there before you—the minister is free not to answer a question. He is free to stonewall, but he is not free to ramble on in irrelevancies and use up the committee's valuable time.

Further, this same minister made a very strong point that the Chief Judge was present in the meeting, not in

her capacity as Chief Judge but in her capacity as chair of the nominating committee that would nominate suitable persons for the positions advertised. So we are not talking here about some kind of judicial independence because the person at the meeting was not there in the capacity of judge; the person was there in the capacity of chairperson of the committee. So the issue of judicial independence has no relevance whatsoever to the question that has been asked, none.

The minister ought to stop trying to play both sides of the field, on the one hand making a strong point in the House that the Chief Judge, Judith Webster, was present in this meeting not in her capacity as Chief Judge but as chair of the committee. Perhaps the minister now remembers making that point strongly.

He cannot now argue that judicial independence is relevant to the question asked by my honourable friend when he has admitted that judicial independence and the position of the Chief Judge has nothing to do with the meeting in question. She was there as the chair of a nominating committee. Who else was at the meeting? It is a simple question.

The minister can say: I will not answer that question. The minister cannot ramble on under our rules ad nauseam about anything that pops into his head, especially about things that are utterly unconnected to the question, like judicial independence. That is not at issue here. His interference in that process is at issue. The question was: who else was present? The minister should either stonewall or answer the question, but he ought not to take up this committee's time rambling on about irrelevant issues. You, Mr. Chairperson, should rule him out of order, just as you did other members who were speaking out of order in the same way, for example, the honourable member, I believe, for Pembina (Mr. Dyck).

Mr. Chairperson, this is a very important point, and, as long as you allow this minister to break our rules, you are also not helping the process of this committee.

**Mr. Chairperson:** Order, please. I just want to qualify this. We are under 1.(b)(1). This does give a wide range as far as questions and answers. I want to remind members that their remarks should be kept relevant to the matter before the committee. I will read,

for the benefit of the committee, Rule 70.(2): "Speeches in a Committee of the Whole House must be strictly relevant to the item or clause under discussion." I believe that all committee members wish to keep the discussion and questions flowing along constructively, which we seem to have run into some difficulty with.

I would rule that the honourable member for St. Johns (Mr. Mackintosh) does have a point of order. I would ask all members of the committee to keep their remarks and comments as relevant as possible, bearing in mind that the scope of the line that we are on, 1.(b)(1), does allow a wide scope with regard to the questions, as well as a wide scope as well as the answers, so I will try to monitor that as the Chair. If I can get the committee's co-operation to bear with me on that, we will get through this.

So the honourable member does have a point of order. I would ask the honourable minister to respond accordingly.

\* \* \*

**Mr. Toews:** In brief, I have indicated that I have answered the question to the extent that I will. In respect of the larger issue that is being raised here, I think it is very important to put that conversation in a particular legal context. I believe it is entirely relevant to this issue, and it is for that reason I raise the Tobiass case. I will discuss the Tobiass case, bearing the Chair's ruling in mine.

What in fact happened in this particular Tobiass case was that various appellants had received notice informing them that a particular minister intended to seek revocation of their Canadian citizenship on the ground that they had obtained it by failing to divulge to Canadian officials details of their involvement in atrocities committed during the Second World War. At the appellant's request, the cases were referred to the federal court, the Trial Division. Numerous procedural disputes then arose.

*Mrs. Shirley Render, Acting Chairperson, in the Chair*

This case particularly reflects a relationship between a judge and another party that clearly spells out what is involved in judicial independence. For the members

opposite in this committee to suggest that they have not suggested that this matter raises issues of judicial independence is simply ludicrous. They have been saying it every day for the past two weeks when we are in the House when they have asked questions, and so the suggestion now, for the member for Crescentwood (Mr. Sale) to stand up and say that this issue has nothing to do with judicial independence is simply not correct.

**An Honourable Member:** It was your point.

**Mr. Toews:** I agree with that point. I want to make it very clear on the record why I take that position.

So that conversation that occurred with the Chief Judge must be seen in a particular context. I am putting that conversation in a context and contrasting it with the conversation that took place in the Tobiass situation. I think it is important to understand what happened in the Tobiass situation to ensure that the questions that the member asks are seen in the correct light and that my answers are seen in the correct light, and these are very necessary for that particular purpose.

\* (1540)

In any event, in the Tobiass case, on December 12, 1995, counsel for one of the appellants, who had been informed that the minister was seeking to revoke their Canadian citizenship, had argued for a whole day on the preliminary motions before the Associate Chief Justice.

In January of 1996, the court advised the parties that—

#### **Point of Order**

**The Acting Chairperson (Mrs. Render):** The honourable member for Thompson, on a point of order.

**Mr. Steve Ashton (Opposition House Leader):** Yes, Madam Chairperson. The Chair of this committee, of which you are now the Acting Chair, just a few minutes ago indicated that the point of order that was raised about the relevancy of the minister's comments, or in this case the lack of relevancy, was in order. That means basically that the minister was out of order then,

and that by extension means the minister is out of order now.

What this minister is showing is a contempt for this committee, first of all, contempt for the members of this committee, now contempt for the ruling of the Chair. Now if the minister did not agree with the ruling of the Chair, he could have challenged that ruling. It is an option that members of this Legislature have to use on occasion, and certainly he is capable of doing that. But for the minister now to return, you know, to this context of the context of the context, which is nothing more than repeating the same comments—in fact, I have noticed he has been reading from a prepared statement on this for quite some time. I mean, he might just as well read names from the phone book because that is what the minister is doing here.

I find it bizarre that the minister now is, in this case, filibustering his own Estimates and is so concerned to drag this process out and not have to answer questions that he is willing to sit here and show complete contempt for the Chair of this committee. He did not challenge the Chair. The ruling was made. The minister was out of order then; he is out of order now.

I mean, how much further is this minister willing to go to abuse this committee process to avoid having to answer some direct questions? If he does not want to answer the questions, let him say so: I am not going to answer the questions. Put it directly. Let him say why, if he has agreed in this settlement with the Chief Judge. But, Madam Chairperson, the minister is now following exactly the same path before that he followed that got him in trouble with the Chair. That Chair of the committee said he was out of order then. He is out of order again, and I would ask that you do the same as well and ask the Minister of Justice (Mr. Toews) either to answer the question, in this case, or stop this rambling irrelevancy in this particular case, which I believe shows contempt for this committee process, the Estimates process.

These are serious issues, and we expect better from the Minister of Justice than to quote at length from the prepared statement that he has, which in and of itself is an abuse of the Estimates process. The only prepared statements that are normally allowed are those—and I am glad that the Chairperson is back and, I assume,

going into the Chair, because the Chairperson made a ruling. The minister was out of order. We are asking that the Chair do that again, and we are asking the minister in this particular case to stop showing contempt for the Estimates process in this House and start either answering the questions or put clearly on the record he has no intention of answering the questions. Either option is available to him, but he should not waste the time of the committee.

I say, by the way, just in finishing off, that all he is doing is extending Estimates discussion. I say this to the minister and members opposite: every minute that this minister wastes in the time of this committee will be added afterwards on concurrence. If he thinks he is going to filibuster and eat up the Estimates time by doing this, he is dead wrong. We are going to be sitting here dealing with the same kinds of items in concurrence. I say to the minister: why does he not just follow the rules of this committee? Why does he not show some respect for this committee and answer the questions and not waste the time of this committee with, once again, this irrelevant debate? Why does he not listen to his own Chairperson of this committee and understand he is out of order again? In fact, he has been out of order now for more than a week. This is getting ridiculous. We demand that this minister show some respect for the processes of this Legislature.

**Hon. Bonnie Mitchelson (Minister of Family Services):** On the same point of order, Madam Chairperson.

*Mr. Chairperson in the Chair*

Mr. Chairperson, I think when the Chair of the committee ruled previously that the Minister of Justice (Mr. Toews) may have been out of order, it may have been because he did not preface his comments before speaking the last time in the way that he prefaced them this time. I listened very carefully to what he said, and he talked about the relevance of this issue to the matter of the question that had been raised.

Now I know that my honourable friend, the member for Thompson—[interjection] I would prefer that the member for Crescentwood (Mr. Sale) did not interrupt me rudely when I am trying to make my point.

I know that from time to time points of order are raised, not only in committee but in the House. I have been here for 12 years, and I know that it has happened on both sides of the House where someone stands up and asks, when someone is speaking to a bill or speaking to any issue in the House, someone on the opposite side of the House stands up and calls a point of order and asks that they be called to order and address the issue at hand. I know, and I have seen my honourable friend from Thompson—he seems to be one of the people that is best able to manipulate that process by prefacing his comments on how they relate to the legislation and then going on on whatever path he determines that he might go.

So, you know, Mr. Chairperson, I think that I would ask you to review Hansard when Hansard comes out and maybe make a determination, because I heard very clearly the Minister of Justice (Mr. Toews) talk about how his response was relevant to the question that was asked, and I believe as a result of that he has the opportunity to put his thoughts on the record.

**Mr. Chairperson:** Order, please. I will take this under advisement. I will review Hansard.

I would remind all honourable members that they should remain relevant to the issues, the questions and the answers that are being posed and answered.

I will remind all honourable members again that this is not Question Period. We are on line 4.1.(b)(1) which offers a lot of latitude. Section 71, subsection 2 specifically states that questions and answers must be strictly relevant to the item or clause under discussion, and I think that is as clear as we can get, so I would ask the co-operation of the committee and all honourable members of the committee.

\* \* \*

**Mr. Mackintosh:** I would like to ask the minister a question then. Were any other persons present during part or all of the meeting between the Chief Judge and the minister?

#### **Point of Order**

**Mr. Toews:** On a point of order, I was in the middle of giving my answer when the—[interjection]

\* (1550)

**Mr. Chairperson:** Sorry, that is my mistake. I did not realize the honourable minister was dealing with the question, or to the answer. The honourable minister may continue. I did not rule that this was a point of order. I ruled that I was going to take this under advisement, and I will do that, and I remind all honourable members that Section 72.(2) does reference relevancy, so the honourable minister to continue with your response.

\* \* \*

**Mr. Toews:** Mr. Chairperson, again, I think it is very important to put this particular conversation into a context. If members opposite do not want me to do that, then I have made my position very clear on the record, and I have stated that I have answered those questions to the extent that I am prepared to.

Now, the member for Thompson (Mr. Ashton) said that was my right to do so, and I would indicate then that I think it is important to place this conversation into a particular context. The member for Thompson does not want me to do that, so then I can say that the answers that I have given to date are, in my opinion, sufficient to address this issue.

**Mr. Mackintosh:** Is the minister taking the position that he will not answer questions about the meeting between the minister and the Chief Judge of May 4?

**Mr. Toews:** No, I am not.

**Mr. Mackintosh:** Is the minister in any way constrained by an agreement that he entered into or that he agreed to or encouraged with a third party outside of this Legislature, specifically the Chief Judge, that he believes governs what information—what he can speak about in this committee in terms of the meeting with the Chief Judge?

**Mr. Toews:** All I can indicate to the member is that I have answered the questions in the House, I have answered them here in the committee, and I am

prepared to deal with the Estimates in the Department of Justice.

The member is simply proceeding on a fishing trip. I do not want to help him on this particular fishing trip, and so I have indicated the manner in which I am prepared to answer that question. If he does not believe that it is relevant and does not want the benefit of that explanation, then I cannot help him. So I have indicated that to the extent that I have answered the questions, that is the extent I will answer those questions.

**Mr. Mackintosh:** Well, given that the minister has not to any extent answered any question about who was at the meeting in addition to himself and the Chief Judge, I ask the minister again to tell this committee was there another person present at any time during the course of that meeting, and if he is not going to answer that question, why specifically is he not answering that question?

**Mr. Toews:** Well, Mr. Chair, I have indicated my answer and I do not see how this is relevant to the Estimates of the Department of Justice, and therefore I am prepared to leave it at that.

**Mr. Mackintosh:** It is an amazing statement to think that something like this was not relevant to the Estimates. The minister is being paid out of the Estimates, the Chief Judge is being paid out of the Estimates of the Department of Justice, and indeed the policy of the department is under scrutiny in the Estimates, so it is an absolute contempt to hear the minister talk like he is just talking.

I ask the minister then, if he refuses to answer the question as to who was present or were there any other persons present in the meeting of May 4 with the Chief Judge, I ask him this question. He said that he had received a sealed list at the meeting with the Chief Judge. He then initiated a discussion about a bilingual candidate. What did the minister initiate the conversation by saying? Did he ask who was listed in the sealed envelope, or did he ask of the bilingual qualifications of those in the sealed envelope?

**Mr. Toews:** I have answered that question extensively in the House and in the committee process.

**Mr. Mackintosh:** Of course, the minister is not telling the truth in that regard. He knows well that that question was never asked nor is it being answered now—or has answered in the past.

#### Point of Order

**Hon. James McCrae (Government House Leader):**

Mr. Chairman, I realize that the issues being discussed here today and in previous sittings of this branch of the committee have brought about certain emotional aspects in the participants in the discussion, but I would prevail on the honourable member for St. Johns (Mr. Mackintosh) not to breach the parliamentary rules that are pretty clear with respect to the types of comments that he has just made and maybe search his soul a little bit.

By all means, let us have all the debate that honourable members feel is necessary to have, but it would be appreciated if we did not transgress the rules of parliamentary debate.

**Mr. Chairperson:** The honourable member for Crescentwood, on the same point of order.

**Mr. Sale:** The same point of order, Mr. Chairperson.

The member for St. Johns is absolutely accurate in his comment in this regard, Mr. Chairperson. If you will search Hansard, you will find that the questions asked by my honourable friend were not ever asked in the House. They were not asked until this committee sat, and they have not been answered by the minister in question. So, when the minister asserts that he has answered these questions in the House, he simply is a stranger to the truth, to say the least, because these questions were not asked, so he could not have answered them.

So I ask you to take the point of order raised by the honourable House leader of the government under advisement and to check Hansard, and to ascertain whether indeed the minister spoke the truth when he said that these questions had been asked and answered in the House. I think it is a very important question, and I hope that you will take it under advisement.

**Mr. Chairperson:** The honourable minister, on the same point of order.

**Mr. Toews:** On the same point of order. Mr. Chair, I have answered these questions in a number of proceedings in the House in Question Period over a number of Question Periods, and I would also invite the Chair to search the record of Hansard. The issue has been raised, and I have indicated the extent to which I will answer those questions.

**Mr. Chairperson:** Order, please. I do not think it is necessary for me to review Hansard at this time. I appreciate the advice of all honourable members.

“Not telling the truth” has been ruled unparliamentary by several Chair people and Speakers of the House, and I would ask that the honourable member for St. Johns (Mr. Mackintosh) withdraw that remark “not telling the truth.”

**Mr. Mackintosh:** Well, wait a minute, Mr. Chair.

**An Honourable Member:** It is on both lists.

**Mr. Chairperson:** Order, please.

**Mr. Mackintosh:** What was the comment that I made?

**Mr. Chairperson:** “Not telling the truth.” That has been ruled unparliamentary, and I would ask the honourable member for St. Johns to withdraw.

The honourable Minister of Environment (Mr. McCrae) does have a point of order.

**Mr. Mackintosh:** He never asked anybody to withdraw anything.

**Mr. Chairperson:** It has been ruled unparliamentary. The honourable thing for a member to do when there is something that is unparliamentary, and I have ruled that the honourable Minister of Environment does have a point of order, and I ask the honourable member for St. Johns to withdraw the remark “not telling the truth.”

\* \* \*

#### Point of Order

**Mr. Ashton:** I do not know if I am supposed to say this, but I did step out of the room for about two minutes.

Mr. Chairperson, first of all, was the point of order that was raised by the government House leader calling for the withdrawal of certain words? Second of all, are you ruling that "not telling the truth" is unparliamentary, because it is a term that appears on both lists? I think much of this depends on what the government House leader had said.

We could challenge your ruling, but I wanted to get some clarification of what the government House leader was saying.

**Mr. Chairperson:** The honourable Minister of Environment, on the same point of order.

**Mr. McCrae:** If it is of any use to the committee or yourself, Mr. Chairman, and for clarification, I was really calling attention at the moment to words that I thought in the context that I heard were unparliamentary, and it is not altogether clear. I know that the words "not telling the truth" can, in some circumstances, be parliamentary. I realize that.

I guess, rather than demand that something be withdrawn on an immediate basis, it might be appropriate that the words be reviewed. But the way the words were spoken, I thought I detected the kind of context that would be unparliamentary, and that is just my opinion. I could be wrong about that. Maybe a review of the words in the written word would be an appropriate way for you to deal with it, Mr. Chairman, but that is entirely up to you.

**Mr. Chairperson:** Order, please. In the interests of proceeding with this, I will take this under advisement and bring back a decision to the committee.

\* \* \*

\* (1600)

**Mr. Mackintosh:** Well, again, I ask the minister, it is important that we know the details of the discussion between himself and the Chief Judge. The questions that we have asked are not questions that have been asked in the House and certainly not answers that have been given in the House. I know different answers have been given in the House from time to time; I think three different versions on similar questions. This is an

important time for the minister now to clarify what took place.

This matter is not going away. We are here to get answers to these questions, and the session will not go away until these issues are dealt with. The other parts of the Estimates for Justice can wait. We have time in concurrence without time limitations and so be it.

But again, we ask the minister: Is he constrained or does he feel constrained by an agreement that he has entered into with anyone outside of this Legislature that is calling on him not to, or that he is calling on himself not to, answer questions?

**Mr. Toews:** Well, I disagree with the interpretation that the member for St. Johns has put on my answers, and my answers speak for themselves.

**Mr. Mackintosh:** Would the minister tell the committee then, when the minister raised the issue of bilingual capacity in respect of the people suggested by the nominating committee, did the minister suggest different options as to how bilingual capacity that that issue can be addressed?

**Mr. Toews:** That specific issue was discussed in the House in Question Period, and I stay by my answers.

**Mr. Mackintosh:** The minister knows it was not specifically addressed. We want to know what other options were raised. Is the minister saying that the only option that was raised was to send the list back, in other words, to negotiate the appointment list?

**Mr. Toews:** Well, I have indicated, Mr. Chairperson, the same question is being asked over and over again. I have indicated my position on this issue.

**Mr. Mackintosh:** I want to follow up with a question asked by my colleague for Crescentwood. This question has not been specifically asked, and it is important that it be answered. Who, at the meeting, and so far we do not know who all was at the meeting, but who suggested that the list go back to the nominating committee? Between the minister and the Chief Judge, was it the minister or was it the Chief Judge? That is a critical question, and we deserve an answer.



**Mr. Toews:** The sequence of those events were discussed in my answers at Question Period.

**Mr. Mackintosh:** I have a question, if the minister will not answer that, flowing from the ministerial statement that he provided to the House last week. In there the statement says: I have been made aware of the recollections of the Chief Judge on the events of the last several weeks relating to the judicial appointment process. I ask the minister to describe what the recollections of the Chief Judge were that he was made aware of.

**Mr. Toews:** Well, if the member continues reading that statement, it indicates that the Chief Judge's recollections were consistent with my own. I have indicated my position on my answers given to me or the questions given to me at Question Period.

**Mr. Mackintosh:** I asked the minister what recollections of the Chief Judge was he made aware of specifically.

**Mr. Toews:** And I have given my answers to that.

**Mr. Mackintosh:** The ministerial statement, of course, does not talk about the Chief Judge's recollections. I am specifically referring to this one paragraph. I want to know what recollections the Chief Judge had of the events that the minister became aware of.

**Mr. Toews:** Well, I have given my answer.

**Mr. Mackintosh:** The minister has not answered.

**Mr. Sale:** In the St. Boniface papers, Mr. Joubert answered questions very directly and very openly about the options open to a minister who was unhappy with the lack of bilingual capacity on the bench. Mr. Joubert indicated in French that the correct option was to have a new Order-in-Council and a new selection process in order to achieve the necessary or the required or desired number of people on the bench, who are capable of conducting trials entirely in French.

Does the minister agree with Mr. Joubert that the correct procedure was to hold a new competition with proper advertisements and proper criteria, so that the nominating committee would have a clean slate to start

from and would know what was expected of it? Was Mr. Joubert correct that that was the proper procedure?

**Mr. Toews:** Without commenting on what Mr. Joubert's opinion is, there were two issues that were important to me. I have answered those in the House. Number one, whether the legislation permitted certain courses of conduct, and, secondly, that whatever course of conduct was adopted, be adopted by the committee. The consent of the committee was absolutely essential to the process.

**Mr. Sale:** Mr. Chairperson, the minister apparently now will not even answer questions about the correct course of action to follow under the act. I ask him again: Mr. Joubert, who is not a judicial lightweight, made a comment to the press forthrightly saying the correct course of action, the only course of action that was correct was to hold a new competition. There were no other options in Mr. Joubert's opinion. Does the minister concur with Mr. Joubert's opinion?

**Mr. Toews:** I concur with Mr. Joubert's opinion to the extent that he was a committee member who made a particular decision, and I respect the opinion of the committee.

**Mr. Sale:** Could the minister point to the section in the act which gives any other option than the option put forward by Mr. Joubert?

**Mr. Toews:** I believe I have answered that question to the extent that I should or can.

**Mr. Sale:** Mr. Chairperson, this is incredible. We have a minister responsible for the administration of an act, who cannot point to a section of that act for which he has full responsibility that would allow the course of events to take place that did take place. We have a respected member of the committee and an officer of the court, Mr. Joubert, who says the correct course of action was a new competition with proper advertisements, proper screening, proper selection, proper nomination, a new round of selection.

The minister indicates that he concurs with Mr. Joubert's opinion in regard to the opinion Mr. Joubert expressed in committee. The minister is unable or unwilling to point to a section in the act which would

allow for the course of conduct which the minister and/or the Chief Judge sought to undertake.

Now, Mr. Chairperson, this is a pretty clear issue. We have an act which permits certain things to happen. The act does not permit what indeed happened. There is no permission in the act for the adding of names to a list once the list is sent to the minister. There is no provision for refusing a list and sending it back. There is no provision for additional nominations to come forward after the list has been sealed and completed and forwarded. The minister nods his agreement, and yet—

#### Point of Order

**Mr. Toews:** I have not nodded my agreement to the statements made.

**Mr. Chairperson:** The honourable minister does not have a point of order.

\* \* \*

**Mr. Sale:** Mr. Chairperson, thank you. I ask the minister again: can he point to any section of the act or regulations that allowed either he or the Chief Judge or some third party unnamed that he will not speak about to go back to the committee and ask them to do something to a nominations list that they had already put forward? Can he help the committee understand the authority by which this course of action took place?

\*(1610)

**Mr. Toews:** Mr. Chair, I have been over this ground. I have indicated what my position was. There were two issues that for me were of primary importance. Number one, did the legislation allow for that and, secondly, did the committee consent? The committee did not consent to any other process than the process that in fact was ultimately agreed upon. And so, under the legislation, I agreed with what the committee has done. I respect the opinion of the committee.

**Mr. Sale:** Mr. Chairperson, the minister has now confirmed that the legislation did not permit what happened to take place. The minister has confirmed that he and the Chief Judge—he or the Chief Judge or

some third party—directed that the Chief Judge go back to the committee and request an extrajudicial procedure, a procedure not anticipated or allowed under the act, and that the committee turned that down.

So, what is at question in this committee is: who undertook that initiative? Clearly the Chief Judge undertook to take back the request, but was the Chief Judge ordered to do so or did the Chief Judge agree or, thirdly, did the Chief Judge propose to do so? Whose solution was this? Was it the Chief Judge's solution? Was it the minister's solution? Was it a solution agreed to by both parties?

**Mr. Toews:** Well, Mr. Chair, again this raises the issue that I have raised in prior occasions. This member has absolutely no interest in finding out what the facts are. He simply wants to distort the meaning of matters without being constructive.

I can only refer him again to the articles that have been published about him and his notorious misuse of facts—he is well known for that—and I have indicated that the issue is, as far as I was concerned, whether the legislation did it, did allow for it, and, secondly, whether the committee approved.

What the member seems to forget is that nothing in respect to that process could be done without the consent of the committee. So if the committee does not agree, it is quite irrelevant what my opinion is or what anybody else's opinion is on that particular issue. So I have indicated very clearly the sequence of the events. I stand by the sequence of those events, and I would indicate that in fact I respect the opinion of the committee and the ultimate decision that they arrived at.

**Mr. Sale:** The consent of the committee in this regard is quite irrelevant because, in the act, there is no ability of the committee to consent or not. Who suggested—

#### Point of Order

**Mrs. Shirley Render (St. Vital):** Now, Mr. Chairman, it seems to me a good half hour, maybe 45 minutes, ago the member, a couple of the members on the opposite side suggested that if the minister were not going to answer a question, the minister might state that, with

the implication that whatever the minister said, if the minister said, I have answered this as I am going to, that the questions on that particular subject would stop and they would move on and start getting down to the business of asking questions pertaining to the Justice department.

Now, the members opposite cannot have it both ways, Mr. Chairman. I believe it was the member for Thompson (Mr. Ashton) who suggested that if the minister was not going to answer the question, then perhaps he should say so. As I say, that to me implies that that is the end of that particular paragraph, so to speak. Now the minister has stated what he is prepared to answer, how he is prepared to answer it, but the members opposite are not prepared to go along with what they have suggested.

Mr. Chairman, I have sat here and I have listened to the members opposite just repeat and repeat and repeat. The minister has tried to respond to the members opposite, and they do not like his response.

I would suggest that you call them to order and ask them not to give suggestions if they are not going to abide by their own suggestions.

**Mr. Ashton:** On the same point of order, Mr. Chairperson, I am quite amazed by the comments from the member for St. Vital (Mrs. Render). I mean, we cannot force the minister to answer questions. It is obvious he does not want to answer questions, but we cannot force him, and I said that on the record. That does not mean that he has freedom to go and filibuster the committee. I would also suggest that he runs very close to showing contempt for the committee by repeatedly failing to answer those questions. But, for us, now, to take the suggestion from a government member that we should just give up on asking questions because this minister does not want to answer the questions is incredible. The time in this Estimates committee is to deal with Justice. These issues are directly related to Justice, and I suggest to the member for St. Vital that we in the opposition will not allow the government, in this particular case, to dictate what kinds of questions we are going to ask.

In fact, I would say to the member for St. Vital, we are going to continue to ask questions, and we are not going to stop asking those questions. We are not going to be stopped by the behaviour of this minister in this committee. We think these are serious issues.

So I suggest, Mr. Chairperson, not only does the member not have a point of order, I would suggest that she re-examine the role in this committee of government in opposition. Our role is to try and get answers from this minister. We have been sitting here close to a week. We have been getting very few, if any, answers. We will continue to answer those questions. Not only is that not against the rules, that is our obligation as an opposition.

I say to the member for St. Vital (Mrs. Render) that if and when she has the opportunity to sit in opposition—and, by the way, I remind people that we are in a democratic process. Perhaps she is practising for opposition. If she is lucky enough to have the luxury of being in opposition, she would do the same thing too.

I look at the government House leader—he has done the same thing too—and I would remind him of some of his comments. So, Mr. Chairman, I do not believe the member for St. Vital had a point of order.

**Mr. Chairperson:** Order, please. The honourable member for St. Vital (Mrs. Render) does not have a point of order.

\* \* \*

**Mr. Sale:** Mr. Chairperson, the questions that we are asking go to the very heart of the issue that has been before us and will continue to be before us until we get some forthright answers from this minister.

Mr. Joubert has indicated that there was only one course of action permissible under the act. The minister has at least concurred in part with that, that he agrees with Mr. Joubert's opinion and the opinion expressed by the committee that they were not prepared to reopen the nominating procedure. The question remains: is the minister telling this committee, then, that it was the Chief Judge who said: I will take the matter back to the committee and see if they will agree

to add names? Is that where the suggestion came from?

**Mr. Toews:** Well, you know, Mr. Chair, we can go through Hansard and specifically look at that question. That question has been asked of me in Question Period. I gave my answer, and I stand by that answer.

**Mr. Mackintosh:** I want to move ahead just for a moment to the further negotiations with the Chief Judge that the minister engaged in, and those negotiations led to the minister making a statement in the Legislature. I want to ask the minister: in light of his refusal to answer questions in this committee relating to the meetings with the Chief Judge, what did the minister agree to with the Chief Judge following the negotiations that the respective counsel were engaged in that are not listed or are not set out in his ministerial statement to the House of last week?

**Mr. Toews:** The statement reflects my agreement with the Chief Judge and my understanding and her understanding of the events.

**Mr. Mackintosh:** Well, if that is true, why did the minister tell the Legislature that there was also an understanding or an agreement that the Chief Judge would not comment further as a result of the discussions? That was not something that was set out in the ministerial statement. What other items of agreement were agreed to by the minister and the Chief Judge?

#### Point of Order

**Mr. Toews:** Point of order. Well, I would like to know what specific answer the member is referring to and if he could show me that answer in Hansard where I indicated that, and then I can perhaps give him an answer because I do not think he is accurately indicating my answers on the record.

**Mr. Chairperson:** The honourable minister does not have a point of order. It is a dispute over the facts.

\* \* \*

**Mr. Mackintosh:** Well, I asked the minister what all was agreed to as a result of the negotiations in the

backroom between himself and the Chief Judge, whether through counsel or otherwise, that is not set out in the ministerial statement.

\* (1620)

**Mr. Toews:** I have provided my answer for that.

**Mr. Mackintosh:** Since the minister refuses to answer that question, I ask him now: when he raised the issue of bilingual capacity in respect of the names proposed by the nominating committee, what was the explanation provided by the Chief Judge, to the minister's recollection, as to why there was not a bilingual person in the sealed envelope?

**Mr. Toews:** I have provided my answers in respect to the conversation I have had with the Chief Judge.

#### MATTER OF PRIVILEGE

**Mr. Mackintosh:** On a matter of privilege, Mr. Chair.

I have in this Legislature a role that is prescribed in the unwritten constitution and practices and procedures of this Assembly, as do other members of the opposition, as does the minister, and the fundamental role in terms of the Estimates process is to ensure accountability of the minister for actions taken by the minister personally and in his role as the head of the Department of Justice. Accountability can only be ensured through questions and answers, and accountability can only be ensured by a minister who is indeed accountable to the Legislature. When a third party intervenes and thwarts that accountability to the Legislature, the system cannot work, and the foundation on which the official opposition is to conduct its work is thwarted.

It appears obvious from the minister's answers to my questions that the minister has either taken it upon himself or has entered into an agreement with a third party, namely, the Chief Judge, not to answer questions and therefore not be accountable to the public of Manitoba through the members of the Legislature. It is our charge that this minister has agreed with the Chief Judge that he would make no further comments on the discussions that took place at the meeting with the Chief Judge on May 4, and further, would not make

further comment relating to the negotiation process that led to his ministerial statement in the Legislature.

This committee has to do a job, and it can only do the job if the minister has respect for the process, rather than the contempt he is demonstrating. It is untenable that the minister will not answer these questions. He does not appear to understand how he has compromised not just his position and his office but that of the Chief Judge. I do not know if the Chief Judge understands how seriously compromised she as an individual and her office now are.

The minister has been putting the interests of power of the Conservative Party ahead of the repute of the justice system and the confidence that Manitobans must have in it, because right now we are looking at a system whereby the Chief Judge of Manitoba is making a back-room deal with a politician for the sake of a political party, a Chief Judge making a deal with a politician to protect a politician's rear end and protect the Conservative Party.

I do not think the minister understands the anger and dismay, particularly in the legal community, for one, people who have devoted their lives to buttressing and shoring up the justice system and making sure that people know when they have disputes or when their safety is threatened, their loved ones injured, there is a place to go that they can trust will answer their needs, and the minister knows darn well the effects of a loss of confidence in the judicial system and the justice system generally.

The minister can repair this damage, and he can repair it by providing answers to the questions that we pose, because it is our duty to ensure confidence in the justice system, not to the extent that it is the minister's, but it is our responsibility to protect that system within our prescribed role in the legislative process. He cannot stop us from doing that. He is stopping us from doing that by this agreement that we are charging he has with the Chief Judge to be silent on these critical matters of public importance.

I, therefore, move that the committee censure the Minister of Justice (Mr. Toews) for refusing to answer questions related to meetings held between

representatives of and the Chief Judge and the Minister of Justice.

**Mr. McCrae:** The honourable member for St. Johns (Mr. Mackintosh) has raised a question of privilege. In Parliament, one of the requirements is that of timeliness, and that is something I would leave to you, Mr. Chairman, to examine. The other requirement is that there be some prima facie case raised to allow a motion to be taken forward.

The honourable member for St. Johns has spoken about the relationship which exists between the Chief Judge and the Attorney General of this province, and I participate in this question of privilege as House leader for the government. However, I had some experience in dealings with the Provincial Judge of Manitoba when I was Attorney General. I think that what we have heard from the honourable member for St. Johns, disguised as a question of privilege directed against our Minister of Justice, was an unparalleled and unprecedented attack on an individual member of the judiciary in Manitoba.

The honourable member for St. Johns, I believe, chooses his words fairly carefully and knows exactly what I am talking about in his efforts to raise points about this. He has attempted to bait the Chief Judge of the Provincial Court of Manitoba in an extremely unseemly way. I have been around Manitoba for many years and I have not seen anything like this since Joe Borowski and his dealings with I think it was Judge Manwaring up in the Dauphin area. I have not seen this kind of abuse of the judiciary by a politician since the days of Joe Borowski.

\* (1630)

Mr. Chairman, disguised as a question of privilege, we have cheap shots being fired by the honourable member for St. Johns. This in no way resembles anything approaching a question of privilege. This is not a courtroom. Maybe the honourable member wishes it was, but this is not a court room. This is a committee of the Legislature where accountability is something that is the result of questions asked and answers given. The real test of accountability is what the people think about it, not what the honourable member for St. Johns thinks about it.

So, I think this is an appalling and really quite despicable attempt by the honourable member for St. Johns to do in this place to a Chief Judge what cannot be really done anywhere else. The fact that judges in our system rarely speak publicly except through their decisions makes the shot even cheaper still, and anybody who thinks a politician, including an Attorney General, could in some way muzzle a member of the judiciary is an extremely naive person. These people do not get appointments to the bench by being as unsophisticated as the honourable member for St. Johns and his question of privilege and in his questioning suggests the Chief Judge of the Provincial Court of Manitoba must be.

So the relationship between a Chief Judge and an Attorney General is one that we hope the honourable member for St. Johns would never participate in and in my view never would happen, but there is an administration job to be done in any jurisdiction, and the Attorney General is the person designated by statute to conduct the business of the province with the judiciary. The honourable Attorney General is quite capable of answering specific questions for himself, but simply by responding to the questions in a way which is unsatisfactory to the honourable member for St. Johns by no means suggests unsatisfactory to the people of Manitoba but in any event has nothing whatever to do with any grounds for a question of privilege.

**Mr. Chairperson:** I am just going to intercede here for the benefit of the committee. The member for St. Johns has raised a matter of privilege. I must inform the committee that in accordance with Beauchesne Citation 107, it has no power to deal with a matter of privilege. Such matters can only be dealt with by the House itself on receiving a report from the committee. Therefore, I am prepared to entertain a motion to report the alleged matter of privilege to the House.

**Mr. Ashton:** You are quite correct. It is reported to the House and I think by the addition of those words at the end we can accomplish that. I wish to add some comments as well.

**Mr. Mackintosh:** I move, seconded by the member for Thompson (Mr. Ashton), that the alleged matter of privilege be reported to the House.

**Motion presented.**

**Mr. Chairperson:** The motion is debatable.

**Mr. Ashton:** Mr. Chairperson, I want to deal with some of the comments made by the government House leader. I want to say it is ironic that one of the terms he used was abuse of the judiciary. Well, indeed, that is exactly what is at root in this whole matter, abuse of the judiciary. We believe that this Minister of Justice abused his position in a very important matter, in this case matters related to the appointment to the judiciary. That is exactly the root of the problem. We also believe that this matter is a matter of privilege, because the minister has gone beyond just not answering questions. We have seen the unprecedented situation in this House where the minister has, at his initiative, developed what in the courtroom analogy—because I think the minister would understand this too—has come up with an out-of-court settlement—and I use that term here with conditions attached to it—whereby this minister felt that he could put an end to this whole controversy by standing up in the House saying: well, I speak for me and I speak for the Chief Judge, and this is my recollection and this is hers.

The matter is done with. Then afterwards, I think we have seen by the questioning in this past week, the minister not only has confirmed essentially the Chief Judge will make no further statements, but that he will make no statements. In fact this minister, by way of agreement with the Chief Judge, has agreed not to make statements of any further kind related to this matter other than what is in that statement, and that is reflected in his comments in the House.

That is unprecedented. That is showing complete absolute contempt for this Legislature. I say to the government House leader that he fundamentally misunderstands the role of this Legislature and of Parliament if he suggests this is not a court. There is the law of Parliament. There are elements of our processes that reflect that.

In fact we have a procedure whereby we can call witnesses, call people to the bar to deal with matters of privilege. That is part of any Parliament. That is one of the fundamental roles of any Parliament. Mr. Chairperson, that is also the route of privilege.

Privilege deals with the matter of contempt. It deals with the violation of the ability of members of the Legislature to be able to perform their duties, and it does so in a way that directly reflects judicial process. We essentially make a motion a matter of privilege and, at that point in time, it is a question of whether it is a *prima facie* case.

I say to the government House leader: this is raising contempt of the Legislature to a new level. I point to recent precedents in the House of Commons, where the Speaker of the House has made, I think, a very significant ruling, finding it was a matter of privilege in the House just a matter of weeks ago that a government minister refused to bring a matter before the Parliament, made an announcement outside of the House, and did not make that announcement in the House.

Mr. Chairperson, I think that is a matter that may come up again in this House because this government routinely ignores what has been a common courtesy, and I think it has shown contempt of that kind. We now very rarely see statements made in the House, but now we have a Speaker of the House of Commons ruling that is a matter of privilege. We have practised the last number of years—perhaps that is somewhat different here—but I ask you consider this: the precedent we would set in this particular case if we now allow ministers to say, oh, sorry, I cannot say anything; I have agreed with somebody outside of the Legislature—cannot say a word. I say to the minister and I say to this government, whatever agreement the minister, through his lawyer, one Mr. Olson, I believe, had with the lawyer responsible I guess working on behalf of the Chief Judge, is null and void, it means nothing in this House. It means nothing whatsoever. He can make whatever arrangements he wants outside of this Legislature. He can tape his mouth shut before he comes in to this committee, but it does not mean he has the right to show contempt for members of this committee and the legislative process.

You cannot just turn it around and say: hey, I agreed I am not going to speak. You cannot do that and expect members of the opposition and, more importantly, members of the public to sit back and say: nothing we can do. I want to stress what I said earlier—because I raised this on a point of order, because we cannot compel the minister to answer. This is not the Spanish

Inquisition. We can do nothing more than keep asking the questions, but what we can do is expect that the minister not show contempt for the Legislature, which he has been doing repeatedly; first, by not giving answers to many questions that were asked; second of all, by bringing that ridiculous statement—and I put on the record that statement was ridiculous.

The Chief Judge shares my recollection that was outlined in Question Period. Of course, he only picked one day in Question Period. I say to the Minister of Justice and I say it to the government House leader: do they not realize what they have done? I mean, are we going to do this on a routine basis?

I find it interesting, you know the minister talking about judicial independence. In this case we are talking about the Chief Judge in her capacity as a member of the committee looking at judges. We have made that very clear, that the minister's comments are irrelevant. But we now have the minister standing up and saying: I am not going to say anything more than the fact that through my lawyer and through her lawyer I now get to speak for her based on this Question Period.

We now have this minister dragging the Chief Judge in, given comment on Question Period—Question Period—at his initiative, and he and the government turn around and wonder why we have concerns about what is happening? I say this Minister of Justice has compounded a very bad situation into a fundamentally worse situation by trying to drag the Chief Judge in. This government House leader now turns around and has objections for us asking about this process now for close to a week? And the member for St. Johns turning around and suggesting that indeed if this minister—and I remind the government House leader, it was this minister who decided to bring the Chief Judge into this process by doing what? By going at his initiative, starting this process, this “out-of-court settlement.” I put that in quotation marks because it is very equivalent to what happens all the time. He started that process.

\* (1640)

What are we supposed to do? Are we supposed to sit back and accept this statement that the minister brought in as being the end result? I would suggest not, Mr Chairperson. This minister raised a thousand times

more questions by bringing the statement than he answered by doing it. We still do not know the full process that occurred here. I said when we first debated in this committee: what did the minister do when he contacted Mr. Olson, and I assume he did? Did he have direction to Mr. Olson? By the way, did he hire Mr. Olson? If so, who paid for the bill or was this just some favour for past connections? Did he ask if there were other considerations, to use a good legal term in this particular case? What then happened? What did the minister's lawyer do? Phone the Chief Judge's office, and, say: I would like to meet with someone, a representative on your behalf? What was the direction of the minister to the lawyer: get me out of this bind? Come up with some agreement, so I do not have to answer questions in the House on this.

What kind of process could you start here where you know you are going to get a lawyer to contact someone who is directly responsible representing the Chief Judge?

**An Honourable Member:** Get me out of Estimates.

**Mr. Ashton:** You know, get me out of Estimates. Was this part of the directions? I do not want to keep answering those questions, but I am sure if I have the Chief Judge's agreement here, that overrides anything else. I mean this becomes an absurdity, Mr. Chairperson. The minister's actions complicate his culpability in this matter far more than even the initial incident, and the initial incident, by the way, is very clear. It is very clear that this minister attempted to use the process, attempted to add a requirement which would only fit that of one person who had been interviewed, a person who had political connections with the party in government.

This minister knew that. He got his fingers caught in the cookie jar. He then went and got the Chief Judge to come in and say what? If you read the statement, what the Chief Judge essentially says is that the Chief Judge came out of the meeting with the minister thinking that exactly what we have said all the way along is what happened. There was no misunderstanding in the perception of the Chief Judge coming out of there. So what the minister was trying to do is get the Chief Judge to do what? To back up some fabricated statement that the minister has put together, constructed,

that tries to somehow say, well, maybe I said certain things and maybe the Chief Judge understood it this way, but you know, I did not really mean it that way.

Mr. Chairperson, we all know what the minister meant. We know what was the result of that meeting with the Chief Judge, because the Chief Judge then talked to other members of the committee, and they have confirmed exactly what the impression of the Chief Judge was at the initial meeting. So for the minister then to turn around and come up with an agreement—I mean this is the root problem with this—that he will speak for the Chief Judge and then they will no longer answer any more questions on that, that shows the ultimate in contempt.

This is not a simple case of the minister not having to answer questions in Question Period. It is not even a simple case of the minister being obstructionist, which he has been in this committee, it goes far beyond that. I ask you to think about this for a moment, because the government House leader (Mr. McCrae) I thought makes our point without realizing it. He turns around and says, well, it is only up to public opinion here.

I ask the government House leader to reflect on what he is saying, that a minister of the Crown does not have to answer questions. A minister of the Crown could contact the Chief Judge. A minister of the Crown can then speak for the Chief Judge in the Legislature about a matter related to Question Period. Who has politicized the Chief Judge in this process? It is the minister. I cannot think of how this minister, who likes to lecture members of the opposition on propriety, can see any way, shape or form in which it is proper for him to get up and quote in a general term the Chief Judge commenting on a Question Period of the Manitoba Legislature. He has involved the Chief Judge, I believe, in the most political part of our process, Question Period. He has done it selectively. He has done it through an odious agreement whereby he gets to speak for himself and the Chief Judge.

Members opposite wonder why we are frustrated as an opposition and have been continuing to try and get this minister to answer questions and to be responsible to the Legislature for well over a week now. Do they not understand the severity of this? Now this would not have happened if the minister had not tried to interfere



in the process in the first place. But you know, we would not have spent the last week plus if the minister had not then compounded it by trying to do anything possible to stop anybody pointing the finger in his direction as being responsible for this matter.

The appropriate thing for this minister to have done, I believe initially, would have been to resign, call an independent inquiry. If he did nothing wrong, the independent inquiry would have shown that to be the case. A clear precedent for that, Ontario is in that process right now with the Solicitor General, Mr. Runciman. It was not good enough for the minister. He desperately, understanding that perhaps in the Filmon cabinet, unless you get moved out in a shuffle, you pretty well have job security for life. I mean I do not know what it would take to have someone kicked out of the Filmon cabinet.

It must be frustrating for some of the backbenchers, because I am sure some of the backbenchers must sit there and say, well, there goes another minister messing up again. But you do not have to worry about getting the call if you are a backbencher in this government. You can mess up all you want, but they have 10 rules on ministers in trouble. Number one is no one resigns; number two is no one resigns. It goes down, and it is the same response 10 times. They will not even do what other provinces do, bring in an independent investigation. You know, people have been cleared. In fact, their former federal leader was out of cabinet for a period of time. Jean Charest was forced to resign, in fact, a very similar parallel to this situation, although, I would say, less complicated.

But I ask, Mr. Chairperson, members of the government what they feel they are accomplishing by this, by the minister now, I believe, the minister, not the member for St. Johns (Mr. Mackintosh), the minister is the one who brought the Chief Judge directly into this debate by speaking for the Chief Judge. Now I want to suggest that perhaps the minister was afraid that the Chief Judge might just have spoken directly to the public. Would that not have been interesting if the Chief Judge had spoken directly to the public and that is why I think you see this whole construction of this agreement? The reason is if the Chief Judge had gone to the public, the Chief Judge, I believe, would have confirmed essentially what the other members of the

selection panel have reported, would have said quite directly that the minister clearly left the impression with the Chief Judge of his attempt to participate directly, to rig the process.

The minister was afraid that he would be faced not only with the president of the Law Society and the president of the Bar Association who made public comments reporting on what was reported back to them as members of the committee but that he would have the Chief Judge who was part of the meeting saying exactly what had been reported back to the other members. That was what he was afraid of.

So what he did is he came up with this odious statement. He then tied the Chief Judge into commenting on Question Period. He has gone and tied the Chief Judge now into agreeing not to make any further statements, and now he turns around and says, ah, my hands are tied; by agreement with the Chief Judge, I cannot say anything either.

That has been the purpose of this one-week filibuster. We see the minister not wanting to answer questions based on this agreement.

Mr. Chairperson, I will say this on the record, that that agreement with the Chief Judge means nothing. It means nothing to anyone in this House who is concerned about proper process. It means nothing to any member of the public who wants to know what really went on in that case. I say to the minister that what he has done by his action, very much so, I believe, is hurt his credibility as Minister of Justice far more than the original incident ever had or would have.

I want to state, Mr. Chairperson, that this issue was raised to me this weekend by constituents, including a number of lawyers, including people who are saying, you know, we know what is wrong with this. The minister tried to rig the system, tried to use it, and when his fingers were caught in the cookie jar, instead of saying, look, I got caught, I made a mistake, I was wrong, he then turned around and essentially tried to say, well, it may look like a cookie jar, that may look like my hand, but I can speak for not only me but the other person who was there and tell you, in context, maybe it was not my hand, and if it was my hand, maybe it was not a cookie jar.

\* (1650)

You know, I have attended a number of court cases, and I have seen some leaps of logic in my time. I realize—and this is no offence to lawyers by the way. If you hire a lawyer, you want someone who is going to go and give you a good defence, but I have seen these kinds of constructed legal arguments where it starts off, well, you have someone accused of an assault or some crime, right. So the arguments start running from, well, first of all, was it really me there, and was it really him that was hit? Well, if it was me and if it was him, was he really hit? Well, if it was me and it was him and he was really hit—you know, you start running through all these other layers of defence. That is what the Minister of Justice (Mr. Toews) wants to do in this case.

He seems to think that he is in some civil case or even a criminal case, and the lawyers are sitting down and it is kind of like, well, you know, this does not have to go to court. It does not have to go public in this case. It does not have to continue to be raised in the Legislature. Hey, listen, out-of-court settlement; let us get this resolved. What is the No. 1 element of a lot of these out-of-court settlements, that people not comment on the matter any further. Hmm. I think the minister's legal training has probably tripped him up on this one here. He thought this was just like any other court case, civil or criminal. Just come to an agreement; get your lawyers to do the dirty work. It is done; it is over. When he came back in the House, it was sort of, you know, he put in his thumb and pulled out a plum and said what a good boy am I. He really thought he had it resolved. You know, hey, look, I speak not only for me, I speak for the Chief Judge—did he expect anyone to accept the veracity of that statement?

I, by the way, put this on the record. I do not believe his statement. I do not see any reason to believe it. The minister has not been consistent in his statements on this matter from day one. In fact, he confirmed my suspicion when in the statement he referred to one Question Period where he admitted he raised the issue, he raised the issue of bilingual capacity, but omitted the Question Period a few days before where he had told us that he did not raise it. I mean, it confirms to my mind—here the minister confirms through his own action that, in essence, he did raise the matter.

Mr. Chairperson, this matter is not over. This matter will not be over until this minister accepts and this government accepts that what the minister did by bringing the Chief Judge into this process was wrong, that this agreement that they have, apparently, which he will not answer to in terms of the details, quite conveniently, is an illegitimate agreement, when the minister realizes that he is going to have to answer those questions, because if he does not answer those questions, he may think he can use the majority of the government's side to defeat any motion that we bring before this committee. They have been using that majority on a number of occasions, but I can tell the minister he does not have the credibility of the people of Manitoba, and he does not have the credibility of the legal community, and if I was the minister, I would be concerned about at least having the credibility of the legal community.

He has been involved in some very difficult circumstances with the Law Society, the Bar Association, but I can tell you right now that I have talked to lawyers as recently as this weekend who say that what the minister has done with the Chief Judge, if he had any credibility before on this, has destroyed that credibility.

I say to the minister, the minister, within a matter of a week of trying to rig the judicial process, talked about electing judges. Do you think anybody believes that? Most of my constituents, they picked it up, yes, that was the guy who wanted to elect judges. Was he not the same one who was just conveniently trying to get one of his select people appointed on that? I mean, that is what has been wrong with the system for years. The minister knows that, and I say to the minister, he does not have credibility when he turns around and then gives these kinds of statements the next day.

I mean, he should talk to some of his members. I bet you they are hearing the same thing out there. You know, credibility is not saying I am the Minister of Justice; I was appointed by the Premier, so therefore I have credibility as Minister of Justice. One of the things about the parliamentary system, that it is based on, something that we are losing ground on in this province I believe, is ministerial responsibility. The Minister of Family Services (Mrs. Mitchelson), for example, we would not necessarily—

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

**An Honourable Member:** Is this relevant?

**Mr. Ashton:** Well, the Minister of Family Services (Mrs. Mitchelson) is appointed as a minister, and I am just saying the minister—well, she may actually like what I am saying, I have only mentioned her title. All I am saying, Mr. Chairperson, is the minister is not only a minister in name, I would suggest despite our disagreements that she has credibility as a minister in her department. I would say that of many of her colleagues, including the government House leader (Mr. McCrae). I would have said to the Minister of Justice, before he engaged in this, I would have disagreed with some of the political things he has done. I think, there has been the case of St. Johns, but ministerial responsibility is based on an ethical code that is based on the very roots of the parliamentary system going back hundreds of years.

It used to be that ministers would resign over items for which they were not personally responsible but that they were responsible for because they were the minister, the buck stopped there, and if this happened, well, it was on their watch, so to speak, then they were responsible for it. There are literally dozens of examples of that occurring throughout history. That has been redefined by the Filmon government to the point where now we have a minister not, in this case, responsible for the actions of others. This is the minister himself who tried to rig the process, who then tried to deny it, who then tried to construct the statement and drag the Chief Judge into the process. So this minister is culpable directly. He is the one that has been responsible for his credibility as a minister, I think, certainly in the 10 years that we have seen this government in place.

We may have been critical of ministers in the past, but I do not think any minister has had this lack of credibility, particularly in a matter directly within their responsibility. We were critical of previous ministers of Justice for policy items, for negligence as we saw it—the Headingley riot and other issues. You know, we were critical and will continue to be of ministers for policy decisions that were made, either directly or indirectly, that we disagree with. We had exchanges with the ministers in the House today, but there is a big

difference between the Minister of Family Services (Mrs. Mitchelson), the Minister of Government Services (Mr. Pitura), where we disagree on policy.

The Minister of Justice (Mr. Toews) where now I say regrettably that we not only disagree with what he did, we are basically making the case here in this committee that the minister has no more credibility because he has shown contempt for this Legislature, for this committee, I believe, for the Chief Judge, many of the legal community. I do not know, to the minister, how he can get out of this. A few weeks ago when this first arose, an easy way out was for the minister to resign, call the independent inquiry. I do not think the option of the independent inquiry is even necessarily applicable at this point in time, because in the end result what the minister has done this week to 10 days goes far beyond his original involvement.

So I say that, indeed, we have raised this as a matter of privilege. We believe this is unprecedented for a minister to refuse to answer questions asked by members of the Legislature on behalf of the people of Manitoba, because he at his own initiative agreed to gag himself, as well as the Chief Judge and then speak for the Chief Judge once, and at that point on in time say that he has nothing more to add. This is not a civil case in the court. There is no parallel for this in any courtroom. The only judgment we can make is based on the parliamentary system which I believe makes it absolutely clear that this minister is responsible not only to the Premier (Mr. Filmon) who appoints him but to this Legislature, its committees, to the House, and to its rules and traditions. I believe the minister has been negligent in each and every case.

I say to the minister: you may be able to cling in there because the Premier does not see anything wrong with your conduct. You may be able to cling in there because you are a majority on this committee that cannot outvote you, but you are doing damage every day you sit there and allow this to continue, damage to not only your own circumstance but to the Chief Judge, the legal profession and, I believe, the confidence that the people of Manitoba have in you and the court system.

I say to you, and I want to finish off on this, Mr. Chairperson, I say to the minister: please, please,

please, for the sake of not only your own personal political circumstance but for the fate of the position that you hold, which I believe has responsibilities that surpass pretty well any other ministerial portfolio in this House, please stop doing this kind of damage, reflect on what is happening and do the honourable thing. I believe, in this case, you do not have the confidence of this Legislature and the people of Manitoba as Minister of Justice, and it is time to resign as the Minister of Justice.

**Mr. Kevin Lamoureux (Inkster):** I am not too sure if we are going to have enough time to have the vote today, but I did want to get a few comments on the record. Listening to both the member for St. Johns (Mr. Mackintosh) and the member for Thompson (Mr. Ashton) and having used my opportunity as a grievance recognizing the importance of this issue, I used my opportunity to grieve on this particular issue, and I will go into that in a little bit more detail at the next opportunity I am given to address the committee.

\* (1700)

Before I do that, we cannot underestimate the serious allegations that have been put forward. I think consistency and credibility is important, and if you listen to what the members for Thompson and St. Johns are talking about, even if you buy into your arguments, what you are in essence saying is that we have a Chief Judge that has allowed herself to be manipulated. That being the case, I would ultimately argue that the Chief Judge is just as guilty and therefore should be resigning as the Chief Judge. There is just as much merit for that primarily because, if you have a chief judge that allows that position to be manipulated, that chief judge has done a real disservice to the whole judicial system in that whole area.

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

When this matter is before the committee, the member for Inkster will have 29 minutes remaining.

### STATUS OF WOMEN

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

afternoon this section of the Committee of Supply meeting in Room 255 will resume consideration of the Estimates for the Status of Women.

When the committee last sat to consider these Estimates, it had been agreed that questioning would proceed in a general manner with all line items to be passed once the questioning had been completed. I am therefore opening the floor for questions.

If I could just ask the minister's staff to come up and maybe the minister would like to introduce her staff present.

**Hon. Rosemary Vodrey (Minister of Culture, Heritage and Citizenship):** I am pleased to introduce again to you, Theresa Harvey, the assistant deputy minister; Ruth Mitchell, who is the head of Policy; and, from the Women's Advisory Council, Sandra Hasenack, who is the chair of the Manitoba Women's Advisory Council, and Sue Barnsley, who is the executive director.

**Ms. Diane McGifford (Osborne):** I just wanted to recall for the minister, last day when Estimates ended I think we were talking about—I had a question from the annual report on the Status of Women, page 7. I think what I had asked the minister about was gender analysis. I had asked the minister if she had considered implementing gender-based analysis in evaluating government policies.

Just pursuant to that, I wonder if this was a consideration and if any work has been done towards it, if there are any documents or what the situation is there.

**Mrs. Vodrey:** Yes, there has been some work done in Manitoba, but I would just say that it is my understanding that though the federal government has, in fact, developed this, it does not necessarily mean that it has always been used or reflected upon. I understand that they did use this comprehensive gender analysis when they revamped the employment insurance scheme, but it is my impression that they did not use the gender analysis when they were looking at Canada Pension Plan reform.

And so, until such a workable document is developed, I would just like to say to the member that

it is my responsibility to raise, in as comprehensive a way as I can, the consideration of the effects on women of Manitoba, of policies in this government, to participate in all policy discussion. I do that with a great deal of seriousness because I have a genuine interest in this area.

*Mr. Mervin Tweed, Acting Chairperson, in the Chair*

**Ms. McGifford:** Just to suggest to the minister, though, the federal government may not always implement its own policies—once in a while they have a good idea; I thought that was a pretty good one.

Anyway, I wanted to ask a question based on the annual report of the Manitoba Women's Advisory Council. It is a very general question. On page 4, I read that one of the roles of the advisory council is to formulate, and submit to the Manitoba government, recommendations which can shape policies, programs and legislation which promote equality of opportunity for women. My question is: is this usually done when it is requested or is it done often at the initiative of the advisory council?

**Mrs. Vodrey:** I can say that it is done both ways. There are times that I will ask the advisory council for information or for consideration of certain issues, and there are times that issues are brought to me as minister and I will then either facilitate a meeting with a minister responsible for that area, make sure that there is an opportunity for the issues which the advisory council wishes to raise to have that directly to the minister.

**Ms. McGifford:** Can the minister outline for me the process followed in selecting the chair of the advisory council?

**Mrs. Vodrey:** This is an appointment by government, and I believe it is an Order-in-Council appointment. So government then is able to look to candidates who have taken various leadership roles and also who are able to devote some time necessary to the management issues of the advisory council, and those are some of the considerations which are given.

**Ms. McGifford:** I was interested more in where the list of possible candidates comes from.

**Mrs. Vodrey:** Government can generate those names, though if there are community members who feel that there are people that they would like to put forward names, then certainly they would be considered as well either for chair or for membership.

**Ms. McGifford:** So if I understand the minister correctly, then, it may be possible for an organization in the community to think that they have a perfect candidate for the chair to contact the minister to make this suggestion, and that suggestion may possibly be taken into consideration.

**Mrs. Vodrey:** Yes, it is possible that community groups may in fact decide. Obviously something in writing is the most helpful, outlining the reasoning for certainly recommendations, and they would be considered along with others which in fact may come from government itself.

\* (1530)

**Ms. McGifford:** I wonder if community groups are apprised of this and if any groups have ever suggested candidates.

**Mrs. Vodrey:** My understanding is that the community is aware of this, and I am informed that community groups did submit names to the advisory council. Those names then will be submitted on to me for consideration for some spots which may become available due to the terms finishing of some members.

I do want to make it clear, however, these are government appointments, so I will be looking for a balance. I want to make sure that geographically there is representation for the women of Manitoba and also areas of interest and particular concern for the women of Manitoba.

**Ms. McGifford:** Is it customary or at least has it happened frequently that the chair is nominated from the already appointed councillors?

*Mr. Chairperson in the Chair*

**Mrs. Vodrey:** To my knowledge, the last two persons to chair did not come from the membership. The current chair has not come from the advisory council

membership, but I would have to find out if back beyond that whether that was a method or not.

**Ms. McGifford:** I would appreciate any information that the minister can provide, and also I would be interested in, if this is possible information, knowing which community groups have suggested persons for council positions.

I just have one other question on the annual report, and that is that I know that the advisory council selected priority issues last year, and they were teenage pregnancy, women's health and wellness, violence against women, and child care. I wonder if there are any reports or written information on the work they did in those areas and if that is available.

**Mrs. Vodrey:** It is my understanding that there is not a document on these issues. However, the issues were covered at luncheon meetings which are held by the advisory council to which the community is invited. A topic area is discussed. If there is information that can be distributed or brought forward at that time, then that is available. The information may be produced by any community group or part of government which is dealing with that particular issue.

**Ms. McGifford:** Well, the minister has been clear that there are not any reports, but I am glad that she brought up the luncheon meetings, because I wanted to congratulate the council on holding the luncheon meetings. I think they are a very good idea, and although I keep putting them in my calendar and meaning to attend, something seems to come up. So although I have, I think, been to maybe one or two in the past year, I would really like to have attended more. I congratulate the advisory council on that work.

Perhaps I could ask some questions based on last year's Estimates, some follow-up. Last year, we discussed the regional health authority boards. I believe the minister told me that 30 percent of the boards, approximately, were comprised of females and that 70 percent of males. I think I voiced concern because I think women's health needs generally are more fully responded to if women are raising those issues. I believe last year I asked the minister what action she was undertaking towards gender parity and she said that she was preparing information on rural

health authorities, distributing information to women's groups across the province so that women could understand how rural health authorities work. So my question is: has that information been prepared and distributed, who prepared it, which groups received it, and could I have a copy of that information and any feedback to that information?

**Mrs. Vodrey:** Mr. Chair, I understand that the directorate has been in contact with the RHAs, though a letter has not been sent out yet, and so I do not have that to table for the member. However, I would also point out that the latest information I have is that to date, 34 percent of the make-up of the new RHAs and the Winnipeg and Brandon boards are women. It is important for women to understand what criteria are being used in terms of appointments and then what other ways women can, in fact, influence the direction of the RHAs. I understand also from the advisory council that council has continued an almost three-year involvement in women and the health reform working group, a group of approximately 60 organizations and individuals. In this role, council has facilitated this group's access again to relevant ministers or others who would benefit from their two-way communication on health issues. Council has also incorporated a group fax list to send out all relevant information, meeting dates, and pertinent issues articulated by this group to its members in the committee.

**Ms. McGifford:** Mr. Chair, I obviously brought up the question last year because I thought gender parity was extremely important, and while I am glad to hear that the number of women has increased by approximately 4 percent, I do note that at that rate it will take four more years if we continue to increase at 4 percent. So I feel in the interim, women's health issues are not probably being addressed in the way they need to be, so I am sorry about that.

Last year, I also brought up the question of equality in the civil service, and I quoted from the Civil Service Commission's work, *Putting Equality to Work*, which stated that in the Civil Service Commission, first of all, women are concentrated in administrative support services, that is, 94 percent are women; two, that women are underrepresented in management, administration, corrections, regulatory inspections, materials management, resource science, architecture,

engineering, trades and physical sciences; and three, that women comprise 69 percent of all term employees. These are certainly disheartening stats.

Last year I asked the minister what her department might be doing in this connection, and the minister told me that the directorate is working with the Civil Service Commission on a strategy to develop women in executive management and to look at interchange programs or stewardship programs, et cetera.

My question is: has this strategy been completed? Has it been implemented? What are the results? Also, I wondered if there was a copy of the strategy that I could have for my records.

**Mrs. Vodrey:** Mr. Chair, I just wanted to make one more comment on the women and their participation in RHAs or other methods that women can become involved in health reform. I just wanted to mention that women will have the opportunity to become involved in health care reform in their region as members of the district health councils and also the provider advisory councils. I think that the provider advisory council, without suggesting one over the other, but there are many women in rural Manitoba who are participants in the system and who also work within the system in many capacities. So there are two ways that women may become involved in addition to the RHA itself.

I understand that both the district health council and the provider advisory council will work very closely with the RHA in each region. So there are a couple of ways. I certainly and our government think it is very important for women to in fact have an influence on the health system. They must become aware of the criteria and where their particular interests fit, and we will certainly continue to work with the RHAs to make sure that that information is out and that women know what their opportunities are.

In terms of women in the civil service, as I said last year and would like to say again, we are very supportive of women taking decisions within the civil service. In fact, since we have taken office in 1988, the percentage of women in senior officer and equivalent classifications has increased from 17.18 percent to 23.8 percent in 1997. I do not have, obviously, the 1998 figures. I understand that this is then a 34.3 percent

increase in terms of women in the senior officer and equivalent classifications. So in numerical terms, it is also quite significant for women. I would just like to outline that there are now three deputy ministers and 10 assistant deputy ministers, two associate deputy ministers, and one CEO.

\* (1540)

I also would just like to say that there are some mentorship programs which have been developed in the civil service. The program is called Executive Development for Women in an attempt to help women prepare for taking more senior positions and also to provide encouragement for women to take more senior positions.

**Ms. McGifford:** Mr. Chair, to revert just briefly again to the health care discussion or the rural health authority question, the minister mentioned that women may be encouraged to serve on district health councils, advisory councils. That may be a very good idea, and I appreciate that suggestion. On the other hand, I think it is important that women not only give advice but that women make decisions and generate policy. It would be the rural health authority who finally makes decisions. I think that for far too long women have been the recipients of social policy and not the generators of it. That is why I think it is important to have women in positions where they make decisions.

Leaving that aside, the minister mentioned the mentorship program in connection with the question on the Civil Service. Now last year the minister had said—and I believe that it is a direct quote from the minister—that the directorate is working with the Civil Service Commission on a strategy to develop women in executive management, et cetera, et cetera. Is the mentorship program this strategy or is the strategy further ranging? Is there any policy paper on it? Could the minister respond please?

**Mrs. Vodrey:** As I know the member can imagine, it is a multifaceted effort to encourage women to develop their skills and talents and also to take the risks and to move into some of the more senior levels of government. So I spoke about the management training program. The Executive Development Program I think is probably the more correct title. Then the next

program which I believe follows to her question is Management Internship Program for masters degree graduates where women are appropriately represented and it will help them move into senior management positions.

**Ms. McGifford:** Has the directorate set any goals, for example, such as a percentage of women in positions of senior management? I realize that is a very difficult undertaking for the directorate since they clearly do not do the hiring and what not, but I wonder if the directorate has set any goals as far as numbers of women.

**Mrs. Vodrey:** No, there has not been a target of numbers or percentage, again partly because the opportunity may be based on retirements or other changes in people's lives, especially at the senior level. But certainly the directorate has seen its role to make sure that women receive encouragement to make these changes or to enter into the programs where it is possible for them.

**Ms. McGifford:** I know that other institutions, for example, universities, face the same kind of obstacles. Yet I think that they have undertaken, some institutions have undertaken, to set goals for themselves, so it is something to consider.

I also wanted to ask a question on prorated benefits for part-time workers which was a topic that we discussed last year when I asked the Minister for the Status of Women, in view of the large number of women who work part-time outside the house or indeed the number of women who work at two and three part-time positions, if she would advocate with her colleagues on behalf of prorated benefits for part-time workers?

Last year the minister told me that she thought the idea deserved further examination. I am wondering if the idea has been examined and what the results would be.

**Mrs. Vodrey:** Just following up on the member's question—and I know she knows this—that the Manitoba government, as an employer, is prorated. I understand that to cause that to happen in other areas, it is the

purview of Employment Standards. I do not have any specific information on that with me today.

**Ms. McGifford:** Well, then, Mr. Chair, in view of the minister's comments last year that she thought the idea deserved further examination I wonder if there will be plans for this issue to be examined and any recommendations, perhaps, going forward from the directorate to this government.

**Mrs. Vodrey:** I certainly understand what the member is speaking about in terms of part-time employees. However, the employer is in the private sector and to my knowledge our legislation does not cover that. So I think that one of the appropriate ways to do it is in working in a co-operative way to make sure that this is known and known as an issue to private sector employers. That may be one of the best ways to go about this in a co-operative way.

**Ms. McGifford:** Well, since the minister is the Minister for the Status of Women and since any examination of the job stats shows that I think 35 percent of women workers are working part time and, as I am sure everybody at the table knows, many of these women are working what is the equivalent of full-time hours except they cannot get full-time work and, therefore, working at two and, as I said before, sometimes three part-time jobs without any benefit, I wonder if this minister would consider recommending legislation that would legislate prorated benefits for part-time workers.

**Mrs. Vodrey:** My understanding is that at the moment government has been working in a more co-operative sense with employers raising issues and obviously, as in anything, we want to—I think working co-operatively often tends to have the greatest benefit. By recommending legislation, sometimes you can create such difficulty that the employer can no longer continue to act as an employer and then that does not benefit anyone. Not only does it remove any opportunity for prorated benefits, in some cases it removes the job itself.

So I think that at this point it is our government's position that working co-operatively, making sure issues are understood, but issues understood on all sides, that being that there is a job created and a person



who wants to work in that job but that further benefits, where possible, may be negotiated by that employer.

I certainly, though, understand what the member is saying in terms of the number of women taking these jobs and for lots of reasons. I think that one of the things that we have to do for young women, then, is to make sure that young women understand the current situation in terms of employment, that young women are encouraged to make very strategic choices in their own careers and that people, as they move into their working life, are fully understanding of what the realities of that working life are at the moment.

\* (1550)

**Ms. McGifford:** Well, I certainly agree with the minister that co-operation is extremely important and that co-operation may at times urge employers to provide employee benefits like prorated benefits. I am also aware, on the other hand, that there are unscrupulous employers who will take advantage of the lack of legislation to provide nothing from their employees. I am aware that many Manitobans are being victimized by these unscrupulous employers, who may be and I am sure are a very small minority of the number of employers in Manitoba.

So the downside to there not being legislation is the potential victimization of Manitobans. So I think that it is important that both sides of the argument be on the record.

To move on, last year when we met, the minister told me that there was to have been a meeting of provincial ministers for the Status of Women, along with the federal minister, and that that meeting was to have taken place in early June or late May, but the meeting was delayed because of the federal election. I believe that this meeting eventually did take place in November, and if I remember correctly, our minister at that time was unable to attend. So I wanted to ask the minister if we had a representative at this meeting, as I am sure we did, and who the representative was, and is there any report on the subjects discussed and a report that could be shared?

**Mrs. Vodrey:** Mr. Chair, yes, Manitoba was represented at that meeting by the assistant deputy

minister, Theresa Harvey, who participated fully in the federal-provincial-territorial meeting. The issues that were discussed at that meeting that were of priority importance were these: first of all, the economic indicators, and the economic indicators study was released, I understand, at that meeting; the second issue, which is still underway with ministers, is violence against women, developing a strategic framework; and the third issue was Canada Pension Plan reform.

**Ms. McGifford:** Then the proposed—several years ago—national child care program, I am gathering, was not on the table—well, it would not be on the table—but was not discussed. I think it is important to note that Canada is one of the few OECD countries without a system of publicly funded care for children. It seems to me that the federal government really has reneged on its promise to fund a national child care program, and I am sorry that this issue was not brought to the table. Perhaps it is something that should be discussed another year.

One of my concerns—and I gather it was not discussed, but it is related to federal matters, so maybe I could bring it up now—and that is last year we talked about Bill C-46, the bill that had its genesis in the O'Connor case. I think that this bill was passed last April 25, 1997. The minister and I discussed the bill, and I am sure that she remembers the discussion and, obviously, remembers the bill. I have some questions because I understand that Bill C-46—and I guess it is now an act—did not really protect the records of domestic abuse victims and that the Manitoba Advisory Council had applied for witness status before the Justice standing committee on Bill C-46 to address the issue, but that this application for witness status had been ruled out of order. I wondered if this issue, that is, the protection of domestic abuse victims' confidential records, had been pursued.

**Mrs. Vodrey:** Mr. Chair, I am informed that the basis of any changes that were being considered were simply changes to the act as it was, and that there was not the ability to add to the act or to extend the act. Our province had presented earlier in the development of that bill our interest in having further protection, but, unfortunately, that was not accepted by the federal government.

**Ms. McGifford:** Since domestic violence was apparently on the table during the meeting in November, I wonder if the protection of domestic abuse victims' confidential records was pursued at that meeting. I see that Ms. Harvey is indicating that it was not pursued, but I am wondering if the advisory council or the Women's Directorate is interested in pursuing this issue further because obviously it is a concern that most of us share and maybe we need to do something on it.

**Mrs. Vodrey:** Mr. Chair, I understand that that was not considered and discussed. I certainly understand the member's point; in fact, I think we are in agreement on the point of what the extension in terms of that act.

Ministers are meeting again to look at this violence against women, the strategic framework across the country, and it certainly is possible to have that discussed again. It does, however, require not only the support of Manitoba's Justice minister, and I believe we have a position on the record of that, but the support of Justice ministers from all across the country as well as the federal minister. That did appear not to happen in the years when that bill was developed, so I would add that to my agenda in terms of initiatives to speak about when we are together as ministers again. I certainly understand the point of at least raising the issue so that it can be considered and perhaps others can go back and attempt to seek support.

**Ms. McGifford:** Mr. Chair, then the official position and the on-the-record position of this government is that domestic abuse victims' confidential records should be protected in the same or a very similar way to the way in which sexual abuse records are protected.

**Mrs. Vodrey:** Mr. Chair, I would ask the member if she could clarify that with the Minister of Justice (Mr. Toews) in terms of what is currently on the record and the stated position, but at the time that I had that responsibility that was the position that was taken. I would just have to ask her though to look and see, ask the minister if he could then just confirm that position.

**Ms. McGifford:** I thank the minister for her answer. Bill C-46, of course, has not ended the attempt to requisition confidential records. I have a clipping from the Winnipeg Free Press, dated October 23, 1997, and

if I can just quote from it, we have a story of a woman in—I will not quote, I will sum it up. We have the story of a woman in Alberta who, for reasons of the fear that her records would be subpoenaed or requisitioned, did not seek counselling. Eventually the person who assaulted her was convicted, and only then did she seek counselling.

There appear to be several instances in which the legislation—and I do not know the legal explanations, but simply has not worked. For example, Justice Sandra Capnik of the Ontario Court's General Division ruled Bill C-46 violated the accused's rights to a fair trial and ordered the complainant's files be produced.

\* (1600)

My question to the minister is: I wonder if the advisory council or the directorate is working on this issue. Does the minister know if the Department of Justice is pursuing the issue in any way?

Because I think it is quite clear that this issue is not over. It is only a matter of time until a ruling is challenged in Manitoba and I do not think any of us want women's records to be part of the courtroom proceedings. I wonder if the minister or her department is doing any lobbying with the Minister of Justice (Mr. Toews), or what, if anything, is being done on this issue.

**Mrs. Vodrey:** As the member knows from the conversation we have had today, there certainly was work done before at the time of the development of the bill and an attempt by the advisory council to speak about the extension. However, when that was denied, at the moment, to my knowledge, there has not been an ongoing effort to change and to extend that bill to include those victims of domestic violence.

I would have to ask the member to ask the Minister of Justice about any current issues, which may be on the table of Justice ministers, because I am not aware specifically of this issue having been raised again. However, I have said to the member that I will raise it as part of the issues that I can bring forward at our next meeting since it is a position that I think is certainly worthy of investigation and examination.

**Ms. McGifford:** I thank the minister for her answer. Last year in Estimates we discussed women's programming, that is, the women's programming funded by the federal government, and I think we both know that there were some grave misgivings on the part of community organizations regarding their uncertainties about funding from this source. Some time this year, NAC began a fair share campaign in an attempt to increase funding to women's programs, and they pointed out that a cup of coffee costs approximately 90 cents and that the federal women's program spends 53 cents on each woman and girl in Canada. I would just like to provide the minister with a copy. I apologize for not having three copies.

Anyway, they pointed out that a cup of coffee costs 90 cents approximately and the women's program spends approximately 53 cents on each woman and girl in Canada. They pointed out that funding in 1996-97 was \$8,165,000, which is down a whopping \$5 million since 1989. In the mid-'80s, if my memory serves me correctly, because I was working in the women's community at that time, the budget was around \$16 million.

So basically what NAC was asking for was a toonie. That is, let us spend \$2 for every woman and girl in Canada, which would be around \$30 million. Sounds good to me, and I want to ask the minister if the advisory council is familiar with the NAC proposal, if there have been any communications between the offices. Has the advisory council ever lobbied in support of the NAC proposal?

**Mrs. Vodrey:** I am informed that at the moment that issue has not come forward specifically to the advisory council; however, they will be meeting with their counterparts across the country. I am sure that this issue can be discussed at that point.

**Ms. McGifford:** Women's programming was not discussed at the meeting in November?

**Mrs. Vodrey:** No, I am informed it was not.

**Ms. McGifford:** I wonder if there is communication between the minister and her federal counterpart in Ottawa on the question of funding to women's programming. Has the minister been asked to make

suggestions, participate in discussions? I will leave it at that.

**Mrs. Vodrey:** The funding to women's programming, to my memory, was only a brief discussion, and it was at least one or two meetings ago that this was raised at all—raised by the federal government or by members around the table.

We have been interested in the research funding that has been going on and did want to speak with the federal minister about it. I in fact did speak to her about it in a phone conversation fairly recently in terms of wanting to make sure that we as a province knew what, in fact, was being funded by the federal government and who that funding was going to for research. She has let me know that she will provide some further information to that when we next meet. That has been basically the focus of the discussions.

**Ms. McGifford:** I am a little unclear as to what the research funding is. Does the minister know if that is the funding pool that provides funding for local women's groups, for example, the Manitoba Action Committee on the Status of Women? Any of a number of women's groups that I know are funded through Family Disputes often receive a few thousand dollars from women's programming which enables them to do educational programs within their organizations, for example. I wonder if the minister has any sense of where that funding is or is not.

**Mrs. Vodrey:** I am informed that the federal government has provided information on how women's programs are funded. They have produced a booklet about who would qualify and so on. If she would like, we can provide her with a copy of that.

**Ms. McGifford:** I would appreciate that. I believe that one of the issues discussed at the meeting in November was economic indicators. I wonder what work is being done in Manitoba to produce statistical indicators on the economic equality of Manitoba women, and I wonder if there is any information that is available.

**Mrs. Vodrey:** The national project did include Manitoba figures, and I understand that the Manitoba figures within that project did show that Manitoba compared favourably.

**Ms. McGifford:** Is there a report that it is possible for me to have a copy of.

**Mrs. Vodrey:** Yes, that is a public report. It was released at the ministers' meeting in November. The member can certainly have a copy and we will provide her with one.

**Ms. McGifford:** When I did my introductory statement, I talked about or at least alluded to the presentation on pornography that was organized by the advisory council—I believe it was last June at Kelvin High School—and I know that the member for Crescentwood (Mr. Sale) attended and was not impressed with the pornography but felt that it was a very important presentation for MLAs. I was not able to attend and so I wonder if the minister would be interested in making that presentation available to her colleagues at the Legislature.

\* (1610)

**Mrs. Vodrey:** Thank you very much, Mr. Chair. I think the Women's Advisory Council really worked very hard and is to be commended on this particular presentation, which raised awareness. Certainly for any caucus or members who would be interested in pursuing a presentation, then I am sure the advisory council would be happy to assist them in organizing that presentation.

**Ms. McGifford:** So the process would be to contact the advisory council. I am seeing nods, so I take that as an affirmation. One of the things that we have discussed in the House with frequency is the Lavoie inquiry, and I wonder if the minister could outline for me the roles that the council and directorate have played with regard to the implementation committee of the Lavoie inquiry's recommendations.

**Mrs. Vodrey:** Well, just starting with what council is doing in the area of domestic violence, the council is very active in this area. I am informed that—well, here are some of the examples of their work on this issue. At present, council is represented on the Lavoie Implementation Committee's public awareness working group which is developing a public awareness campaign on domestic violence. Council also has sponsored 10 community members, as well as

providing resource material to the Living Without Fear conference, which was sponsored by the Coalition of Filipino-Canadians on Violence Prevention.

I mentioned in my opening comments, as well, that council played a role in the development and implementation of the Victim's First Cellular Phone Program which enhances the short-term safety of high-risk domestic-abuse stalking victims. In fact, I would like to say on the record that the current chair of the advisory council actually raised this program as a possibility, brought it forward, and I am very happy that it was able to, in fact, be put into place and operationalized. I understand, as well, that it has really had an effect in the area of domestic violence simply by the person who sees the victim with the phone. If the accused or the potential abuser sees the victim with the phone, often that is enough to cause the potential abuser to move away from the situation.

In terms of the directorate, they actually are part of the central group in government who receives the reports of all of the working groups and in that way is able to make sure that they understand where the recommendations of the working groups are, in fact, going and what those recommendations may be.

**Ms. McGifford:** I am a little unclear about the latter piece of information the minister gave me. The directorate receives reports of the working groups, and I wonder if there is a bit more information that might clarify it.

**Mrs. Vodrey:** The directorate liaises with Jane Ursel's implementation team and receives informal reports of progress of all of the working groups who have not made their formal report yet.

**Ms. McGifford:** What does the directorate do with this material or—I am assuming, for one thing, that people at the directorate read it and study it, but do they support it or make other alternate suggestions? What role does the directorate play vis-a-vis this material?

**Mrs. Vodrey:** The directorate at the moment receives this as information developed by the working group.

**Ms. McGifford:** One of the issues that we have spoken about in the House is breast care and the Breast

Care Clinic at the Misericordia Hospital. I wanted to ask the minister if she has been solicited by any citizens groups in regard to the Breast Care Clinic.

**Mrs. Vodrey:** Yes, I have met and also received some letters from citizens and also had some phone calls from citizens around the issue of breast care.

**Ms. McGifford:** I know, and I know the minister knows that there are many women and women's groups who are very concerned about what they see is the fragmentation of services at the Misericordia Hospital, so I know that the minister has been approached.

I wanted to read into the record a letter from an individual which was sent to me, but because we are pressed for time I will not read it into the record. Maybe I could table it so that the minister receives a copy. The letter is from a woman named Alison Bailes who has been working with other women and advocating for women with breast care and for the prevention and treatment of this disease. But what I would like to ask the minister is has the directorate done work on this issue? Did the directorate provide any advice to the Minister of Health (Mr. Praznik) on this issue? Was the directorate asked for advice on this issue?

**Mrs. Vodrey:** I understand that the advisory council has had some individuals have contact with them, and they have made sure that I am aware that there has been some contact towards them. The directorate has made sure that I am aware that from the contacts with them that women want to make sure that there is a Breast Care Program within Manitoba that is not a fragmented program. That is certainly the message that I have received, a message that I have also communicated.

I am aware now that the program for breast care which has been put forward by the Winnipeg Health Authority is one which should in fact now provide greater comprehensive care in a few sites whereas in the past service has been somewhat fragmented. What women have said they need is they need the screening, and the screening has been enhanced by this government. But when something has been uncovered and causes a concern, they want a rapid access to diagnosis. They want to not have to move from a site for a diagnostic mammogram to perhaps another site for

a biopsy to perhaps another site for surgery. So it is my understanding now that the program that has been developed should in fact offer to women a more comprehensive program, and that program also includes rapid access diagnosis.

It appears that the criteria that women have laid out in their communications with me and with other MLAs should now in fact be met through this comprehensive Breast Care Program that has been outlined by the WHA.

\* (1620)

**Ms. McGifford:** Mr. Chair, I have a very different view of the minister about the termination of the Breast Care Program at the Misericordia Hospital, but I think it probably is an area that could be more appropriately addressed with the Minister of Health (Mr. Praznik). I mean, I note in passing that breast screening is essential, but a small part of the total care package, so I just want to put that on the record.

The minister did bring up the question of screening and that brings up the question of cervical cancer because I know that Dr. Garry Krepart, who is a professor and head of gynecology and oncology at the University of Manitoba, is on record as saying, and I quote from him an article in the Winnipeg Free Press, April 7, 1998: If we had a cervical screening program in the province, with a registry for patient recall, and all women participated in the program, we could wipe out cancer of the cervix.

I want to add that we have not wiped out cancer of the cervix and that there are about 20 Manitoba women each year who die of cervical cancer, and although the disease can be stopped if it is detected in its early stages, Manitoba does not have a central registry for cervical cancer, despite promises from this government. The first promise was on April 7, 1994, in the Speech from the Throne, and here I quote: Health care for women will be increased with the implementation of regulated midwifery and enhanced breast cancer and cervical cancer screening. So this is a four-year-old promise. There was a second promise on June 1997. The innovation was announced all over again. A central registry was going to be established, and a

single laboratory was going to study all Pap smears and all Pap smear specimens.

The government is now busily privatizing labs, and Sue Hicks, Associate Deputy Minister, now gives this privatization as the reason why screening cannot start for another year. So I want to ask the minister: what advocacy work she and her staff have done to expedite the creation of a central registry in testing for cervical cancer?

**Mrs. Vodrey:** Mr. Chair, I just have to go back to the breast screening comments as well, just to say that, yes, I am aware that that is a separate but important part of the program, but many women go through breast screening in which they are perfectly healthy. It is the women looking for the very comprehensive care, where there has been a diagnosis of some abnormality, and when they, then, have to have a diagnostic mammogram and what follows from that diagnostic mammogram. That is the program which the Minister of Health (Mr. Praznik) will in fact be able to speak about in more detail, but which I understand now has been, in fact, put together to be a much more comprehensive program and also rapid in access and also in information being given back to the patient. That has been an important part for women.

In terms of the cervical cancer issue, I have met directly with Dr. Krepert. I am fully aware of the issue that he has spoken about and in which he was in the newspaper as well. I understand that he has now further meetings, and I have offered either to attend those meetings or to have the directorate attend those meetings with him so that the concerns of women are represented in addition to his own representation that he will make. I know that government has certainly been open to that meeting. I do not know if it has taken place yet, but I am aware that he was scheduling one.

**Ms. McGifford:** I wonder if the minister has any idea when there will be a central registry and testing for cervical cancer, a central testing for it.

**Mrs. Vodrey:** Mr. Chair, no, that question is probably best directed towards the Minister of Health (Mr. Praznik), but the issue is one that I am well aware of and the issue is one that has been brought to me directly as Minister responsible for the Status of Women, and

one which I am prepared to carry forward to my colleague.

**Ms. McGifford:** I would like to ask the minister if the Status of Women is part of the Systemhouse desktop project.

**Mrs. Vodrey:** Yes, it is.

**Ms. McGifford:** I wonder then if the minister could tell me if any civil servants have lost their jobs or have lost part of their jobs because of contracting out, or how many may lose a position because of contracting out.

**Mrs. Vodrey:** I am informed that, no, there has not been any job loss, and I am thinking in some of the detail the member would like to ask, though I can certainly answer some questions that she may have, but Government Services is probably the department in which the member could get the fullest amount of information regarding this initiative.

**Ms. McGifford:** Well, I appreciate that, but if this department is participating, then I am assuming that it would be possible to receive some answers from the department. I am wondering how many months of this year the project will be part of the Status of Women.

**Mrs. Vodrey:** I understand that the Status of Women is due to be transitioned in August of this year.

**Ms. McGifford:** Could the minister tell me what the cost will be?

**Mrs. Vodrey:** Thank you, Mr. Chair. I have an estimated cost, and the estimated cost will, in fact, include both the advisory council and the directorate. The estimated cost is approximately \$39,000.

**Ms. McGifford:** Will new computers be required and, if so, what will that cost be, or is it already included in the \$39,000?

**Mrs. Vodrey:** I am informed that is the cost of the total package for the Status of Women.

**Ms. McGifford:** So the \$39,000 includes any new computers. I wonder how many new computers are involved.

**Mrs. Vodrey:** I understand the total for both is 14.

**Ms. McGifford:** I am prepared to pass then.

**Mr. Chairperson:** 22.1.(a) Manitoba Women's Advisory Council (1) Salaries and Employee Benefits \$167,500-pass; (2) Other Expenditures \$108,600-pass.

22.1.(b) Women's Directorate (1) Salaries and Employee Benefits \$480,600-pass; (2) Other Expenditures \$113,100-pass; (3) Grants \$54,000-pass.

Resolution 22.1: RESOLVED that there be granted to Her Majesty a sum not exceeding \$923,800 for Status of Women for the fiscal year ending the 31st day of March, 1999.

\* (1630)

This completes the Estimates for the Status of Women. The next set of Estimates that will be considered by this section of the Committee of Supply is the Estimates for the Department of Culture, Heritage and Citizenship. Shall we briefly recess so we can get ready for the next Estimates? [agreed]

*The committee recessed at 4:30 p.m.*

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#### After Recess

*The committee resumed at 4:39 p.m.*

### CULTURE, HERITAGE AND CITIZENSHIP

**Mr. Chairperson (Ben Sveinson):** Order, please. Will the Committee of Supply please come to order. This section of the Committee of Supply will be considering the Estimates of the Department of Culture, Heritage and Citizenship. Does the honourable Minister of Culture have an opening statement?

\* (1640)

**Hon. Rosemary Vodrey (Minister of Culture, Heritage and Citizenship):** As minister of Manitoba Culture, Heritage and Citizenship, it is my privilege to

introduce our 1998-99 Estimates for review. Manitoba Culture, Heritage and Citizenship oversees a diverse range of programs, initiatives and activities which promote and enhance the well-being, identity and prosperity and creativity of Manitobans. At the same time, we work with our many partners throughout these areas of responsibility to develop or strengthen opportunities for economic enhancement of our province.

My department's many areas of responsibility and activity include supporting arts funding, library services, recreation opportunities, identifying, evaluating and preserving heritage and historical resources, providing translation services, addressing immigration issues, encouraging multiculturalism and delivering a full spectrum of communication services to all government departments.

I am very proud of my staff and their accomplishments in Manitoba's continuing efforts to better utilize public resources and increase the quality of services to Manitobans. In this new fiscal year, Manitoba Culture, Heritage and Citizenship has committed to specific initiatives and actions which will help us sustain this momentum and further contribute to the vision of Manitoba as a vibrant, vital and dynamic society built on healthy communities.

The strategies we formulated last year, which we continue to follow, centre around these key objectives: establish a sustainable funding base for major agencies and cultural institutions; increase film, sound and new media production and infrastructure; develop and market arts and heritage economic initiatives; strengthen the province's networks of regional theme museums; increase the promotion of healthy, active lifestyles and community wellness; implement The Freedom of Information and Protection of Privacy Act for the Manitoba government and other public bodies in the province; support the global marketing of Manitoba through a co-ordinated communication strategy; increase the number of immigrants through promotion and marketing; expand the provincial role in the settlement and retention of immigrants.

Using these objectives as our guide in assisting Manitobans to build a stronger, more vibrant and economically dynamic community, I have every

confidence this coming year will be one of significant progress for our communities and our citizens. Our government is very proud of the arts community and recognizes its immense importance to our province and our citizens. My department continues to sustain its operating funding to Manitoba's major arts and cultural institutions in the 1999 budget. These institutions not only enhance the lives of Manitobans, they are important to the Manitoba economy.

This economic role is manifested in a variety of ways and impacts on other Manitoba sectors such as tourism. Art Walk, for example, is a collaboration between the Winnipeg Art Gallery and many of Winnipeg's private and not-for-profit galleries. Last summer, people from 15 countries, eight provinces and 10 states participated in this innovative tour of eight galleries in downtown Winnipeg and the Exchange District. Extra days and an extra month were added to the schedule to accommodate the increased demand from travellers, local schools and Manitobans from across the province.

Art Walk is an outstanding promotional venue for the talents of Manitoba artists and a model for the development of future community partnerships. This program's success underscores the ability of partnerships to develop and sustain the arts community as a productive and enriching component of our community. The arts community celebrated several significant anniversaries and achievements this past year which deserve recognition. These include the 75th anniversary of the Winnipeg Philharmonic Choir, the 50th anniversary of the Winnipeg Symphony Orchestra, the 25th anniversary of the Prairie Theatre Exchange, the 50th anniversary of the Ensemble folklorique de la Rivière Rouge. Roger Léveillé, poet, essayist and novelist, won the Prix du Consulat general de France 1997. The Manitoba Theatre Centre's Fringe Festival and the Winnipeg Symphony Orchestra's New Music Festival set new attendance records.

In 1998-99 my department will continue to assist the growing contribution of the arts and cultural industry's growing contribution to the economic well-being of our province. By initiating and facilitating partnerships with the community and other government departments and agencies, the Arts Branch will provide strategic assistance to support the sector's rapid growth. For example, my department has signed an agreement of

co-operation and partnership with Manitoba Industry, Trade and Tourism in the interests of encouraging and supporting economic growth and job creation in Manitoba's cultural industries.

Through its support to Manitoba Film and Sound Development Corporation, my department assists the promotion, production and marketing and growth of the film, television and sound recording industries in Manitoba. In 1997-98 Manitoba Film and Sound's \$2.3 million in commitments supported film production budgets in excess of \$20 million, generating an estimated gross economic benefit to Manitoba of \$26 million.

To further promote film industry growth, the recently introduced Manitoba Film and Video Production Tax Credit will help Manitoba attract private investment and increase local film production opportunities. As a result, the industry projects that in 1998-99 film and video production activity should increase to \$45 million, which, in turn, will stimulate increased employment and training opportunities for Manitobans.

The half-hour television mystery series, *The Adventures of Shirley Holmes*, which premiered on YTV in February 1997, has been renewed for a third season. Produced by Manitoba's Credo Entertainment Corporation, the series was recently the recipient of two awards from the Columbus International Film and Video Festival.

Manitoba was also the location for the filming of the \$3-million direct-to-video action movie called *Trucks*, which was filmed in the area of Gunton, Manitoba, last August.

We have seen impressive increases and achievements, not only in the film and video production industry, but also in other artistic sectors, such as the recording industry. Veteran Manitoba composer, international performer and recording artist, Heather Bishop, was recently awarded the 1997 Gold Award by the Parents Choice Foundation and the National Parenting Publications Gold Award, recognizing the best in children's media.

Local Francophone composer and recording artist, Jake Chenier, was awarded first prize in the 1997 John



Lennon songwriting contest. Five Manitoba recording artists—Heather Bishop, Al Simmons, Stephan Bauer, Steve Bell and the Wyrd Sisters—recently received nominations for the prestigious Juno Awards. Mr. Bell received a Juno for Best Gospel Album. All these projects were funded by the Manitoba Film and Sound Development Corporation. As well, several Manitoba recording artists, such as the New Meanies and the Watchmen, will have major international releases coming out over the next few months.

Our literary sector is a steady contributor to the achievements of Manitoba's cultural industries with book publishing now a \$3-million industry. The department's Book Publisher Support Programs will continue to provide support to this growth industry and enable Manitoba book publishers to expand marketing, improve operations and develop new product lines.

Manitoba continues to produce award-winning authors and playwrights, such as Ian Ross, who was the 1997 recipient of the Governor General's Award for drama for his play, *fareWel*. Manitoba author Miriam Toews was nominated for the 1997 Stephen Leacock award for humour for her book *Summer of My Amazing Luck*, published by Manitoba's Turnstone Press. Two books published by Pemmican Publications were chosen for the 1997-98 Our Choice List by the Canadian Children's Book Centre.

As part of its support to Manitoba's Francophone arts and cultural industry sector, the department provided support to the Société des Communications du Manitoba Inc. for its French language film and video industry development project to provide training and professional development opportunities in the province's French language film and video production industry. The Conseil Jeunesse Provincial Inc. received assistance for the arts and cultural component of the second western Francophone games. Both awards were matched by the federal government through the Canada-Manitoba general agreement on the promotion of official languages.

In 1997-98, the department launched a new program to support innovative marketing projects by Manitoba's private art galleries. The visual arts marketing assistance program makes it possible for galleries to participate in joint marketing initiatives and to take

advantage of major arts marketing opportunities such as the Year of Asia Pacific, the Canadian International Business Strategy and the Pan American Games. This year, eight galleries received marketing assistance to promote Manitoba's professional visual arts and crafts people at home and abroad.

In an exciting partnership initiative with the Native Affairs Secretariat and Industry, Trade and Tourism, my department provided support to Manitoba aboriginal performing and visual artists, sculptors and gallery owners to participate in the first-ever Canadian indigenous arts festival in Scottsdale, Arizona. My department will continue to provide financial assistance for the international touring by the Royal Winnipeg Ballet. This year, the department assisted the RWB in a highly successful European tour which included Greece, Switzerland, the Netherlands and their participation in the Manitoba trade mission to the United Kingdom.

\* (1650)

For the 1997 Canada Summer Games in Brandon last August, the department provided consultation and funding towards cultural programming at the games. We are pleased that our efforts supported the achievement of high quality opening and closing ceremonies and other cultural activities. These significantly added to the quality and enjoyment of the Canada Summer Games and heightened the national awareness of Manitoba as a desirable tourism destination.

In my capacity as minister in charge of millennium celebrations, my department has been in discussion with other departments and levels of government respecting Manitoba's marking of the millennium. Manitoba's plans will be announced in the near future.

My department is particularly proud of our support to arts programming undertaken by community organizations in rural and remote communities. In 1997-98, the department supported some 250 arts development projects in rural and northern Manitoba including 15 projects in remote communities. The latter represents a 36 percent increase over the number of remote projects supported in '96-97. Remote projects have ranged from a cultural exchange among

high school drama students from Norway House and Steinbach to performances by Manitoba Theatre for Young People, Fred Penner and the Little Thunderbirds.

Over the past decade, my department has invested more than \$29 million in restoring, maintaining and enhancing the facilities of our major cultural institutions. In 1998-99, we will raise that figure to \$31 million. Many of these projects, such as the capital repairs to exterior cladding on several major cultural institutions are multiyear initiatives which will be completed in the next few months. The Winnipeg Art Gallery is entering the final phase of its repair project a year ahead of schedule and similar repairs to the Nonsuch Gallery and the Manitoba Museum's research tower will soon be completed.

In addition to maintaining existing cultural facilities, we have committed to several significant projects which will greatly benefit Manitoba communities. The Centre du Patrimoine, a Francophone archive, is under construction at the Centre Culturel Franco-Manitobain and is due for completion this spring. This is a \$3-million federal-provincial cost-shared project to be managed by the Société Historique de St. Boniface.

The new Italian cultural centre will be completed this spring with support from Manitoba, Canada and the government of Italy. We have assisted the Mennonite Heritage Village in Steinbach with the final phases of their construction and development of this major tourist attraction.

Finally, a new world-class gallery space to house the Hudson's Bay collection at the Manitoba Museum will open in 1999 as a result of the collaborative efforts of Manitoba, the federal government, the Hudson's Bay Company and the museum itself. We will also continue our support for community initiatives which build and enhance recreational, cultural and social infrastructure, so essential to the quality of life and wellness of Manitobans. The Community Places Program which since 1988 has contributed some \$43 million to more than 2,200 community facility projects valued at \$150 million is expected to assist another 150 projects this year.

These projects illustrate the many partnerships that my department has successfully developed. This highly

effective partnership approach is good for the community, creates employment opportunities and provides lasting benefits to Manitoba in the years to come.

My department is committed to realizing the concept of universal access to library services for Manitobans. To meet this objective, the Public Library Services Branch has initiated several projects to improve the accessibility and range of services offered in rural and northern public libraries. Staff continue to provide design development, training and implementation support to assist Manitoba's library system in preparing for the 21st Century. The Manitoba Public Library Information Network, or MAPLIN, will enable all automated public libraries to connect with the Manitoba Union Catalogue and the Public Library Services circulation system.

Forty-one of the 52 regional libraries are now using the MAPLIN network to access the Public Library Services central database. The network assists in establishing libraries as community resource centres and in providing access to global information networks. It will soon be a key Internet accessible tool for our library system. We have also been co-operating with Industry Canada to encourage communities to provide public access, often in public libraries, to the Internet through the Community Access project.

I am also pleased to note new initiatives in the areas of developing community heritage leadership which my staff have facilitated. At their annual conference held October 25, 1997, in Baldur, 61 municipal government delegates representing municipal heritage advisory committees from across Manitoba decided to form an umbrella organization, Community Heritage Manitoba. Community Heritage Manitoba, along with other provincial heritage organizations, jointly hosted an event in Portage la Prairie called A Vision of Heritage which I attended May 2. This special one-day event brought together heritage community representatives from across the province to discuss the challenges and opportunities facing the heritage community today. It was a day of information sharing and identifying areas for joint co-operation and action. I was pleased my staff were asked by Community Heritage Manitoba to help facilitate this gathering. It is an example of the

kind of partnership with community volunteers that I am very proud to foster and support.

My department continues to work closely with other dedicated heritage volunteer groups, such as the Inglis Area Heritage Committee, which wishes to restore and reuse five grain elevators that are the last such row of elevators in Canada and have been declared nationally significant. My staff have worked closely with their federal colleagues and the Inglis Area Heritage Committee to gain access to capital funding for this project from Parks Canada's national cost-sharing program. Canadian Heritage allocated \$1 million from their national cost-sharing program which was announced at a ceremony in Inglis. The Inglis Area Heritage Committee has embarked on a fundraising campaign to match this level of support, and I am very pleased that we have given strong support over a number of years to reach this important juncture.

My staff have been working closely with the Exchange District Business Improvement Zone to prepare an interpretive plan for this important heritage area and potential first-class tourist destination.

We will continue to work co-operatively with Manitoba Hydro and First Nations communities in northern Manitoba to identify and to protect archaeological sites in the Churchill River diversion area. Approximately 60,000 artifacts have been collected, 54 burial sites identified and managed, and 413 new archaeological sites recorded in the study between 1990 and 1997.

\* (1700)

**Mr. Chairperson:** Order, please. The time being five o'clock, committee rise.

### CONSUMER AND CORPORATE AFFAIRS

**Mr. Chairperson (Marcel Laurendeau):** Would the Committee of Supply come to order, please. This section of the Committee of Supply has been dealing with the Estimates of the Department of Consumer and Corporate Affairs. Would the minister's staff please enter the Chamber at this time.

We are on Resolution 1.(b)(1) Executive Support, Salaries and Employee Benefits, and as the members had discussed, we are wide open.

**Mr. Jim Maloway (Elmwood):** Mr. Chairman, I wanted to ask the minister about the state of preparedness of his department and what he is doing or not doing with regard to the year 2000 problem, and I believe he has an executive summary of the recommendations of the Year 2000 Task Force that were provided to him the other day, and whether he would make some comments on that.

**Hon. Mike Radcliffe (Minister of Consumer and Corporate Affairs):** Mr. Chairperson, I have only a passing body of information, I guess, on the Y2K problem as I am not—I do not pretend to have any great expertise on the technology of computers. However, this is a matter that is of significant concern to government. Government considers it very seriously, and I can tell my honourable colleague that there are currently five departments, five different subsections that I am responsible for in my department that have 2000 year projects going.

They are the Manitoba Land Titles, the Personal Property Registry, the Companies Branch, the Vital Statistics, the Manitoba Securities Commission. Specifically with Land Titles, Personal Property and Companies office these systems all fall under the Better Systems initiative who are responsible for the year 2000 retooling or refurbishment. I can tell my honourable colleague that work on this project started on May 12, 1998, and it is expected to end in February of 1999.

The budget for the entire BSI core projects, the Better Systems Initiative core project, is \$2.551 million so this indicates a very significant commitment on behalf of government to this issue. A separate breakdown for the cost of the individual Better Systems Initiative Year 2000 Refurbishment is not available at this time. I do not have that, so I would not be able to be responsive to any further questions on the particulars of that. I just have the gross number. The cost of the year 2000 refurbishment is being billed on a time-and-materials basis by IBM corporation.

Vital Statistics has an obsolete system which we have had some significant difficulties with, and we are in the process of, as we speak, implementing a new system. I believe it has been introduced in phases and segments and the new system will be year 2000 compliant. Vital

Statistics started their systems development in June of 1997, and they expect to be finished the implementation and be fully operative by August of 1998. The prime contractor for the Vital Statistics project is K.E. Software, and the cost of this project is \$1.4 million for Vital Statistics.

The last department that is involved with the issue of Y2K is Manitoba Securities Commission. Again, we are dealing with an obsolete technology. We tend to cope with problems of failure from time to time on the system, but I can tell my honourable colleague that the existing Securities Commission system is not 2000 compliant. The commission is currently evaluating responses to an RFP for a new system, and they will be planning a start date of July 1998.

Mr. Chair, I am told with the Manitoba Securities Commission that the new system will be up and running and implemented by October of 1998. The vendor and cost for this project are dependent upon the winning bid, and, as this is in midprocess at this point in time, I cannot comment any further on it until more knowledge and information is available. Other than these five departments—and I do not mean to minimize them, by any means, because I do not consider them to be a minimal issue—all other systems in Consumer and Corporate Affairs have been made year 2000 compliant.

**Mr. Maloway:** Mr. Chairman, would the minister endeavour to provide us with the information, when he is in receipt of it, as to who gets the the Y2K contract for the Securities Commission and the amount of the contract? I would like to also ask the minister whether he is aware that these Y2K projects that his department is involved in are also taking into consideration a leap year problem as well, which is another curve to this whole area.

**Mr. Radcliffe:** Mr. Chairman, I would be most pleased to supply the particulars to the contract when it is awarded to my honourable colleague; that is, supply the information to my honourable colleague when the contract is awarded. I am advised that the leap year anomaly is also being considered and taken into account with the restructuring.

**Mr. Maloway:** Mr. Chairman, could the minister give us an update of the individual Y2K projects that are in

progress right now as to whether or not successful testing regimes have been completed on these projects?

\*(1530)

**Mr. Radcliffe:** Perhaps the good news first, Mr. Chairman. The Vital Statistics expects to go totally live on their entire system this June, within the next week or two, and so they are well into their testing process. As I say, they intend to be completed with the testing and up and running totally by August. So the testing process will go through the summer, and some of this has already been implemented because I gather that certain components of the program have been implemented as we have gone along over the course of the winter, and quite fortuitously, because there have been a real necessity for modern technology with the Vital Stats.

The Securities Commission, of course, as my honourable colleague can appreciate, is a long way from being tested because we are just at the RFP basis, and, equally with the Land Titles, personal property and companies, this is under the conduct of the BSI, the Better Systems initiative or people, and they have not yet commenced testing.

**Mr. Maloway:** What major glitches, if any, have you found in these programs so far?

**Mr. Radcliffe:** Again, I guess I would have to confine my remarks to Vital Statistics because the Securities Commission is not at that stage yet. BSI has not commenced the testing—and if I could just take a moment for counsel.

Mr. Chairman, I believe that Vital Statistics has adopted an entire new system, and I think there have been, as we are told, some minor administrative issues that have transpired but nothing of any significance, and, in fact, staff here today do not have any of the minutiae of the problems with Vital Statistics. The administrator of financial services for the department advises me that, in fact, the bottom line, the report that he gets from the director of Vital Statistics is that Vital Statistics is on schedule, on budget and operating in a satisfactory fashion and that staff are, in fact, quite pleased with the implementation.

**Mr. Maloway:** Included in the recommendations from the federal task force report is a reference to provincially regulated financial institutions as to whether there is a formal year 2000 action plan associated with them and as to whether they, in fact, have a Y2K plan in place as a prerequisite for the loans that they make. I would like the minister to update us as to what steps he has taken to make certain that this is, in fact, happening in Manitoba.

**Mr. Radcliffe:** Mr. Chairman, there is nothing hard and fast on a Y2K policy for the credit union system, save and except I can advise that internally, of course, the new banking system for the credit union system is year 2000 compliant.

Having gone through this progression or education curve themselves, the credit unions, the individual credit unions are, in fact, very aware of the necessity for compliance with 2000.

When the credit union people are now making new loans, the assessment of viability I guess or risk to the borrower is something that is discussed as part of the application, the credit application issue. It is certainly something that the credit unions are being proactive about. They are discussing it. They are aware of it themselves. They are spreading the message to their clientele, to their sphere of influence in the province.

With regard to the *caisse populaire*, which is a branch of the credit union system or a connection to the credit union system I guess, they would not necessarily be complimented to be considered a branch of the credit unions. The process of compliance to 2000 is being co-ordinated by the *Fédération des caisses populaires*. The main suppliers of the various components of a new system have been included in their contracts with the *Fédération*, and a clause that their products are 2000 compliant has been inserted. The *Fédération* has requested that software suppliers for the year 2000 supply certification from their software company. This is in the process of being sought.

I do not have anything further on the internal organizations of these credit granting institutions or savings institutions. But in like kind, the *caisses populaires* are also discussing this matter within their communities.

**Mr. Maloway:** Mr. Chairman, I would like to then ask the minister whether or not the credit union movement has adopted a requirement of a year 2000 action plan as a prerequisite for loans. If they have done that, at what date did they start implementing such a program?

**Mr. Radcliffe:** Mr. Chair, the role and function of the government supervision of credit unions takes great pains, the director takes great pains and the office of the director takes great pains to keep the individual operational issues of credit unions at arm's length and only looks at the overall viability of the guarantee system, the Guarantee Corporation and Credit Union Central. The actual day-to-day management of the credit unions is not something that the director nor his office nor this government becomes involved with. So being an operational matter, I would recommend that my honourable colleague refer this question to the individual credit unions themselves.

\* (1540)

**Mr. Maloway:** I think under normal circumstances the minister would be correct in his assessment, but if the people on the task force can be believed that this is a very serious matter and could in fact jeopardize the viability of a lot of companies, I think it would be important for the minister to take some initiative here and just make certain that there is some sort of consistency as between the credit union lending requirements and say that of the banks. For example, if a line of credit for a particular company were to come up for review, or if different companies, different institutions had different policies, then one might see a certain institution refusing certain loans at a certain level and then companies being funnelled through the path of least resistance to the institution who provided the least requirements.

So I do not know how serious an issue it is in terms of tying this requirement to the obtaining of a loan, but if you have a certain institution who requires a certification that Y2K compliance be in place before they get, say, \$50,000 of money, and then you have another institution that is totally out to lunch on the matter and grants the loans without any questions asked, then what you will see is an overabundance of risk attached to that particular institution that does not require these compliance regimes. So I would simply

ask the minister to check the consistency out there, as to the awareness of the problem and the consistency of the application of a policy, if in fact there even is one.

**Mr. Radcliffe:** I would like to thank my honourable colleague for those opinions. I think they are well based, and the role of the director as an educator, as a communicator is, in fact, very appropriate, and one that is taken very seriously. As I say, I think those are very appropriate remarks. Thank you.

**Mr. Maloway:** So does the minister have any information as to whether in fact what limits the credit union has placed on its lending, on the level of its loans before a Y2K compliance certificate is required?

**Mr. Radcliffe:** Again, I guess, I would refer my honourable colleague to my previous answer where the whole issue of operation of the credit unions must be free from political interference of any nature in kind. So any, however well-meant policy or insistence on who gets loans, limits of loans, risk of loans, coming from this Chamber or from this government would be ill advised and not well received by an independent banking system, albeit for the most altruistic of causes. I join cause with my honourable colleague in his concern for this issue, but it is something where we must be scrupulous to make sure that we keep to our side of the fence in the issue of governance of the credit unions. Therefore, the matter of lending policy, a loan policy, risk assessment is something that is operational and must be addressed at the individual credit union level.

**Mr. Maloway:** I would like to remind this minister that not so many years ago the taxpayers of Manitoba were forced to come in and bail out the credit union movement at the time. I would like to remind the minister again that when the year 2000 rolls around, and if in fact there are serious shutdowns with companies going out of business and general mayhem in this province, then this minister will have a large load to bear here in asking himself as to why he did not check this whole question out a little bit further, assuming that it is such a fundamental issue to the survival of companies in this province.

**Mr. Radcliffe:** The millennium fever is something that I think that is a real issue in all of business and all of

our technology at this point in time, and I want to assure my honourable colleague that the effective and thorough and incremental system of problem solving of the Filmon government has been effective in managing such issues as the economy, such issues as health care, such issues as education, as we move through changing phases of our lives. This is one more issue which I have every confidence will be dealt with in a very expeditious fashion by the administrators, by the people who manage our business affairs.

I want to take this opportunity to express my confidence in them. I think that, although my honourable colleague has a different role and that is not to be a doomsayer but somebody who offers critical assessment, his remarks are well taken and that the director of the credit unions will carry those remarks back to his colleagues within the system in order that the appropriate education and safeguards be instituted. We are all very mindful of the difficulties that credit unions have faced in the past, and I want to assure my honourable colleague that I do receive an annual report from the credit unions. The government guarantee which had underwritten a lot of their loans and operation was not renewed in the past year because they were being so successful. They have now come of age, taken hold of their business enterprise, and are managing their affairs in a very, very sound and fiscally prudent manner. I believe that this provincial government has set the pace and the tone for fiscal prudence and management in this province and that has been emulated by all the financial institutions in this province. I must congratulate the credit union system for their prudence in this area.

**Mr. Maloway:** Well, Mr. Chairman, the minister, you know, his comments remind me of the Titanic movie where the band was playing while the ship was sinking. He has got another year and a half to find out whether that is true but, if it is true, then he is going to look pretty bad for not taking this as seriously as he probably should.

Now, Mr. Chairman, I would like to ask the minister as to what sorts of communications or alerts or warnings he has issued with regard to the consumers of this province as it relates to the Y2K problem and the issue of imbedded chips. The minister should be aware the task force has certainly examined in its recommen-

dations the whole area. In fact, the task force chairman told me the other day when we met that in fact the whole area of imbedded chips was new to the task force as late as 12 months ago.

They are now only realizing that the imbedded chip problem is a huge problem. What that really means is things like VCRs have imbedded chips, VCRs may not work properly in the year 2000. Hospital equipment, airplanes, cars, you know, everything around you may have problems. Now, I am aware that as late as last August a department store, a well-known department store in Winnipeg, a national chain in fact, that sells fax machines, when I went in there last August to check on Y2K compliancy of the fax machines, they had, I believe, four models of fax machines. When I asked about Y2K compliancy, I had been the first person to ask about the question. No one had asked before. They told me that three of the four were compliant; the fourth one was not.

Now there is some consumer in Manitoba walking around who has bought this fax machine just last August and will find that it is not Y2K compliant. So clearly this is a serious problem. Your constituents will be phoning you January 1, Mr. Minister, asking you why you did not do something about their problems when their VCRs do not work and all the other things, when they cannot get out of their houses because their security systems do not work and they cannot get out of their driveways because their cars do not work. I want to know. What are you doing? What are you going to do about this problem?

\* (1550)

**Mr. Radcliffe:** Mr. Chairman, my honourable colleague is correct that there is a plethora of articles in our society, everywhere from the computers that run our motor cars to convection ovens or microwave ovens, to elevators, to all sorts of equipment that is—

**An Honourable Member:** Microwaves?

**Mr. Radcliffe:** Microwaves, yes. We want to cook the goose of members opposite from time to time, I guess, or cook the goose for the members opposite.

Nonetheless, there is a multitude of objects in our society that are computer driven, that have embedded

chips in them. I believe that the federal government, in compliance with their study and their discovery, is going after the manufacturers of many, many objects and suggesting, urging, trying to educate them as to the issue. I believe that this is a very worthy suggestion, and I am quite happy to broach this matter with my director of Consumer Affairs. I would tell my honourable colleagues that there is a branch of the Consumer Affairs department that is involved with consumer awareness, over and above the complaint-driven process which normally is the way that the Consumers' Bureau operates.

So we do have a facility for getting out into the public and bringing issues to the attention of the public, and I think that my honourable colleague makes a very valid point.

**Mr. Maloway:** That actually was my next question. Has he written to manufacturers questioning them about this matter and encouraging them to not—actually, you should be sending a letter to the retailers, as well, encouraging them, if for no other reason than their legal requirements, encouraging them not to sell products that are not Y2K compliant.

The minister may or may not be aware that, in fact, computer companies are very reluctant, even today, to certify that the product they are selling is Y2K compliant, and it is a huge legal area as well because, in fact, software companies, many of them I am told, are putting their noncompliance software into separate companies with the idea that when the time comes they will simply collapse the company and head off on a new ship with a new company selling compliance software, because there is just so much software out there that will create havoc and invite lawsuits from people who bought this software.

So is he planning to write letters to the manufacturers and the retail establishments outlining the potential for their legal exposures and the fact that they just should not be selling equipment that is not compliant?

**Mr. Radcliffe:** In response to my honourable colleague's last remark which was, am I about to write correspondence to various manufacturers, retailers, to advise them of their legal liability, I would suggest, with the greatest respect, that that perhaps is not the

proper role of a regulatory office of government or a registry office of government. This falls more properly in the role of legal counsel.

As I have given up my certificate for practising law, and I have gone inactive at the Manitoba Bar, this would be something that I would be loath to do. I think that a general education process might be appropriate, and making information available to the public, which would be as pro-active as the Manitoba government should fall on this issue, but for the Manitoba government to actually direct, instruct, advise, manufacturers as to legal liability, I think that we would be criticized as exceeding our jurisdiction, and would be subject to admonishment ourselves.

**Mr. Maloway:** Well, the task force people have suggested that Canada is at the forefront of this problem in terms of solving the problem and the United States, I gather, is right up to speed, but evidently there are parts of the world, Latin America being one part and other parts of the world, where there has really been next to nothing done in terms of compliance at this point.

So, Mr. Chairman, it becomes, in fact, a competitive issue because if Canadian manufacturers can get ahead of the pack, they can secure their survival and, in fact, thrive because when the year 2000 comes, if the manufacturers in Latin America, for example, are not compliant, then they will no doubt go out of business. It is suggested that a very high number of businesses, in fact, in Canada will be going out of business because of this problem, because the cost to convert will just be too much, or, in fact, if they do not convert, they will just lose their markets.

So the federal people actually see this as a big opportunity to establish Canadian companies as leaders in the world and actually increase market share because if your product is compliant and it works, then you will be able to sell it worldwide, and companies that are not compliant, that do not work, will lose their markets. To that end, there has been enormous pressure on companies to carefully look at their suppliers. I mean, so far, it has been sort of a one-sided problem in the last couple of years with people simply looking at their own computer systems, and that, in fact, is what the

government is doing. That is what the minister is talking about.

He is looking at his own problems, but he can have the greatest computer systems in the world, but if his suppliers—if you are producing a product here in Canada that requires components from around the world, then the chain is only as good as its weakest link. So of your hundred pieces that go into the machine that you are building here in Canada, the product you are building, 99 of them can be compliant, but that one piece, if it is not compliant, can bring down the whole process.

So that is what the emphasis is on now, is to look at all your suppliers, and companies, in fact, have dropped long-distance phone companies in favour of ones that are compliant. Companies like Bell Canada are going to do a terrific business because they are compliant, and some other smaller company may not be. This is what has happened. I mean, cold, hard decisions are being made right now about this matter as far as suppliers are concerned. So that is really what it boils down to, is looking at the suppliers and so on, so you have to trace back the problems.

So the ministry has to I think be more proactive. It is supposed to be Consumer and Corporate Affairs, and just because the Industry minister spends all his time travelling around the world, you know, enjoying himself in Geneva and other places—and, you know, he ought to be advised that he should not be getting on a plane January 1, year 2000, because he may be stuck wherever he is at that time, although that might not be bad for the people of Manitoba. But I do not have a lot of hope for the Minister of Industry, Trade and Tourism (Mr. Downey) anyway, so I would confine my efforts to getting this minister to do something where the other minister is not.

Certainly, the minister has the power, as he suggested, to inform and engage, and, certainly, some involvement with this task force, putting in an effort to inform the businesses and so on of the problems, will go a long way to making Manitoba competitive and doing what the government wants to do, rather than just making it rhetoric. It may be nothing more than that come year 2000 if, in fact, this is true, if, in fact, these



businesses cannot compete because of suppliers who cannot provide the supplies.

So, once again, I would like to ask him what is going to be done as regards the retailers in Manitoba who are selling to our consumers, selling them products that may not be compliant?

If the product is coming from Latin America, as an example, we are told there is no concern over there about Y2K issues at this point, as a generality, as a general area. So, you know, if you are trying to save a couple of dollars and you are going into a retail store, and you happen to buy the product that is a little cheaper and it is not Y-2000 compliant, then you are really not doing yourself any favour here. I am just thinking out loud as I go here. Perhaps, there should be some requirement of Y2K compliance put on products that are sold.

\* (1600)

I am finding it very difficult to get computer companies to certify compliance. Even last year, one of the huge majors, Dell and Gateway—the minister is probably familiar with them; they are in the top five in the world—even though they insist their plant is compliant and it has been retooled at a gazillion dollars, they are still not really prepared to certify that this computer is compliant. So I would think that the minister could be breaking new ground here, might find him on *The National* and *The Journal*, if he were to demand that national chain stores indicate whether these products are Y2K compliant. That would certainly force the ones that are not off the shelves. What does he think about that?

**Mr. Radcliffe:** Mr. Chairman, I guess my honourable colleague's remarks remind me of a situation a number of years ago when I happened to have been in the province of New Brunswick. The province of New Brunswick, as everybody knows, is a significantly bilingual province.

I was visiting some relatives and staying on some family property. This one particular relative ran a hardware business in New Brunswick, and he said quite clearly to me that if he wanted to sell hardware on “de nort shore,” then he spoke French; and if he went down

to Saint John, he spoke English. We were in Bathurst, and when he was in the Anglo community, he was very adept and successful in the Anglo community; when he went to the Francophone community, he would switch back and forth. I looked at this situation and I thought, well, this is information, and the more skills, the more language you have, the more ability you have to communicate with people, the more successful one is.

I apply that same analogy as a general rule to this issue, and I believe that Canadians are well educated, well skilled. We look at our position right now of exporting technology and knowledge to the Americas and how Manitoba has prospered so incredibly under the Free Trade Agreement that Canada had entered into, the NAFTA agreement. I know that at the time these agreements were signed that there the naysayers and the criers, the chicken littles, who were saying that this was the end of the world and that Canadians could not compete and that they were bereft of all innate ability and skills. In fact, I think that the last number of years have shown essentially the wonderful skills, the wonderful competitive ability of Manitobans, particularly, and Canadians, at large, that we have been able to take information and technology and ability and skill to the world. This has become a global village.

I think this is where I depart from my honourable colleague. We both have concern about the problem. We both have an awareness of the problem. We both have knowledge of the problem, but I perceive my honourable colleague's remedy to be to look for guarantees, to try to impose the central will of government, the force and violence of the Crown on enterprise, on business, to impose on people a solution which may well be well intentioned, rather than saying to the community, here is a problem, with every problem, with every challenge, there is the accompanying opportunity.

I think that Canadians themselves have shown that they are equal to that challenge and that the best role that the government of Manitoba and the Consumers' Bureau and the employees of our government can do is to acquaint our populace with the issue, take it to the marketplace, and step back and get out of the way of entrepreneurs and academics and people who address their minds to these issues. Let them take charge, and give them the responsibility, because that is where the

responsibility properly rests. We get our house in order, we go to the marketplace to assure ourselves that our securities commissions, that our registries, that our individual databases are, in fact, compliant, and that we spread the information, we spread the good news to the marketplace that, in fact, there is a challenge out there and our people in Manitoba, who are technologically gifted, will rise to this challenge, and they will meet the challenges.

**Mr. Maloway:** I am not talking about the heavy-handed government here. What you have—the members of this year 2000 federal task force include president of Canadian Tire Corporation, president of the Royal Bank of Canada, president of Cargill Limited, president of Crown Life, president of Chrysler, Nova Scotia Power, Canadian Institute of Chartered Accountants, president of Placer Dome. You are talking about people here who see this as a serious problem, and they are so concerned about this matter that they are taking a lot of arbitrary steps here. They are going methodically through all of their suppliers and axing them, cutting their contracts, eliminating long-term business relationships because they are so fearful of dealing with suppliers who are not Y2K compliant. These are the major companies in the country.

So it is not a question of the heavy hand of government and so on. I guess I am pointing out that if he goes to a consumer electronic store in Winnipeg, or any computer store in Winnipeg right now, you will see nowhere, nowhere, not one reference to year 2000 compliance on one consumer item. All these items have embedded chips. Now, this year 2000 committee says that the embedded chip problem is even more severe than the computer problem, and that is bad enough. So you have retailers across the country selling products in which I have yet to see one reference, not one, on any product. We are talking about hundreds of products here. So clearly, Mr. Chairman, something is wrong. If the product is year 2000 compliant, then why do the retailers not happily include that in the promotion or in the little sticker that appears with the product? Why is that such a problem? Or is it a case where all these people, all the members of this Y2K committee, are wrong? Are we saying that the head of Canadian Tire and the Royal Bank and all these people are wasting their time involving themselves in this committee, spending millions and

millions of dollars upgrading computers, changing long-term suppliers? Are we saying they are wrong and the retailers are correct, there is not a problem, just simply sell your products and let the buyer beware?

\* (1610)

Or is it the other way around? Is it a case where this committee is right, that there is a problem here, and who is informing these retailers? I have just asked the question. If it is such a big issue, then why are more people not doing more about it? Why is it so far being left to a dozen presidents of the largest companies? Why are the media not covering the issue? Why are the Consumer Affairs ministers across the country not sending out promotions and warnings and so on and doing press conferences on these issues? Why is the minister not doing a press conference with the credit union management, a joint press conference? Why is the minister not meeting with the retailers and not having a press conference, and why are these retailers not producing their year 2000 promotions, if this is such a big problem? What is going on here, or what is not going on here that should be going on here? Why is half the population asleep on this issue? That is what I want to know.

I mean, if it is not a big deal, then just tell us it is not a big deal and we will forget about it, but we are getting mixed messages here. We are having Mr. De Vos [phonetic] coming into Winnipeg and meeting with the Auditor, meeting with the opposition, attempting, I guess, to meet with the Industry minister, whom he should be meeting with, but the Industry minister is nowhere to be found and, you know, essentially saying privately that the province may shut down because this problem is so severe. The man cannot meet with the Industry minister, could not find a minister to meet with, so I would suggest that somebody wake up in the government over there and take control of this issue and simply meet with the committee and start liaising with the business community and getting this issue front and foremost. But what I would like to settle one way or the other is to whether it is a serious matter or not, or whether or not we are just going to let the consumers hang, twist in the wind because that is what is going to happen.

I mean, people are buying these embedded chip products. I do not think this government is going to be

going for an election, by the way, in the year 2000 because they will not have a single voter in this province that will want to vote for them. They will not want to support themselves. I can just see how people in this Legislature are so used to the soft, comfortable life that I do not think any of us could survive without these embedded chip products, and if they do not work right, I can just imagine the language that will be emanating all over the city when things do not work right. You know, when your VCR does not work and your computer does not work and your this does not work and your that does not work, it is going to be serious, and they are going to be looking to us as their elected officials for remedies. Why did you not tell us, they will say, why? Then it will be our fault. All I am saying is let us get out in front of the crowd, folks. When you are being run out of town, make it look like a parade.

Let us get out there. Let us start leading that parade, and let us start talking to the people to find out just how far along this is. You do not really know what your credit unions are doing and what they are not doing. I did not know what the banks were doing. I do not borrow money, so I do not know what the banks are doing, so I had to phone them. I had to go and round up a banker who lends money and ask them: what do you do? I got them to fax me their information, and it sounds as if there are a lot of inconsistencies there, even with the companies. Over \$250,000, they require a Y2K questionnaire. Those companies, it seems to me, would be more likely to be Y2K compliant. The loans under \$250,000, they do not ask any questions.

This is the Royal Bank. I mean, this is No. 2 on my list here of members of this federal Y2K committee. John Cleghorn, Chairman and Chief Executive Officer, Royal Bank of Canada, and his own bank, when it comes time to lending, has what I see as sort of not really tough Y2K policies. You know, maybe there is a reason why they are doing it the way they are doing it, but certainly there is something lost between where he is sitting and where the local loans officer is sitting on this issue. So we have to start working a little bit more on this, and I would like to know what the minister is planning to do about it.

**Mr. Radcliffe:** Well, Mr. Chair, I think that my honourable colleague has really, by virtue of the way he

asked the question, supplied himself with his own answer. I look at the make-up of this blue ribbon federal committee, which has been gathered together, and I think that citizens of Canada are probably very happy when different levels of government co-operate with one another. Here, I think that we have a federal committee and we can look to this federal committee for leadership, because this is an issue that goes right across our province.

The individuals involved, the corporations that are involved, are quite properly the leaders in our commercial and fiscal and material world in this country. You know, the Chrysler motor car company, the Crown Life Insurance, the Cargill Grain, these are all leaders in Canadian industry. In fact, these are the people who are directing their minds to this issue.

In fact, I go back again without denigrating or deprecating my honourable colleague's concern about this matter because it is a very significant issue that should be considered. We do not know at this point whether, in fact, it is as onerous as my honourable colleague is trying to outline. In fact, business does not deal in speculative issues; business deals in concrete, objective, provable fact. Corporations today are loath to say that they are 2000 compliant because of the incipient legal liability that might attract to such a statement.

Therefore, I think the community itself, as it becomes more sensitized and more aware, is becoming very cautious with regard to this issue. I cannot be responsible, nor is Manitoba government responsible, as my honourable colleague asks, when he says, what is the media doing about this? Well, in fact, the Consumers' Bureau of Manitoba is not the overseer of the media organs in this province, because we do have a free press, we do have free media organizations in our community, and they are not subject to government regulation save and except for good taste and legal liability under the Criminal Code.

But I think, again, I look to the fact that leaders of industry, leaders of our major corporations, leaders of our financial world are addressing this issue. This is where this problem will be solved. If government, and specifically the provincial governments, were to weigh in to the lists at this point in time and impose a

regulatory regime, anything more than an education and communication and sharing process, we would be suspect. The very role of government, I think, would be subject to opprobrium on this, because the role of government is that of being responsive to complaints to regulate the activities of our colleagues in such areas as insurance, regulate such areas as real estate brokers, regulate areas that are known and specific at this point in time. To embark right now and to commit the resources of government on something that is as speculative as this could very well be a misuse of the authority of the Crown. This is not to say that something should be overlooked or ignored, I do not think it should, and I think that to talk about it and to contemplate it, to be reflective upon it, as my honourable colleague is doing is a very worthy project.

But I think that to do more than that at this point in time, more than getting our own registries, our own regulatory process in order, is beyond the ambit of appropriate activity, and if we do more than educate and discuss and share, I think that we are overstepping the mark. This is a matter that quite properly belongs in the marketplace, it belongs in the universities, it belongs in the world of the IBMs and the SHLs of the world, and that is where it remains. They will bring the answer to government. They will bring the answer to the citizenry and that the vibrancy and the vigour of the marketplace will be the appropriate place where the answer will be supplied, Mr. Chair.

\* (1620)

**Mr. Maloway:** I would like to ask the minister, then, how many grants—I believe there is only the two that his department gives out—does the department give out in a year?

**Mr. Radcliffe:** Mr. Chair, I want to apprise my honourable colleague or confirm to my honourable colleague that there are, in fact, only these two grants that are given by the department because we have very frugal resources that are ably managed by the deputy, and, in fact, she scrutinizes every expenditure in our department to make sure that everything is handled in a prudent fashion and in a very thrifty fashion.

We do not have the resources that, say, the Department of Education would have or the Department of

Industry, Trade and Tourism would have, so while there are very worthy causes that are out there, I must assure my honourable colleague that our deputy and her chief financial officers and her directors are very vigilant to make sure that monies are spent for the best of purposes in our department.

**Mr. Maloway:** Well, then, I would like to ask the minister did he make a formal year 2000 action plan a condition for securing these grants this past year? Has he done that?

**Mr. Radcliffe:** Mr. Chair, just to refresh my honourable colleague's memory, the two grants that we give are some \$53,800 which is a counselling service for low-income individuals to provide credit counselling. The second grant is to the Consumers' Association of Canada. This grant enables the organization to provide a product-information and product-rating service to consumers, so that the particular issue of embedded chips or the millenia fever are perhaps issues that are beyond the jurisdiction or the competence of these organizations.

I am familiar with Mr. Zoran Maksimovich who is one of the individuals who works with low-income individuals. This is more a management service for people who find themselves in straitened financial situations, and it is an education and a resource opportunity for these sorts of people. I would suggest perhaps many of the individuals who go to Mr. Maksimovich may well not have access to computers or be involved in the computer technology world, that, in fact, while we are much obsessed by this because government relies now on computer technology, many, many, many people, still, in our country are not involved in the technology wizardry. The folks who are the recipients or the beneficiaries of these grants may well be in that category.

**Mr. Maloway:** I simply asked the question to illustrate the point that the task force recommendations are just simply being ignored by this government. Task force recommendation No. 11 reads as follows: All levels of government should require their lending bodies' programs to make the existence of a formal year 2000 action plan a condition for securing grants, contributions, loans and loan guarantees where applicable.

I realize this would be more applicable in the I, T and T department where they give out some serious money, but the example is there, that the federal government has its task force. All these business people are on the task force. They make recommendations, and you ignore the recommendations. We can go through them recommendation by recommendation.

So what is the point? Taxpayers are paying for this, I assume. They have a role in here; they are paying for this. You make recommendations, and they are not being followed. That is what I see coming out of this particular recommendation.

It is simply a matter of asking the Consumers' Association, which, by the way, should be doing something in this area. I do not know what they do with this grant, but certainly bare minimum they should have a year 2000 action plan. They are no different from any other organization. Every organization should have a year 2000 plan to find out if their data are going to be around after the year 2000. It is very important. So bare minimum, as a grantor, you should be asking them to fill out one of these year 2000 questionnaires for their own peace of mind, for their own good to determine whether or not their equipment is year 2000 so that at least they have some sort of a warning. They are the Consumers' Association. They are the people that are fighting for consumer rights. They are the people, practically some of the first people, that are going to be put on the spot about this issue as to why the consumers are suffering because they have all these products with embedded chips that do not work properly. That is a perfect, in my mind, role for the Consumers' Association.

I would think they would be out there conducting your education program that you are going to have to conduct, that they would be arm-in-arm with the minister and spending this grant on educating the consumers and making certain that their own office is Y2K compliant. I just offer that as an observation, but perhaps the minister would like to comment on that contradiction here.

**Mr. Radcliffe:** Mr. Chair, I want to assure my honourable colleague that his remarks are, I think, very appropriate; however, we cannot get too excited on \$58,000, which is the extent of the granting here. I am

sure that the individual recipients have every one of those cents and pennies and quarters and dimes already earmarked. In fact, the Department of Consumer of Corporate Affairs is a very lean and effective and frugal organization, but I do think that my honourable colleague's remarks are very appropriate.

This is something that I do intend to share with the director of Consumer and Corporate Affairs and to the researcher who is attached to our department to make sure that the good words of my honourable colleague are disseminated to the consumers' bureaus, the education officers in the community, so that government services will be well run, will be effective in the millennium, and that the word will get out so that the people in the province of Manitoba will be on top of this problem.

**Mr. Maloway:** I would like to ask the minister as regards the insurance question. The insurance companies are also grappling with this Y2K problem and issue, and I would like to know what is happening in Manitoba as regards the insurance industry's approach to the problem. The recommendation of the task force is that the insurance community should be providing its corporate clients—they say corporate clients; I guess they are not concerned as much about the individuals— but corporate clients with early notification of the importance of the year 2000 issue and demanding the action plan.

Then another part of the recommendation is to make the renewal of an insurance policy contingent on the availability of a formal action plan. Now that seems like some pretty serious approach and serious action here. I am also told that some of the insurance companies are designing wordings to simply rider-out the problem and indicate that they are not going to be liable for year 2000 lawsuits that occur. Could the minister make some comments as to what he is doing about keeping track of the insurance industry and finding out what they are up to?

\* (1630)

**Mr. Radcliffe:** Mr. Chairman, I think my honourable colleague makes a very good point, and as I have said before the role of the insurance branch and the insurance bureau from the point of view of the

department is one of a regulatory nature to liaise with the insurance councils who govern the affairs of the insurance agents in the city. I think that the liquidity investigator, which is the office of the superintendent of financial institutions, which is a federal institution, in fact, plays a very real role in this. This is something which is perhaps on a higher plane than the mundane administration from day to day of disciplinary issues, and items of this nature are properly in the sphere of OSFI.

As my honourable colleague knows, OSFI is a very skilled federal institution which liaises with the federal government. This is an issue of a higher plane of thinking which probably more properly rests in the field of OSFI. However, I do think that my honourable colleague makes some very appropriate remarks, and I can assure him that this is a matter that I will be debating and raising with the director of insurance here in the province of Manitoba.

I think that, again, this national task force very properly suggests the answers that my honourable colleague is raising that this is a matter, I would speculate, quite properly a matter of vigorous debate across the street in the Great-West Life Assurance Co., down the road in Investors Syndicate, all the major financial institutions and insurance institutions in Canada at this point in time. I have no doubt but in order to maintain their competitive edge that they have so adequately shown to date that our institutions will be on top of these issues and will be keeping Canadian institutions in the fore.

**Mr. Maloway:** I would like to ask the minister regarding the Securities Commission. The recommendation of the task force regarding securities commissions was that during 1998-1999, they were suggesting that the Securities Commission should review a minimum of 20 percent representative sample of annual reports of companies they regulate to determine if in fact the company has reported on year 2000 issues in their management discussion and analysis and to assess the appropriateness of the disclosure.

*Mr. Peter Dyck, Acting Chairperson, in the Chair*

Now the minister should be aware that I think it was last year, about a year ago now, the Toronto Stock

Exchange, I believe, made it a requirement for companies trading on the exchange to provide Y2K compliance or updates or whatever information with their annual statements. So I would like to know what the Manitoba Securities Commission has been doing in that regard.

**Mr. Radcliffe:** Mr. Deputy Chair, it is a delight to see you occupying the Chair this afternoon.

I would like to advise my honourable colleague that the Manitoba Securities Commission has proposed and will be effecting a review of all Manitoba-based corporations that are registered on the Manitoba stock exchange in the next year, and they will be sending notice to all the corporations that are registered to do business in Manitoba as to the importance and significance of this issue. So the Manitoba Securities Commission is on top of this issue and is addressing it in a very forthright fashion.

**Mr. Maloway:** The task force goes on to say that the Securities Commission should promote year 2000 preparedness as a consideration in the due diligence process associated with mergers and acquisitions. Can the minister comment on that recommendation as to what their plans are?

**Mr. Radcliffe:** I am advised, for the benefit of my honourable colleague, that in fact the Manitoba Securities Commission does insist on full disclosure of all relevant data and information when there is a merger transpiring of Manitoba-registered and Manitoba-based corporations. So in the normal course of the regulatory regime, this sort of information is disclosed and is requested to be disclosed and is a prerequisite for any of this sort of activity in Manitoba.

**Mr. Maloway:** One of the ideas that was suggested was that in order to take the partisan element out of the issue, perhaps an all-party task force should be set up and the government and the opposition would involve itself in going out and communicating the extent of the Y2K problem around the province. What does the minister think of that suggestion?

**Mr. Radcliffe:** I think that probably, and quite properly, every member of this Legislature, as the total all-party task force, has the responsibility to go out and

talk to their constituents on an individual basis, on a party basis, and on a total legislative basis, so I do not think that we have to commission any special committee or group of members to be more organized than that, to spend government funds on financing our travel or our communication issue. We are all well endowed with stipend from the Manitoba Legislature which is, in fact, administered by my honourable and very competent financial officer, Mr. Fred Bryans, and in fact I think that if we look at the resources that are available to us at hand, we have the ability to go out and disseminate this information.

So I would urge my honourable colleague to respond in this fashion because I think the tools are here, and it is just one of those matters that we have got to discern what resources we have. Once we discern that we have that ability, it is a matter to inspire our colleagues to go out and do this, and I think that I would make common cause with my honourable friend on this matter.

**Mr. Maloway:** I would like to ask the minister for his comments on Recommendation 17 of the task force in which the recommendation is made that Canadian and provincial legislative bodies should hold public hearings inviting national or regional associations, relevant government authorities, and others able to exert influence on the private sector to report on their efforts to encourage their constituencies to meet the year 2000 challenge with formal action plans. What are his comments on that recommendation?

*Mr. Chairperson in the Chair*

\* (1640)

**Mr. Radcliffe:** I think that the task force suggestion is, in fact, a very appropriate one, and I think that within the limited means of the provincial government, as I said before that I think it would be advantageous to the community at large if, in fact, individual private members of the Legislature were to go out into their communities and hold public hearings, discuss this matter with their constituents, because one must not step over that boundary of what I call almost the big brotherism.

A government really is face to face, telephone call to telephone call, person to person. That is how this

information is really spread, and to have grandiose commissions, with recorders and translators and transcripts and to go and stay in fancy hotels and hunt headlines, I do not think is the appropriate way that this should be done. I think this is done person to person, and I think it is done on a very realistic basis. I am sure my honourable colleague, who has an insurance agency, I believe, on Sargent Avenue in the city of Winnipeg, is probably talking to the individual members himself that come to his constituency office to renew their insurance or to discuss this problem with them. I think that is where the real solutions rest in a very populist, person-to-person basis.

The Canadian government, perhaps, has more resources and tax dollars, but the Manitoba government restricts its spending to health care, to education and to family services. There is such a pressing demand for our tax dollars in Manitoba, and we want to be very frugal and maintain our position as a balanced budget, paying down the debt of the Province of Manitoba. Therefore, to run up the tab on task forces going around the province to talk about things that can be done on a very, very elemental neighbourhood basis would be perhaps a misappropriation of our funds. In fact, we have trust funds that are entrusted to us through the tax process; therefore, we must ensure there is money for research, for medical research, for treatment of our seniors, the treatment of our people who are suffering from ill health, that we make sure that people who are challenged economically have the opportunity for education because, as our minister of Child and Family Services says, the best form of support is a job.

Therefore, the provincial government addresses itself to those issues, not to issues of going out and, as I say, holding public hearings on these things. So, while it is perhaps very well intentioned and quite an interesting exercise, this perhaps might be something that our federal government or these very honourable individuals who comprise this task force might address themselves to because their corporations might be forwarding funds for this. This would be something beyond the purview and expertise of the Department of Consumer and Corporation Affairs.

**Mr. Maloway:** I would like to ask the minister then: would he take this task force report and recommendations up with the Premier (Mr. Filmon) to make

certain that he is up to speed with the recommendations and understanding of the problem?

**Mr. Radcliffe:** Absolutely.

**Mr. Maloway:** Mr. Chairman, I would like to ask the minister: under this desktop management initiative, how many computers does this department, Consumer and Corporate Affairs, have?

**Mr. Radcliffe:** Mr. Chairman, 148.

**Mr. Maloway:** Mr. Chairman, well, wrong. That is the wrong answer. According to the desktop management initiative transition plan, the number should be 178. So the question is then: why does Government Services' desktop management initiative show 30 more computers in the department than the minister thinks there are? Who has got them?

**Mr. Radcliffe:** I believe that some attention should be given to peripheral devices, Mr. Chair, and that the desktop people may be looking at some other information, but the best information that we have to date, and that comes from our financial administration, is that there are 148, and so perhaps if my honourable colleague wishes to press the issue with desktop he might address some attention to that issue.

**Mr. Maloway:** Well, then, could the minister tell me when these 148 computers will be installed and operational? How many does he have installed at the moment?

**Mr. Radcliffe:** I am told that they should all be installed by the third quarter of this fiscal year, which would translate to January of 1999.

**Mr. Maloway:** Well, how many does he have installed now?

**Mr. Radcliffe:** I am told that the Vital Statistics department have their computers fully installed, and I do not have an absolute count as to how many machines they have at this point in time, but however many there are at the Vital Stats department—and the Public Utilities Board has 10 machines that are fully operational and fully installed.

**Mr. Maloway:** Are there any problems associated with the installation or workability of these machines that are installed in Vital Stats and PUB?

**Mr. Radcliffe:** Nothing out of the ordinary.

**Mr. Maloway:** I would like to switch now and ask the minister a question or two on gasoline pricing as to what his department has been up to in that area. In the last year, the minister may or may not be aware that, you know, we have suggested in the past that he look into the whole area of using Churchill as a route for bringing gasoline through the North.

The reason for that is relatively simple. Right now, gas is supplied through the pipeline system, and it is pretty well controlled by a couple of companies and refineries and the only way, ultimately, I guess, to effect any really revolutionary change in the supply of gasoline to Manitobans is, in fact, to bring gasoline in through Churchill through the North, basically flood the North or flood Manitoba, the province, through the North with cheap gasoline. The minister has to admit that under the current system it is not possible to achieve any real results using the existing pipeline structure and dealing with the current, I believe it is two, refineries that supply the gasoline.

\* (1650)

The only option at this point is to bring it in from the United States, and that is a marginal improvement at best. It depends on the time of the year, and there are some other logistical problems associated with that, but long term if we are looking for—I guess the long-term solution is hopefully the promotion of the Ballard bus system and the new engine that Ballard is developing out of Vancouver that hopefully will revolutionize the engine business and get cars off of gasoline and on to hydrogen, or at least a mix of the two, and reduce our dependence on gasoline. I am sure that no one in Manitoba will complain about that because we are not a producer of gasoline here.

But in the shorter run, especially with the idea that Churchill is an area, a port that we want to promote—and it has been many years in the making. The problem there has been severe and it has been worked on over the years. Certainly one of the options is to look at



allowing gasoline to be brought in through there. In fact, the minister should know that at the present time that is being done. There is a tank farm up there, and gasoline is brought in, but it is being brought in for movement north. All I am suggesting is that with OmniTRAX taking over the rail line and looking at other commodities and other products to move, then does it not make some sense to bring in tankers of gasoline through the northern route and bring them south using—well, you can store them, I guess, in Churchill at the tank farm but bring them down by railway cars using OmniTRAX equipment through to Thompson and other parts of the North.

Now, there does not seem to be a whole lot wrong with that suggestion. As a matter of fact, wherever I have made it, it has been met with agreement. No one seems to disagree with the idea, but who is doing anything about it? So if the minister could tell us what his planning department here is doing with regard to gasoline pricing, I would be appreciative.

**Mr. Radcliffe:** Well, Mr. Chairman, I am delighted to have the opportunity to tell my honourable colleague what our research department has been doing with regard to gasoline prices.

I am sure my honourable colleague knows that at the Regina conference last year, the federal government and the Consumer and Corporate Affairs ministers right across Canada looked into the whole issue of whether there was any price fixing, whether there was any combines infractions, and, in fact, the conclusion was that after an exhaustive study, the federal government and the task force that was struck on this matter to research the issue came to the conclusion that there was no misfeasance or any infractions of any of our criminal or quasi-criminal investigation with regard to any of the energy management issues in the Dominion of Canada.

Further to that, what we did discern was that there was, in fact, a lack of information, a lack of knowledge, a lack of specific knowledge with regard to the petrochemical industry in Canada. This would, I think, pervade to the highest levels of Canadian society, and I would suspect, with the greatest deference to some of my colleagues, ministers in other provinces, that they were suspicious that there might be chicanery or price fixing amongst the oil companies. Therefore we

directed, I guess, a committee of the research departments in the ministry across the country to urge the private petrochemical companies to disseminate their own information as to what the reality was of their price environment.

We are not apologists for the petrochemical companies, but, in fact, I have made it my business to make some probing inquiries as to how prices were arrived at in Manitoba particularly because, of course, that is the area of my responsibility, and I have come to a number of conclusions which I think my honourable colleague would be quite surprised about. We have met with representatives from some of the leading oil companies, and I have also met with some of the officials of the—I do not have the exact, correct name, but it was like a petroleum institute which is a professional association of the petrochemical companies.

First of all, I guess, to perhaps repeat the obvious, but my honourable colleague must know that 50 percent of the retail price at the pump of petrochemical supply is tax, either federal tax or provincial tax. So we are looking right now at—when we are talking of 52 cents, 53 cents a litre for gasoline, that 26 cents of that goes to the retailer and 26 cents goes to the different regulatory authorities.

Now, I would urge my honourable colleague opposite to impress upon our federal counterparts that, in fact, it would be very valuable if they were to take some of that tax dollar that they extract from the sale of petrochemical fuel and put that back into our road systems in western Canada because, as you know, this is the lifeblood of our communication system for the movement of goods and services across western Canada, our grain and commodities. In fact, with the abandonment of rail lines and the withdrawal of the railway companies into only key lines that, in fact, our roads are becoming a more and more important process, which is a resource which is a provincial responsibility.

We have had this conversation I guess a number of times, but one of the determining features of price of petrochemical fuel is the overnight wholesale rate on the New York market, and that determines the base price for the job lots for the oil companies. Then there

is the price of the pass-through of the chemical through the pipelines or the cost of transporting it from the wellhead to the area where it is to be sold. That is a component of the price for the oil companies. There is a fixed cost of overhead that the oil companies must defray, and so they look at and they have an issue of the pass-through consumption level. So, therefore, the price of the commodity in Toronto will be cheaper than the price in Brandon or Dauphin, Manitoba, because there is more of the product being consumed on the streets of Toronto than there is on the streets of Dauphin. So the oil company has to have an average price to defray their constant overhead cost and this is something that is constant to all the oil companies. It does not matter whether we are talking to Shell or to Petrocan or Esso or Husky Oil. They all have the same issue that they have to deal with.

I am told and I believe it to be the truth that it is a highly competitive market and that, in fact, today, the oil companies are having to go to subsidiary competitions in order to be successful. They are giving full service gas bars, they are giving away Coca-Cola, they are giving away glass or they are giving away collateral issues in order to attract a piece of the market. In fact, when one looks at the price wars that occur on a regular basis across the country, one sees that the gas companies are being highly competitive. That is on the private sector fuel supply.

Then we have the regulated industry, of course, which is a whole different issue that is regulated by our Public Utilities people, and that is in the monopolistic side. That is where the price is regulated and we must be very, very careful never to get into—

**Mr. Chairperson:** The committee will come to order. The hour now being five o'clock, time for private members' hour.

Committee rise. Call in the Speaker.

\* (1700)

## IN SESSION

### PRIVATE MEMBERS' BUSINESS

**Madam Speaker:** The hour being 5 p.m., time for Private Members' Business.

**Hon. James McCrae (Government House Leader):** Madam Speaker, I believe there is agreement to proceed to consideration of Resolution 44, standing in the name of the honourable member for Dauphin, and to allow all the other resolutions to retain their place on the list.

**Madam Speaker:** Is there leave of the House to proceed today to do Resolution 44 and retain the order as listed on the Order Paper for the other members' resolutions? [agreed]

## PROPOSED RESOLUTIONS

### Resolution 44—Billy Barker

**Mr. Stan Struthers (Dauphin):** Madam Speaker, I move, seconded by the member for Flin Flon (Mr. Jennissen), that

“WHEREAS Canada's most decorated war hero, Lieutenant-Colonel William George (Billy) Barker was born in Dauphin, Manitoba on November 3, 1894; and

“WHEREAS as a flying ace in the First World War, he earned a Victoria Cross on October 27, 1918 when he shot down four enemy planes during a prolonged battle in which he was severely wounded in both legs and his left arm; and

“WHEREAS following his recovery from this battle, he was taken to Buckingham Palace where the king presented him with his medals; and

“WHEREAS in all, Billy Barker was awarded the Victoria Cross, two Distinguished Service Orders, three military Crosses, the Croix-de-Guerre, two Italian Silver Medals for Valour and three Mentioned-in-Dispatches; and

“WHEREAS another well-known fighter pilot, Billy Bishop, called Barker “the deadliest air fighter that ever lived”; and

“WHEREAS when Barker died at age 35, his state funeral was one of the largest in the history of Toronto, with an estimated 50,000 people paying their respects and a cortege of 2,000 uniformed men; and

“WHEREAS despite his heroism and recognition of distinguished military service, Barker remains relatively unknown in Canada; and

“WHEREAS Manitobans would all be proud to honour this war-time hero.

“THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba join with all Manitobans in honouring Billy Barker's service; and

“BE IT FURTHER RESOLVED that this Assembly urge the Provincial Government to consider providing funding to erect a memorial cairn on the homestead where Billy Barker was born to recognize and pay respect to his heroic war time service.”

**Motion presented.**

**Mr. Struthers:** Madam Speaker, it is an honour today for me to stand and put some words on the record concerning not only a local Dauphin hero and not only a Manitoba hero and not only a Canadian hero, but certainly a hero throughout the commonwealth following his exploits in World War I as an ace fighter pilot. Lieutenant Colonel William George Barker, the resolution indicates, was born in Manitoba just before the turn of the century. When duty called Billy Barker, he did not hesitate to enlist in World War I and to serve his country.

Madam Speaker, one thing we as Canadians do not do enough of is honour the heroes of our past. We do not take the time, I am afraid, all that often to look back in our history at those Canadians who have served proudly. I do not just mean in times of war; I mean generally throughout history. I do not think we take enough time to learn of the exploits of our Canadian heroes, learn of the contributions that they have made to Canadian society or world society for world peace. I think that we owe it to ourselves as Canadians every now and then to look back and draw pride in the accomplishments of those who have gone before us. That is why I am hoping that all members of the House can join with me today in honouring Lieutenant Colonel William George Barker.

Mr. Barker had quite a past, Madam Speaker. Not only was he a war hero, but this little fact caught my

attention. As a lifelong fan of the Toronto Maple Leafs, I especially was pleased to note that Lieutenant Colonel William George Barker was the first president of the Toronto Maple Leafs in the late 1920s. Mr. Conn Smythe, the owner of the Toronto Maple Leafs, had known William George Barker in World War I and was impressed with Billy Barker's tenacity, was impressed with the courage and the risk taking that Billy Barker so exemplified and decided that this was the man that he would pick to head up the new Toronto Maple Leafs hockey club. I dare say that the Toronto Maple Leafs could definitely use another Billy Barker in their midst today in their quest to return to past glories.

Some of the other important accomplishments of Lieutenant Colonel William George Barker was his contributions to Canada's war effort in the 1914 to 1918 war, the world war that was being engaged in at that time throughout the planet. Mr. Barker, as has been noted, was the honoured recipient of the Victoria Cross. That in itself, Madam Speaker, is quite an accomplishment. We have many Manitobans—maybe I should not say many. We have several Manitobans, many for the population of Manitoba in comparison to other jurisdictions, but we have several Manitobans who have been awarded the Victoria Cross. We have other Manitobans, other Canadians, who have received the awards that Lieutenant Colonel Barker has received in his lifetime, but I want to put forward that no other Canadian has received the number of awards, Distinguished Service Orders, military Crosses, the Croix-de-Guerre, two Italian Silver Medals for Valour, three Mentioned-in-Dispatches, no other single Canadian has been awarded to that degree. Lieutenant Colonel William George Barker is Canada's most decorated war hero.

But, Madam Speaker, I do not want to just judge Lieutenant Colonel William George Barker on the merits of his wartime contribution, because there was more to the man than just his accomplishments during World War I. There was more to this man than the continued service that he gave to our country even upon the end of the First World War in 1918. Mr. Barker teamed up with another Canadian flying ace, Billy Bishop, and toured the country, providing entertainment, providing air shows, put together the first company that provided air shows for the benefit of

Canadians. He ultimately was at one of these air shows in Toronto where Mr. Barker's plane crashed in 1930, and Mr. Barker died in that crash.

\* (1710)

The end of Mr. Barker's life, unfortunately in Canada at least, was widely reported and was widely reported throughout the Commonwealth. Where I think we have let down Lieutenant Colonel William George Barker is in the aftermath of his life, and, partly to our discredit, we have not taken the time to pass on the legacy of Mr. Barker to those who are younger.

This is something I think Canadians need to reflect on, not just in the case of Mr. Barker but I think over and over again. We forget to learn the lessons that these heroes of ours teach us, and we forget that there is a generation upcoming that needs to hear of these exploits, who need to hear of these contributions, who need to have these kind of role models before them to encourage them to make a positive contribution to our society.

Again, Madam Speaker, I must admit, being the member for Dauphin and being someone who knows the descendants of Mr. Barker, some of his brothers and sisters and the families who are now working so hard to revive the memory and the contribution of Lieutenant Colonel Barker. I must admit, I am a little biased in this. That is something that I say proudly, something that I think all of us, not just from Dauphin but all of us as Manitobans, can proudly say that we have had people in our midst who have made a great contribution, who have fought for our country, the principles that the country believes in, who have had the courage to fight for the things that we believe in in this country.

Recently in Dauphin we had some excellent celebrations of Mr. Barker's contributions, celebrations of his life. We have renamed our airport in honour of Lieutenant Colonel William Barker. There was already a street in town, Barker Street, named after the lieutenant colonel. There was already a school named Lieutenant Colonel William George Barker Elementary School.

The significance of Mr. Barker's life is not something that should be passed over I think, Madam Speaker, the

importance of his contributions in more recent times. We have begun to make recognition of his contributions in World War I and his contributions to Canadian society and in no small part due to a man by the name of Wayne Ralph who put together Barker V.C., a book which chronicles the life of Lieutenant Colonel William George Barker, all aspects of his life, the great contribution that this man made to Canadian society at the turn of the century and up until his death in 1930. I think that not just the people of Dauphin, but the people of Manitoba owe Mr. Ralph a great big thank-you for the work that he has done, the research that he has done, into putting forth Lieutenant Colonel William George Barker as a true Canadian hero.

Madam Speaker, I believe that all members of the House will have no problem in supporting the resolution that I bring forth today. I think that it is high time that we start taking seriously the contributions made by our heroes in the past, and that if we do move forward with a resolution such as the one that I have introduced today, we as Manitobans can take great pride in knowing that we have elevated one of our true Canadian heroes to a level upon which we can all be proud, and which will serve a great use for the betterment of Canadian society in providing yet another role model for younger people in Manitoba and throughout Canada to emulate, to look up to, and to learn from.

Ultimately, what Lieutenant Colonel William George Barker stood for was the principles upon which our country were built and the principle of peace, a principle which countries throughout the Commonwealth understood 40 and 50 years ago, the principle which many countries of the world accepted, the principle of peace that many other countries of the world recognized in Billy Barker, something with which I wish would happen here in Canada. I think we can make that start today here in the Legislature of the Province of Manitoba.

So, with those words, I invite all members of the House to join me in supporting this motion and recognizing a true Canadian hero. Thank you very much, Madam Speaker.

**Hon. James McCrae (Minister of Environment):**  
Thanks to the honourable member for Dauphin, we are

reminded today about someone whose contribution to Canada was extremely significant and one who deserves to be appropriately remembered.

When I read over the resolution and some of the accompanying information, my first thought was, gee, I wish I could have known this person. He sounds like a genuine hero, and we all want to associate ourselves with heroes. I do not blame the honourable member for Dauphin or anyone else for attempting to promote a better recollection of people like Lieutenant Colonel William George Barker. [interjection] We will talk about that later. The CCF came along afterwards.

I have had discussions with the honourable member for Dauphin (Mr. Struthers), and his House leader and members of my caucus, and we are very supportive of what it is the honourable member for Dauphin is trying to achieve here. I think that this resolution will be passed with a minor change, which I have discussed with the honourable member for Dauphin. I think we agree that the Historic Sites and Monuments Board, a federal agency, is the appropriate one to arrange for the right kind of commemoration of the contributions of Billy Barker.

The Department of Culture, Heritage and Citizenship of the Province of Manitoba shares my view on this. The Manitoba Heritage Council, which gives advice to this government, unanimously has agreed that a request for national commemoration through the Historic Sites and Monuments Board of Canada was the most appropriate avenue to pursue. With a small change of one word in the last paragraph of this resolution simply changing the word "provincial" to "federal," we will have achieved a consensus that we can all agree with in this Chamber and actually pass a resolution.

\* (1720)

The reason we can do that is simply because of the heroism of Billy Barker, the sense of history that he brings to us and that his record brings to us. Sometimes I think it is too bad that so much time elapses before appropriate recognition happens, but people like Billy Barker do not care about things like that. That is my understanding. He would probably—I do not know him, but I say I wish I did—be the last one to be suggesting that these sorts of things ought to be happening, and

those are the very people whose memory deserve it the most.

So this is why I am very enthusiastic in supporting the resolution very thoughtfully put forward by the honourable member for Dauphin (Mr. Struthers), and I will be moving an amendment to make this resolution supportable by, I expect, all honourable members in this House.

So I move, Madam Speaker, seconded by the honourable member for St. Vital (Mrs. Render), that Resolution 44 be amended in the last paragraph by substituting the word "federal" for the word "provincial."

**Madam Speaker:** It has been moved by the honourable Minister of Environment, seconded by the honourable member for St. Vital, that Resolution 44 be amended in the BE IT FURTHER RESOLVED clause, the word "Provincial Government" be deleted and the word "Federal Government" be substituted.

**Motion agreed to.**

**Mrs. Shirley Render (St. Vital):** I am pleased to rise in support of the resolution as amended, and I am pleased that the member for Dauphin brought forward this resolution.

I will just say a couple of words because I think the member has already spoken about Lieutenant Colonel Billy Barker, but members in the House might be interested in knowing that the Canadian contribution in World War I, particularly in the air, was just a huge one. It was out of all proportion to our population, but, interestingly enough, Canadians fought as colonials. We did not have any service of our own. It was not until the dying days of the war that the Canadian government finally got around to putting together a couple of Canadian squadrons.

If the record is correct, apparently the minister of the militia, Sir Sam Hughes, when he was approached in the early days of the war by John McCurdy, who was an aviation inventor, John McCurdy suggested the formation of a Canadian air service. Sam Hughes reportedly said that the aeroplane—and that is a-e-r-o-p-l-a-n-e, because that is how the word "airplane" was

spelled in those days—is the invention of the devil. I wish I could remember the rest of the quote, but it is something like the aeroplane is the invention of the devil and it will never play any part. That may have had an effect.

One of the reasons why there was no Canadian air service formed at the beginning of the war because this very powerful military man, who was a cavalryman, saw the horse really as the prime mover and shaker as far as wars went.

So Billy Barker is really an unknown. Again, just for members' interest, there is a very good book that has just been published on Billy Barker by an author of the name of Wayne Ralph. Wayne Ralph himself is exmilitary, formerly with the Department of Transport, and is now a writer. If my memory is correct, Wayne Ralph saw the tomb of Billy Barker in Toronto. Billy Barker was not buried under his own name. He was actually buried in the tomb of his wife's family, and he wondered why this very decorated World War I hero did not rate a tomb with his own name, and that got Wayne Ralph going on the search for why he wrote the book, which is called Barker, V.C.

It is a very interesting story, and I would well recommend everybody here to read up on one of Manitoba's heroes, a Canadian hero. As an aviation historian, I am most interested in seeing our past pilots honoured. So, Madam Speaker, I am very happy to support the amended resolution on Billy Barker. Thank you.

**Madam Speaker:** Is the House ready for the question? The question before the House is Resolution 44 as amended. Is it the will of the House to adopt the resolution as amended?

**Some Honourable Members:** Agreed.

**Madam Speaker:** Agreed? [agreed]

#### Point of Order

**Hon. James McCrae (Government House Leader):** I am just not clear. Did we get the amendment passed, so the Votes and Proceedings will show that, so—

**An Honourable Member:** Yes, we did.

**Mr. McCrae:** Okay.

**Madam Speaker:** My understanding, yes— [interjection] That is why I was confused when the honourable member for St. Vital (Mrs. Render) stood after I had had the agreement on the amendment.

\* \* \*

**Madam Speaker:** So is it the will of the House to adopt the resolution as amended?

**Some Honourable Members:** Agreed.

**Madam Speaker:** Agreed? Agreed unanimously. The resolution is accordingly passed as amended unanimously.

**Mr. McCrae:** Shall we call it six o'clock, Madam Speaker?

**Madam Speaker:** Is it the will of the House to call it six o'clock? [agreed]

The hour being 6 p.m., this House is adjourned and stands adjourned until 1:30 p.m. tomorrow (Tuesday).

# LEGISLATIVE ASSEMBLY OF MANITOBA

Monday, May 25, 1998

## CONTENTS

<b>ROUTINE PROCEEDINGS</b>		<b>Speaker's Ruling</b>	
<b>Reading and Receiving Petitions</b>		Dacquay	3356
<b>Members' Statements</b>			
Mining Reserve Fund Jennissen	3343	Missing Children's Day M. Driedger	3356
<b>Presenting Reports by Standing And Special Committees</b>		Burntwood Health Authority Ashton	3356
Committee of Supply Laurendeau	3343	Eden Mental Health Centre Dyck	3357
<b>Ministerial Statements</b>		Bank Closures—Lynn Lake Jennissen	3357
World Trade Conference Downey	3343	Royal Canadian Mounted Police Rocan	3358
Sale	3345		
<b>Oral Questions</b>		<b>Second Readings</b>	
Manitoba Medical Association Doer; Praznik	3345	Bill 57, Regional Health Authorities Amendment Act Praznik	3359
Chomiak; Praznik	3348	Doer	3360
Lamoureux; Praznik	3351		
Health Care System McGifford; Praznik	3347	<b>Committee of Supply (Concurrent Sections)</b>	
Winnipeg Child and Family Services Martindale; Mitchelson	3350	Justice Mackintosh	3365
Misericordia General Hospital Sale; Praznik	3352	Toews	3365
		Sale	3373
Infrastructure Renewal Lathlin; Filmon	3353	<b>Matter of Privilege</b>	
Northern Affairs Communities Lathlin; Filmon	3353	Mackintosh	3376
		McCrae	3377
Burntwood Health Authority Ashton; Praznik	3353	Ashton	3378
		Lamoureux	3384
Post-Secondary Education Friesen; McIntosh	3354	Status of Women Vodrey	3384
		McGifford	3384

Culture, Heritage and Citizenship  
Vodrey 3395

Consumer and Corporate Affairs  
Maloway 3399  
Radcliffe 3399

**Private Members' Business**

**Proposed Resolutions**

Resolution 44, Billy Barker  
Struthers 3415  
McCrae 3416  
Render 3417