

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

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**MANITOBA LEGISLATIVE ASSEMBLY**  
**Thirty-Eighth Legislature**

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

## LEGISLATIVE ASSEMBLY OF MANITOBA

Tuesday, May 11, 2004

**The House met at 1:30 p.m.**

### *PRAYERS*

### ROUTINE PROCEEDINGS

### PETITIONS

#### Highway 227

**Mr. Ralph Eichler (Lakeside):** I wish to present the following petition to the Legislative Assembly of Manitoba.

These are the reasons for this petition.

It is unacceptable for the residents of Manitoba to travel the unsafe gravel roads of Highway 227 in the constituencies of Lakeside and Portage la Prairie.

Inclement weather can make Highway 227 treacherous to all drivers.

Allowing better access to Highway 227 would ease the flow of traffic on the Trans-Canada Highway.

Residences along Highway 227 are not as accessible to emergency services due to the nature of the current condition of the roadway.

The condition of these gravel roads can cause serious damage to all vehicles, which is unacceptable.

Residents of Manitoba deserve a better rural highway infrastructure.

We petition the Manitoba Legislative Assembly as follows:

To request that the Minister of Transportation and Government Services to consider having Highway 227 paved from the junction of highways 248 and 227 all the way to Highway 16, the Yellowhead route.

To request the Premier of Manitoba to consider supporting said initiatives to ensure the safety of all

Manitobans and all Canadians who travel along Manitoba highways.

Submitted on behalf of Faye MacMillan, Neil MacMillan, Blanche Tully and others.

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

#### Proposed PLA—Floodway

**Mr. Stuart Murray (Leader of the Official Opposition):** I wish to present the following petition to the Legislative Assembly of Manitoba.

These are the reasons for the petition:

The Province of Manitoba has tabled legislation in the Legislature that may result in the \$660-million expansion of the Red River Floodway by the summer of 2005.

The Premier of Manitoba plans to subject all work related to this project to a Project Labour Agreement (PLA).

The proposed PLA would force all employees on the project to belong to a union.

Approximately 95 percent of heavy construction companies in Manitoba are currently non-unionized.

The Manitoba Heavy Construction Association has indicated that the forced unionization of all employees may increase the costs of the project by \$65 million.

The chair of B.C.'s 2010 Construction Leaders Taskforce has stated, "Major industrial projects built under project labour agreements from the energy sector in Alberta to off-shore development on the East Coast have repeatedly incurred cost overruns, labour disruptions and delays."

Organizations including the Winnipeg Chamber of Commerce, the Canadian Taxpayers Federation, the Manitoba Heavy Construction Association, the Canadian Federation of Independent Business, the

Merit Contractors Association of Manitoba, the Winnipeg Construction Association, the Construction Association of Rural Manitoba and the Canadian Construction Association have publicly opposed the Premier's plan to turn the floodway expansion project into a union-only worksite.

Manitobans deserve an open and fair competition that protects taxpayers from unnecessary costs and respects workers' democratic choice.

Manitobans support the right of any company, both union and non-union, to participate in the expansion of the Red River Floodway.

We petition the Legislative Assembly of Manitoba as follows:

To request the Premier of Manitoba to consider ending his Government's forced unionization plan of companies involved with the Red River Floodway expansion.

To request the Premier of Manitoba to consider entering into discussions with business, construction and labour groups to ensure any qualified company and worker, regardless of their union status, is afforded the opportunity to bid and work on the floodway expansion project.

Signed Irene Uskoski, Barry Uskoski and Carole McElheran.

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

\* (13:35)

### Highway 32

**Mr. Peter Dyck (Pembina):** Mr. Speaker, I wish to present the following petition to the Legislative Assembly of Manitoba.

These are the reasons for this petition:

Rural highways are part of the mandate of the Province of Manitoba.

Under a previous commitment, the Province of Manitoba would be covering the costs of four-laning that portion of Highway 32 that runs through Winkler, Manitoba.

The Department of Transportation and Government Services has altered its position and will now

undertake the project only if the City of Winkler will pay half of the total cost of construction. The provincial government's offloading of its previous commitment will cost the City of Winkler several million dollars.

The City of Winkler has now been informed that it will have to wait several years before this project could be undertaken.

We petition the Legislative Assembly of Manitoba as follows:

To request the Minister of Transportation and Government Services to consider honouring the previous commitment and complete the four-laning of Highway 32 through the city of Winkler, absorbing all costs related to the construction as previously agreed.

To request the Minister of Transportation and Government Services to consider the responsibility of the Department of Transportation and Government Services for the construction of rural highways.

To request the Minister of Transportation and Government Services to consider the significant and strategic importance of the completion of four-laning Highway 32 through the city of Winkler, especially as it relates to the economic growth and the development of the city of Winkler and its trading area.

To request the Minister of Transportation and Government Services to consider the valuable contribution of the city of Winkler and its trading area to the provincial economy and reprioritize the four-laning of Highway 32 for the 2004 construction season.

Submitted by Marion Peters, Alvin Wiens, Pete Schmidt, Leonard Loewen and others.

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

### Minimum Sitting Days for Legislative Assembly

**Mr. Kevin Lamoureux (Inkster):** Mr. Speaker, I wish to present the following petition to the Legislative Assembly of Manitoba.

The background to this petition is as follows:

The Manitoba Legislature sat for only 37 days in 2003.

Manitobans expect their Government to be accountable, and the number of sitting days has a direct impact on this issue of public accountability.

Manitobans expect their elected officials to be provided the opportunity to be able to hold the Government accountable.

The Legislative Assembly provides the best forum for all MLAs to debate and ask questions of the Government, and it is critical that all MLAs be provided the time needed in order for them to cover constituent and party duties.

Establishing a minimum number of sitting days could prevent the government of the day from limiting the rights of opposition members from being able to ask questions.

We petition the Legislative Assembly of Manitoba as follows:

To request the Legislative Assembly of Manitoba to consider recognizing the need to sit for a minimum of 80 days in any given calendar year.

Signed by Leo Tolledo, Arnold Rodriguez and Janice Tolledo.

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

#### Alzheimer's Disease

**Mrs. Myrna Driedger (Charleswood):** Mr. Speaker, I wish to present the following petition:

Alzheimer's is a debilitating disease.

Cholinesterase inhibitors are known to slow or even prevent the progression of Alzheimer's.

The provincial government asked for the development of an Alzheimer's strategy in 2000 and was presented with nine recommendations in 2002, none of which has yet been implemented.

In the absence of a provincial Alzheimer's strategy, Mr. Speaker, the Winnipeg Regional Health

Authority put in place a policy in November 2003 whereby Alzheimer's patients entering personal care homes are being weaned from certain Alzheimer medications in a move that the WRHA's vice-president of long-term care has referred to as a financial necessity.

The administrative costs of the Winnipeg Regional Health Authority have more than tripled since 1999, to a total of more than \$16 million a year.

In a move that amounts to two-tier medicine, the families of Alzheimer's sufferers in personal care homes may request that the drugs continue to be delivered at the family's expense.

We petition the Legislative Assembly of Manitoba as follows:

To request the Minister of Health (Mr. Chomiak) to ensure that his attempts to balance his department's finances are not at the expense of the health and well-being of seniors and other vulnerable Manitobans suffering from this debilitating disease.

To urge the Minister of Health to consider reversing his decision to deny Alzheimer's patients in personal care homes access to certain medications.

To request the Minister of Health to consider implementing a provincial Alzheimer's strategy.

Signed by Heather Fahlman, Shawn Martinuk, Mandy Prescott and others.

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

\* (13:40)

#### Highway 227

**Mr. David Faurschou (Portage la Prairie):** I wish to present the following petition to the Legislative Assembly of Manitoba.

These are the reasons for this petition.

It is unacceptable for the residents of Manitoba to travel the unsafe gravel roads of Highway 227 in the constituencies of Lakeside and Portage la Prairie.

Inclement weather can make Highway 227 treacherous to all drivers.

Allowing better access to Highway 227 would ease the flow of traffic on the Trans-Canada Highway.

Residences along Highway 227 are not as accessible to emergency services due to the nature of the current condition of the roadway.

The conditions of these gravel roads can cause serious damage to all vehicles, which is unacceptable.

Residents of Manitoba deserve a better rural highway infrastructure.

We petition the Manitoba Legislative Assembly as follows:

To request that the Minister of Transportation and Government Services to consider having Highway 227 paved from the junction of highways 248 and 227 all the way to Highway 16, the Yellowhead route.

To request the Premier of Manitoba to consider supporting said initiatives to ensure for the safety of all Manitobans and all Canadians who travel along Manitoba highways.

Signed by Brad Knight, Jean Knight, Dennis McLeod and others.

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

#### TABLING OF REPORTS

**Hon. Christine Melnick (Minister of Family Services and Housing):** I am pleased to table the Supplementary Information for Legislative Review, the 2004-2005 Departmental Expenditure Estimates.

**Hon. MaryAnn Mihychuk (Minister of Intergovernmental Affairs and Trade):** Mr. Speaker, I stand to table the Supplementary Information for Legislative Review 2004-2005 Departmental Expenditure Estimates for the Department of Intergovernmental Affairs and Trade.

#### MINISTERIAL STATEMENTS

##### Film and Music Awards

**Hon. Eric Robinson (Minister of Culture, Heritage and Tourism):** Mr. Speaker, I have a statement for the House.

Today we held a small luncheon in the dining room to honour and recognize a number of talented artists from Manitoba's film and sound industries. Our guests today include this year's Manitoba Juno Award nominees, a Genie Award winner, a Grammy Award nominee and other successful members of the film and sound industry.

Attending the luncheon as well were members of the Winnipeg host committee for the 2005 Juno Awards. As we begin to gear up for what will be the most exciting Juno Awards ever held, I felt it appropriate to acknowledge the efforts of the host committee and host committee chair, Mr. Kevin Walters, in securing this significant national event.

This year has been a tremendous year for many of Manitoba's artists. With us today we have Ms. Meg McMillan who recently won a Genie Award for Best Achievement in Costume Design for Guy Maddin's, *The Saddest Music in the World*. Mr. Maddin was nominated for a Genie Award in the director category. Unfortunately, Mr. Maddin is unable to be with us today, but we do have one of the film's producers here, Ms. Phyllis Lang, of Buffalo Gal Pictures. *The Saddest Music in the World* received four nominations and won Genie Awards in three categories.

Mr. Speaker, at this year's Juno Awards in Edmonton, Manitoba was well represented by four outstanding nominees: Doc Walker, Burnt, Eagle and Hawk and the Weakerthans. This past November, at the Canadian Aboriginal Music Awards, Burnt won the prestigious Best Rock Album of the Year Award. At this year's Canadian Country Music Awards, Doc Walker brought home three awards.

We also have here with us today Fresh I. E., a rap artist from Winnipeg, who this year became the first Canadian to ever receive a Grammy nomination in the hip-hop genre.

Today, we also have with us the producer of another successful made-in-Manitoba feature film, *Seven Times Lucky*, Ms. Liz Jarvis, of Buffalo Gal Pictures. Unfortunately, Mr. Garry Yates, the film's director and writer is not able to be with us today. It has been quite a year for *Seven Times Lucky*, filled with critical acclaim and great success at some very prestigious film festivals such as a premiere at the Sundance Film Festival this past January.

\* (13:45)

Mr. Speaker, it is an exciting time for Manitoba's film industry and the future is filled with great promise and opportunity. Since the provincial Budget announced enhancements to the Manitoba Film and Video Tax Credit programs, a number of filmmakers have offered their sincere appreciation for the ongoing support they receive from the Province. So, while so often our attention has gone to the efforts to lure large U.S. film projects to Manitoba, the success of films such as *The Saddest Music in the World* and *Seven Times Lucky* clearly demonstrates the creative strength that exists within our indigenous film industry.

I would like to thank all honourable members for this opportunity to recognize and acknowledge these talented and dedicated members of Manitoba's film and sound industries. Thank you.

**Mrs. Mavis Taillieu (Morris):** I was honoured to be invited to attend the luncheon held today in the dining room, hosted by Minister Robinson, and very pleased to be in the company of such prestigious entertainers as Heather Bishop, Ray St. Germain and Fred Penner, not to mention as well, all of the members of the talented groups who were nominated for the 2004 Juno Awards and had the pleasure of sitting with them at the table. Also, I would like to congratulate Mr. Kevin Walters, who will be hosting the 2005 Juno Awards here in Winnipeg next year.

As Minister Robinson said, there were a number of people nominated. Actually, two films produced in Manitoba resulted in 16 people being nominated in 9 categories at the 2004 Genie Awards.

I had the pleasure of sitting with Meg McMillan, who received the Genie for Best Achievement in Costume Design in Guy Maddin's *The Saddest Music in the World*. She was proudly carrying it with her today in her bag, and I can tell you she passed it around. It is very, very heavy and a very prestigious award. I just had the honour of holding it and it was quite, I know, the closest thing I will ever get to achieving something like that.

I would like to congratulate all the people that were nominated in the categories for the Genie Awards held in Toronto recently and the nominees for the 2004 Juno Awards. These Genie Awards are the main national film award in Canada since its

inception in 1980 and have grown in prominence now and are actually Canada's most prestigious cultural event.

Again, I congratulate all the nominees and the award winners and congratulate the successes of the 2005 Juno Awards committee. Thank you very much.

**Mr. Speaker:** Before I recognize the honourable Member for River Heights, I just want to kindly remind all honourable members when addressing other members in the House, ministers by their portfolios and other members by their constituency. Just a kindly reminder to all honourable members.

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, I seek leave to speak to the minister's statement.

**Mr. Speaker:** Does the honourable member have leave?

**Some Honourable Members:** Leave.

**An Honourable Member:** No.

**Mr. Speaker:** I heard a no. Leave has been denied.

\* (13:50)

## INTRODUCTION OF BILLS

### Bill 300—The Winnipeg Foundation Act

**Ms. Marilyn Brick (St. Norbert):** Mr. Speaker, I move, seconded by the Member for Wolseley (Mr. Altemeyer), that Bill 300, The Winnipeg Foundation Act; Loi sur la Fondation dénommée—The Winnipeg Foundation, be now read a first time.

**Mr. Speaker:** It has been moved by the honourable Member for St. Norbert, seconded by the honourable Member for Wolseley, that Bill 300, The Winnipeg Foundation Act, be now read a first time.

**Ms. Brick:** Mr. Speaker, The Winnipeg Foundation Act will replace the current version of The Winnipeg Foundation Act. It will update and modernize the Foundation's investment powers, its corporate governance and allow it to manage funds entrusted to it by other charitable and non-profit organizations. Thank you.

**Mr. Speaker:** Is it the pleasure of the House to adopt the motion? *[Agreed]*

### Introduction of Guests

**Mr. Speaker:** Prior to Oral Questions, I would like to draw the attention of all honourable members to the Speaker's Gallery where we have with us today Ross Campbell from Winnipeg who is the guest of the honourable Member for Rossmere (Mr. Schellenberg).

Also in the public gallery we have members from the Juno-nominated bands, Burnt, and Eagle and Hawk; Genie Award winner Meg McMillan; members of the 2005 Juno Host Committee and members of the film and sound industry. These are the guests of the honourable Minister of Culture, Heritage and Tourism (Mr. Robinson).

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

### ORAL QUESTIONS

#### Justice System Trial Delays

**Mr. Stuart Murray (Leader of the Official Opposition):** Last week we uncovered that the growing court backlog meant that there are hundreds of accused that have been waiting more than two years to have their cases brought to trial. I would remind the Premier (Mr. Doer) that for all of those accused, there are just as many victims who are waiting more than two years for justice. When members opposite were in opposition, they raised concerns of a nine-month court backlog, demanding to know, quote, "What plan will be put in place to deal with this crisis in court?"

If the Premier then considered a nine-month backlog to be a crisis, what does he consider a twenty-four-month delay?

**Hon. Gord Mackintosh (Minister of Justice and Attorney General):** I want to remind members of the House that 86 percent of the cases are being processed in 18 months or less and, for the first time in Manitoba, there is a backlog reduction strategy that is going to work for the benefit of reduced court backlogs.

**Mr. Murray:** Mr. Speaker, it is interesting that the Premier would not answer that question, but he hands it over to the Minister of Justice. When the

Minister of Justice was in opposition and he was looking at that time at an 11-month backlog in the court system, he said, and I quote, "This is a court in crisis. Youth are hardly accountable for the offences when they have to wait this long for a hearing. What emergency action will she now take to finally deal with this crisis, a crisis that is of her own making?" Those were the words of the minister when he was in opposition.

We now have hundreds of youth accused, waiting more than one or two years to have their cases brought to trial, and yet not even a whisper from this Doer government about the emergency and the crisis in the court system. Our Crown attorneys do not have sufficient staff and resources to deal with the case load, and we fear it is only going to get worse. Is this Premier going to lay off a dozen Crown attorneys next month to ensure that the court backlog gets increased, Mr. Speaker? Is that their plan in a crisis?

**Hon. Gary Doer (Premier):** Mr. Speaker, I am advised that the timing for young offenders to be before the court has been reduced by 25 percent over the last couple of years.

**Mr. Murray:** Well, Mr. Speaker, what is incredible is that when in opposition this Premier said that a 9- or 11-month backlog was a crisis. Now the minister and the Premier stand up and brag about the fact that some 86 percent of cases are dealt with in some 18 months. It is ridiculous. The courts are in a crisis, accused are made to wait more than one to two years before their case even goes to trial. The Government has no action plan to deal with the crisis, and now we understand that they are considering laying off some 12 Crown attorneys. Can this Premier please tell Manitobans what he is going to do to deal with this backlog of court crisis?

\*(13:55)

**Mr. Doer:** We have increased the Crown attorneys' budget by some 68 percent. We have implemented the recommendations that were ignored by members opposite, dealing with mechanization to the files so Crown attorneys can be in the court and not in the office. We have also introduced with the Chief Judge of Manitoba a strategy to co-ordinate efforts to reduce the backlog. I have indicated that there has been a 25% reduction in the waiting time for young offenders according to Stats Canada. Mr. Speaker,



certainly this Government did not increase investments in the Crown attorney's office to lay off very, very important Crown attorney staff.

### **Justice System Trial Delays**

**Mr. Gerald Hawranik (Lac du Bonnet):** In 1998 this Justice Minister stated that the issue of court backlogs is a serious one. At that time there was a nine-month court backlog and he called it a crisis. Today, 2146 criminal cases have not been brought to trial for over two years and, last week, he called it a challenge. Can the minister explain why on the one hand he called a nine-month backlog a crisis, yet now when he has a backlog of over two years, he will only admit that it is a challenge?

**Hon. Gord Mackintosh (Minister of Justice and Attorney General):** Mr. Speaker, it has been well documented by Statistics Canada and by Dr. Jane Ursel that even in cases of child abuse, under the former administration there were backlogs of 18 months and more. The issue of backlogs is one that came to the floor under their watch, the remand culture that has been built up in our courts right across this country. At least now, for the first time in this province, there is a reduction strategy in place and, unlike in other provinces, thousands of cases are not being thrown out here. There is a strategy that is going to work.

**Mr. Hawranik:** The police have done their job by investigating and laying charges. It is now the responsibility of the minister to prosecute these charges, yet I understand that he has not renewed the contracts of 12 junior prosecutors beyond next month. Why, on the one hand, this Justice Minister, why has he not extended the contracts of 12 junior prosecutors, yet, on the other hand, there are 2146 criminal cases still outstanding after more than two years?

**Mr. Mackintosh:** I remind members opposite that 86 percent of the cases are being dealt with in 18 months or less, 74 percent in under a year, Mr. Speaker. I do not know where they were as the remand culture built up, but we have been paying attention to this issue, working with our partners in the justice system to ratchet down this national challenge. I will ask members opposite, aside from their vivid imagination about Prosecutions, the reality is we increased the budget to Prosecutions 67

percent including, and they can look in this year's Budget, enhancements to Prosecutions for this fiscal year.

**Mr. Hawranik:** Last week the minister stated that 86 percent of criminal cases have been dealt with in less than 18 months and that was acceptable to him. What is this minister to say about the 14 percent of criminal cases, which is a total of 3523 criminal cases, that have not been prosecuted?

**Mr. Mackintosh:** Mr. Speaker, the members opposite know full well that the causes of delay can be several, whether it is defence tactics, whether it is police disclosure, whether it is prosecution practices or the court itself. But that is why the Front End Project is working with all stakeholders, headed by the Chief Judge, to deal with this problem for the first time in Manitoba history. We are committed to that process. I would like to ask members opposite, where do they stand on the abolition of preliminary inquires—

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

**Mr. Speaker:** Order.

### **Point of Order**

**Mr. Speaker:** The honourable Official Opposition House Leader, on a point of order.

**Mr. Leonard Derkach (Official Opposition House Leader):** Mr. Speaker, I think the rule is customary that in the House the Opposition ask the questions and the Government is to answer them. If they would like to change roles perhaps we could accommodate that.

\* (14:00)

**Mr. Speaker:** On the point of order raised by the honourable Official Opposition House Leader, it is not a point of order.

\* \* \*

**Mr. Mackintosh:** I think all Manitobans are entitled to an answer from the Opposition as to whether they support the abolition of preliminary inquires as this Government has asked for from the federal government. That triples the length of time it takes to process a case, Mr. Speaker.

### Crown Attorneys Layoffs

**Mr. Stuart Murray (Leader of the Official Opposition):** Mr. Speaker, I think we have heard it all. Not only do they not have any answers to serious questions about what is an important issue to Manitobans, they are now asking us questions. Clearly this Minister of Justice and this Premier have failed Manitobans. When they were in opposition, it was a crisis if there was a wait of some nine months. We now know there is a backlog that is up to 24 months and all the minister can do is ask us for solutions. I can tell this Minister of Justice and this Premier that Manitobans deserve answers. They want to know what is your plan to ensure that those 12 Crown attorneys will not be laid off come June.

**Hon. Gary Doer (Premier):** Mr. Speaker, we can recall the members opposite in their so-called election platform were going to give the Department of Justice a very small amount of money, just like they were going to give the Department of Health 1 percent if that alternative budget had ever received any endorsement from the public. Thankfully, the public is smarter than that.

There would have been a devastation of the Justice branch just like there was in the 1990s. I remember that Fridays, the courts were closed and offenders were not dealt with. There are lots of articles from the bar association and criticisms. I remember the Crown attorneys were driven out of Manitoba because members opposite before the election agreed to arbitration, and after the election they passed legislation rolling back Crown attorneys' salaries. We are slowly but surely building up the capacity in the Crown attorney's office both through salaries and staffing. I am confident that we will continue to build up the capacity of Crown attorneys in Manitoba.

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

**Mr. Speaker:** Order. I would just like to remind all honourable members that we have guests in the gallery and we have the viewing public. I am sure they came down to be able to hear the questions and the answers. I ask the co-operation of all honourable members, please.

### Justice System Trial Delays

**Mr. Stuart Murray (Leader of the Official Opposition):** Mr. Speaker, once again, what we hear

from this Premier is everything is about looking backwards. There is nothing about taking a leadership role, understanding that this Government has been in for five years, understanding that when they were in opposition they looked at a nine-month court backlog delay and called it a crisis. Now that court backlog because of this minister's inaction is up to 24 months. Manitobans deserve answers. They deserve answers for the crisis that this Government is causing for the court backlog delays. What is his plan to deal with the crisis?

**Hon. Gary Doer (Premier):** Mr. Speaker, a 68% increase in the financial support for the Crown attorney's office; a new Chief Justice in Manitoba; a Chief Judge that is working on different strategies with all elements of the court systems that deal with the court backlog; a computer that is giving members opposite the information that they are now using in Question Period, was not even available to have that information when we were in opposition; a strategy to deal with young offenders, a 25% reduction in the waiting time for young offenders; specific prosecutions dealing with Workplace Safety and Health violations, again something that never happened in the past; specific prosecutions dealing with offenders, dealing with children, again something that was not in the past.

We have tracking systems that allow our Crown prosecutors to be in court. That is action we have taken and, Mr. Speaker, the member will know that—

**Mr. Speaker:** The honourable Leader of the Official Opposition.

**Mr. Murray:** Mr. Speaker, the lack of answers does nothing for the victims of this justice system. It does nothing for the victims because this minister has no action plan and is unable to deal with his own crisis.

The Premier likes to stand up and say that there were no records back apparently when the previous government was in government, because they like to talk about numbers. Well, what about words? What about words that came out of the members opposite's mouths at the time when they said very clearly that a nine-month backlog was a crisis. That is what they said. They said it at the time. It is not a matter of numbers, it is a matter of what they said and what they believed, but now, Mr. Speaker, some 24 months, apparently, is not a crisis, it is a challenge. We have heard that they have a strategy. I say that

their strategy has about as much impact as a single snowflake on Lake Winnipeg, and that is unfortunate for the people of Manitoba.

My question very simply is to the Premier of the province of Manitoba: You had a crisis when it was nine months. What are you going to do now that it is 24 months?

**Mr. Doer:** Members opposite should be very careful about throwing around the rhetoric. Mr. Speaker—

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

**Mr. Speaker:** Order. Once again, I would like to ask the co-operation of all honourable members. We have the viewing public. We have guests in the gallery and decorum is very important. Also the clock is ticking. The more disruptive time we have, the less questions and answers we are going to have, so I ask the co-operation of all honourable members, please.

**Mr. Doer:** Thank you, Mr. Speaker. The Conservative platform, the document that the member opposite cannot—*[interjection]* Well, I would be embarrassed if I were you too, because the Conservative platform has a 0% increase for Crown attorneys, a 0% increase for the year '04-05—

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

**Mr. Speaker:** Order. I need to be able to hear the questions and I need to be able to hear the answers in case there is a breach of a rule. I am sure that each and every one of you would expect me to rule on a breach if there is a breach of a rule. I must be able to hear, so I ask the co-operation of all honourable members, please.

**Mr. Doer:** The facts are the members opposite's dedication to the Crown attorney's office was zero percent for the '04-05 Budget. Our amount of money is an 11% increase. Facts speak louder than words in terms of action, Mr. Speaker.

#### **Winnipeg Regional Health Authority Physician Resources**

**Mrs. Myrna Driedger (Charleswood):** In the last four years, we have seen an increasing shortage of specialist physicians in the WRHA. According to Freedom of Information documents, in 2001 there

were 56 vacancies. In March 2004, there were 80 vacancies. I would like to ask the Minister of Health (Mr. Chomiak) what he is going to do to reverse this disturbing trend, because this is going to have a very negative impact on waiting lists for patients in this province.

**Hon. Steve Ashton (Acting Minister of Health):** As Acting Minister of Health, I think the Opposition Health critic should recognize that one of the most significant challenges that we faced when we were elected in 1999 is the legacy of more than a decade in which we saw more than 1500 nursing positions that were eliminated. We saw a decline in the number of doctors, particularly in the number of doctors being trained at our universities.

I think it was very important to note yesterday that we have seen significant progress with 879 more practising nurses in this province and more than a hundred practising physicians. Notwithstanding that, we have been working continuously where further shortages and recruitment to our province have been developing, including our emergency wards and other areas. I can indicate, in addition to the long-term solutions we have been putting in place since 1999, we have been working on those shortages effectively.

\* (14:10)

**Mrs. Driedger:** Well, the minister did not answer the question of the increasing number of specialists that were vacant, these positions that are vacant here right now. In 2001 the WRHA was short only one ER doctor, now they are short almost nine. I would like to ask the Minister of Health what he is doing to address this very critical shortage of ER physicians.

**Mr. Ashton:** I think the first important point to note here, Mr. Speaker, is that those positions are staffed, where the full-time physicians are there, so we do have staff in our hospitals providing that service. Rather than simply focussing in terms of the member's question in terms of the immediate situation, I think she should note the fact that we have been working aggressively since 1999 in terms of recruitment. We have hired three ER doctors through the specialist Recruitment and Retention Fund. We have provided significant pay increases, a total of 36 percent in increases since 2001.

By the way, coming from a party that in the last election said they were going to spend 1 percent more

on health care, we are spending 5.2 percent more in this Budget, the single largest increase in government. That is how you deal with these shortages. Not Tory words, but NDP action.

**Mrs. Driedger:** Mr. Speaker, spend more, get less. I am not sure what this minister thinks he is achieving with his comments and rhetoric, and excuses are not going to fix the problem. Last summer the WRHA was short—

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

**Mr. Speaker:** Once again, I would like to ask the co-operation of all honourable members. I think this is about the fourth or fifth time just in this one Question Period. We have viewing public, we have visitors in the gallery. I cannot even hear the question, and she is only, how close to me? From here, and I cannot hear. [*interjection*] No, and members are laughing about this.

This is very, very serious. The public demands decorum in this Chamber and I think it is incumbent on every one of us that are elected by the public to make sure that we maintain decorum that is called for in this Chamber. I have asked about four or five times just today alone, and I think we need to reflect on our own actions. I hope each and every one of us in this Chamber will look at that.

I ask the co-operation of all honourable members. When I cannot even hear a question or I cannot even hear an answer—What about our guests in the gallery that came all the way down here for that? I ask the co-operation of all, all honourable members.

The honourable Member for Charleswood has the floor.

**Mrs. Driedger:** Thank you, Mr. Speaker. Last summer the WRHA was short three psychiatrists and in March of this year they were short nine psychiatrists. This is going to have a very negative impact on the mental health system. I would like to ask the Minister of Health what he is doing to address this very critical shortage of psychiatrists in this city.

**Mr. Ashton:** Mr. Speaker, we are going to continue to do what we have done since we came to office. I find it incredible from members opposite, who cut the number of admissions to medical school and cut

the number of nurses that were being trained, now getting up and asking questions about shortages in this province.

We are dealing with a long-term situation through more doctors at the University of Manitoba being trained and more nurses are in the system, 879. In fact, since 1999 we have recruited 150 specialists through the specialist Recruitment and Retention Fund. Wherever shortages do occur, we are taking aggressive action but, more importantly, we are also working on long-term solutions, something that did not happen for 11 years under the Conservatives.

### **Health Inspectors Resources**

**Mr. Jack Reimer (Southdale):** Mr. Speaker, my question is to the Minister of Conservation regarding the health inspectors that provide inspections in the suburban areas here in Winnipeg. A letter was sent to the Department of Conservation back on July 24, 2003, and I would like to just table that letter. The question that was asked in the letter, and the one I would like to ask the minister and the Government at this time is this, it is a letter concerning the lack of provincial health inspection services in the suburban areas in the city of Winnipeg, and I would like to ask the minister whether he has acted on this letter and what remedies he has brought forth.

**Hon. Stan Struthers (Minister of Conservation):** I want to assure all members that our provincial government is committed absolutely to working with other levels of government to make sure that this level of inspection takes place, and the job that we are supposed to do will in fact be done by this Government.

**Mr. Reimer:** These health inspectors have the jurisdiction regarding derelict vehicles, garbage, vermin, rats, infestations in the neighbourhoods. The City of Winnipeg does not have jurisdiction on these types of inspections. These are carried out by the provincial health inspectors. The City of Winnipeg has requested action to be taken on this. The residents in a lot of the areas, in the suburban area of Winnipeg, this is where the Province has jurisdiction, are not getting coverage. There is a problem out there that the City has addressed. They have sent a letter to the Province asking for some sort of remedy.

I am asking the minister what kind of plan has been implemented to get rid of this problem that the inspectors are having.

**Mr. Struthers:** Mr. Speaker, unlike the previous government who would not co-operate with other levels of government, our plan is to do that. Also, our plan is to backfill the number of positions that were cut when the previous government was actually moving people out of those services back in the 1990s, when they cut one budget after the next and did not balance their budgets either. Our commitment is to make sure that we co-operate with other levels of government in the enforcement of the rules and regulations in this province. We are also going to make sure that there are people available to do the jobs, unlike the 1990s when members across reigned this province.

**Mr. Reimer:** Mr. Speaker, I will point out to the minister, this was a letter that was sent on July 24 of 2003. They were in government. They were the people responsible for the health inspectors in and around the suburbs of Winnipeg. There is a problem there.

My understanding is in fact the provincial inspectors have been reduced from 12 to 8, Mr. Speaker. Now, if they are still doing their job, that is fine, but the City of Winnipeg is complaining that the job is not being done. The City of Winnipeg does not have jurisdiction. The city councillors and City Hall are getting the letters of complaint, but it is actually this Province's responsibility. What can be done? What is being done, and why is it not being implemented to the satisfaction of the City of Winnipeg? They are saying they have a problem there. It is not being addressed by this minister or this Government.

**Hon. Gary Doer (Premier):** We have increased the numbers further to that letter and, secondly, we have had preliminary discussions with the City of Winnipeg on the issue of having inspectors, obviously working inside the old inner city with the city administration and working in the suburban areas under the provincial jurisdiction.

We have been able to merge Winnipeg and Manitoba Hydro. We have been able to implement the staff years required for the social services transfer that was not in the '99 budget, I might add. This is another matter, along with ambulances, that we are working on with the City.

#### **Conference of the Reducers Sponsorship**

**Mr. David Faurichou (Portage la Prairie):** Mr. Speaker, it has been advertised that the Manitoba

government is a major sponsor of a conference in Toronto. The Conference of the Reducers is a one-day conference and being held tomorrow with the sole purpose of breathing life into the Kyoto accord. Can this Government tell the House how much sponsorship monies went toward this conference?

**Hon. Stan Struthers (Minister of Conservation):**

Mr. Speaker, I was pleased to answer the question for the member yesterday in the Estimates procedure. I wanted the member to know that there are so many positive things in terms of recycling happening in this province that he should be aware of. I pointed him in the direction of the Brandon recycling centre. I pointed him towards the Rocky Road Recycling, which does an amazing job of recycling concrete in this province.

I do not think, Mr. Speaker, we need to take any lessons from members across the way in terms of commitment to the Kyoto accord and to all of the benefits, environmentally and economically, that that Kyoto accord will bring to Manitobans.

\*(14:20)

**Mr. Faurichou:** Yes, the Minister of Conservation is correct in saying that I did pose the question to him yesterday and he did not know. In fact, he was unaware of the conference even taking place. So I would like to ask once again this Government as to how much Manitoba money went down to Toronto to sponsor this conference and effectively pursuing this particular conference without anyone even being afforded any understanding of this conference and what it is all about.

**Mr. Struthers:** I will say it again to the Member for Portage that yesterday when he asked me if money from our Conservation budget was going toward this conference, I told him, "No, the money was not coming from my budget."

**Mr. Faurichou:** Mr. Speaker, one has to appreciate that Manitoba is the only province outside of Ontario sponsoring this conference. It is a federal initiative. The Finance Minister has said time and time again that he has had to make tough choices because of the scarcity of resources.

This conference is lacking any substance of science or technology. Why is the Minister of Science and Technology (Mr. Sale) on a junket down

to Toronto as well as taking a basketful of money from Manitoba as a sponsor? How much money?

**Mr. Struthers:** I will tell the Member for Portage la Prairie again. When he approached me and asked me about the amount of money that I was spending from my budget on this particular conference, I assured him that there was no money coming from my budget for that purpose.

### **Killarney Lake Management Plan**

**Hon. Jon Gerrard (River Heights):** Lake Winnipeg is in bad shape. But last summer Killarney Lake was much worse, so much worse that tourists were driven away because those who tried to swim in the lake emerged green like leprechauns.

On April 21, the Minister of Water Stewardship was gung-ho to help people in Killarney. He even promised to visit Killarney in person. Instead, the minister sent a civil servant who met last Friday with a group of distinguished Killarney citizens. This was reported to the council yesterday. Essentially the message conveyed by the minister's civil servant was that the department has no money, has not enough people and can provide no help to the people of Killarney.

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

**Hon. Steve Ashton (Minister of Water Stewardship):** Mr. Speaker, if the Leader of the Liberal Party had cared to talk to the MLA for the area, in addition to myself, he would find that in fact the MLA for Turtle Mountain (Mr. Tweed) raised this matter with me. In fact, I have co-ordinated a meeting with the representatives in that area.

The reason I asked the staff to go out was because I thought it was important for them to discuss first-hand with the group as well. I want to thank the Member for Turtle Mountain for raising that issue with me privately and co-ordinating the meeting.

**Mr. Gerrard:** As we all know, one of the major problems with algal blooms results from increased phosphorus concentration in the lakes and rivers, which has been very well documented. This is a problem in Killarney Lake as it is in Lake Winnipeg.

Killarney Lake and the Long River watershed are about 236 square kilometres and would be ideal as a model program to look at where the origin of the phosphorus is.

I would ask the Minister of Water Stewardship whether he would consider making Killarney Lake and Long River a model watershed program to improve the situation for people in Killarney.

**Mr. Ashton:** Mr. Speaker, certainly I would not be meeting and in fact the staff would not be meeting if we were not open to discussion with residents in Killarney. Indeed, at the risk of making it look like there was some unholy political alliance going on here, I do credit the Member for Turtle Mountain for having raised this.

I want to stress that when we talk about Lake Winnipeg, I have always said that Lake Winnipeg has its unique challenges. So does Killarney in terms of the lakes in that area, so does Lake Dauphin, Lake of the Prairies, lakes in northern Manitoba. That is why we are bringing in The Water Protection Act.

I urge the member opposite, to expedite its passage through this Legislature because it will make a difference for all Manitobans, including in south-west Manitoba. Our program is for all Manitobans.

### **Immigration Apprenticeship Program Foreign Credentials**

**Mr. Kevin Lamoureux (Inkster):** Mr. Speaker, my question is for the Minister of Labour. The issue of recognizing foreign credentials affects many, yet the Government seems to be doing little, if anything, on this issue.

I have worked with federal minister Rey Pagtakhan on this issue, Mr. Speaker. We recognize that the Province needs to establish an apprenticeship program that would help immigrants prepare for the eventual accreditation of their foreign-obtained credentials in their trade or profession. My question to the Government is: Will the Government of Manitoba commit to such a program?

**Hon. Nancy Allan (Minister of Labour and Immigration):** Mr. Speaker, I always appreciate a question from the MLA for Inkster in regard to our immigration program here in Manitoba. Our qualifications recognition strategy that has been

developed by the members of the Immigration branch is probably the most responsible and furthest along of any jurisdiction in Canada. Qualifications recognition is very difficult. We have to work with the regulating bodies, we have to work with the educational institutions. It is everyone's responsibility to work on this. We have a qualifications recognition document.

I know the member is a rookie MLA, Mr. Speaker. Perhaps he has not seen that qualifications recognition document, but we would love to get it to him so that he could understand how we are further along than any other jurisdiction in Canada.

### **Housing Program Government Initiatives**

**Mr. Doug Martindale (Burrows):** Mr. Speaker, in 1993 the federal government cancelled the funding for social housing and the provincial Conservative government in Manitoba followed suit immediately, with the result that there was no non-profit or affordable housing built in Manitoba between '93 and '99.

Since 1999, since forming government, the other partners have come back to the table. We are pleased that we are working in a co-operative arrangement with the City of Winnipeg and the federal government on many new initiatives. I was pleased to take part in an announcement for Neeginan, a shelter for the homeless on Main Street yesterday.

Mr. Speaker, can the Minister of Family Services and Housing update the House on what initiatives we are taking to address the issue of affordable housing in Manitoba?

**Hon. Christine Melnick (Minister of Family Services and Housing):** Mr. Speaker, as mentioned by the member, 1999 saw sunshine shining on the affordable housing initiatives here in this province. Our province led leadership across the nation which resulted in the affordable housing agreement. Through this agreement we were able to put together the Winnipeg Housing and Homelessness Initiative, which is the tripartite agreement referred to.

I must say we are the shining example across Canada, Mr. Speaker. See, the sun is coming through now. As a result, we have seen over 2200 new housing units built, rehabilitated or renovated. We

work in partnership with community groups and the private sector. Inner city property values in the city of Winnipeg have risen by as much as 60 percent in certain neighbourhoods. I would like to inform the House that affordable housing is good for our children, good for our families, good for our economy and good for our province.

### **Conference of the Reducers Sponsorship**

**Mrs. Bonnie Mitchelson (River East):** The Minister of Conservation (Mr. Struthers) had great difficulty answering the last set of questions that was posed to him. I am wondering if the Minister of Finance could stand up and indicate to us whether there was Treasury Board approval and for how much for the conference that the Minister of Science and Technology (Mr. Sale) is attending.

\* (14:30)

**Hon. Greg Selinger (Minister of Finance):** Mr. Speaker, it is an honour for the Government of Manitoba to be invited to a national conference in Toronto to talk about our Kyoto strategy on how we have moved in a practical and effective way to reduce greenhouse gases in this province. I think all the other provinces in this country will benefit by the contribution the Minister of Energy, Science and Technology will make at that conference.

### **Conference of the Reducers Sponsorship**

**Mr. Jack Reimer (Southdale):** Mr. Speaker, the Conference of the Reducers, which features Paul Martin and Tony Blair, is being sponsored and financed by Ottawa, the provinces of Ontario and Manitoba, the City of Toronto and the David Suzuki Foundation. If they are sponsoring it, it has to be costing some sort of money.

We are asking the Finance Minister: How much is it costing the taxpayers of Manitoba to be the sponsor, not the participant but the sponsor, of this conference?

**Hon. Greg Selinger (Minister of Finance):** I thank the member for that question. As I said, Manitoba Hydro and the Government of Manitoba have one of the most proactive strategies in this country on the Kyoto accord, and that is one of the reasons they were invited to this conference.

Their sponsorship contribution from Energy, Science and Technology is \$5,000, Mr. Speaker. The sponsorship contribution from Manitoba Hydro is \$5,000, and all of Canada will know what a progressive strategy we have in this province.

### **Drinking Water Safety Act Regulations**

**Mr. David Faurshou (Portage la Prairie):** Mr. Speaker, after more than two years of press release after press release, The Drinking Water Safety Act still has no regulations. This Government continues to think that safe drinking water comes in the form of press releases. Maybe they are thinking that the paper on the press release can be used as a filter. Thousands of Manitobans in 35 communities currently live every day with boiled-water orders or advisories.

How can this Government be trusted when the very Budget that they passed cuts one-half-a-million dollars from the department which monitors and maintains water quality in the province of Manitoba?

**Hon. Steve Ashton (Minister of Water Stewardship):** Mr. Speaker, the member opposite should look at that same budget that he is talking about, note that there is \$1.6 million for drinking water safety, and that includes 12 new drinking water safety officers, none of which existed when the Conservatives were in office.

I would advise, before the member talks about putting out press releases, he put out a press release talking about those advisories. What he neglected to mention is that many of the communities that are listed there have already taken action, in many cases supported by the federal and provincial governments through infrastructure, and put in municipal water treatment plants. Those warnings remain on the record in case people are not accessed to the system. We are making progress and we are putting money, officers and staff where it counts, protecting our drinking water in this province.

**Mr. Speaker:** The time for Oral Questions has expired.

### **MEMBERS' STATEMENTS**

#### **Farm Family of the Year**

**Mr. Peter Dyck (Pembina):** I would like to put a few words on the record about a fine farm family

from my constituency, Nick and Dorothy Heide. The Heides were named the 2004 Farm Family of the Year by the Red River Exhibition Association.

As senior partners in Hespler Enterprises, a 4700-acre farming operation near Winkler, the Heides grow a variety of crops including corn, wheat, beans and potatoes, in addition to running an 1800-head feedlot and a potato storage and packing facility. In partnership with their son Richard and son-in-law Wayne, this large operation continues to run as a family farm.

Nick Heide started farming in 1966 when he purchased his own land and planted his first crop. In the early 1970s, Mr. Speaker, he joined with the Suderman brothers in their farm operation and incorporated as a business in 1971. In 1996, Nick Heide found himself the only remaining partner of the operation and shortly thereafter invited his children and their families to join the business.

The Heides are not only experts in agriculture but they have also been involved in community projects. Nick served for nearly 20 years with Keystone Agriculture Producers and Dorothy is the current president of the Winkler-Plum Coulee and district United Way.

Agriculture has always been an important part of Manitoba's history, economy and way of life. I would like to extend my heartfelt appreciation to all farmers in this province who, on a daily basis, continue to provide Manitobans with locally grown nutritious products. It is wonderful to see a family such as the Heides remain committed to the family farm.

On behalf of this Assembly, I would like to congratulate Nick and Dorothy Heide and their children Wayne and Joanne Derksen and Richard and Amanda Heide on their success as the 2004 Family Farm of the Year. Thank you.

#### **Flin Flon Army Cadet Corps**

**Mr. Gerard Jennissen (Flin Flon):** This year marks the 125th anniversary of the Army Cadet movement in Canada. Cadets across Canada will be wearing a special anniversary pin on their jackets, as well as participating in a number of commemorative activities. The 2328 Royal Canadian Army Cadet Corps based in Flin Flon is marking this occasion. As a



commemorative project, the Flin Flon Cadets are placing Canadian flags at the gravesites of Flin Flon area veterans. Our thanks, Mr. Speaker, to Bev Desjarlais, MP for Churchill, for contributing the flags for this important commemoration. This flag project is a gesture of respect and thanks to the individuals who made many sacrifices for our freedom and democracy.

Flin Flon's 2328 Royal Canadian Army Cadet Corps was first formed in November of 1948. In November of 1956, the Cadet Corps relocated to the new Flin Flon Armoury until the closure of the armoury in 1995. In the summer of 1996, the Corps relocated to its present facilities at 5 Timber Lake in the Flin Flon Industrial Park. The Corps celebrated its 50th anniversary on March 20, 1999, with a parade at 5 Timber Lane and a banquet at the Legion Hall. I was very glad to be able to attend that historic occasion and extend my congratulations on the achievement and longevity of the Corps.

The Corps carries on its program today with emphasis on citizenship, leadership and physical fitness, Mr. Speaker. I would like to thank the current Commanding Officer, Captain Bill McLean, Peter Popp and Morley Naylor from the Cadet league and other military and civilian staff, volunteers and sponsoring organizations for their commitment to our young people.

I would like to recognize the members of the 2328 Royal Canadian Army Cadet Corps as they celebrate this landmark anniversary. The Cadet Corps continues to provide a shining example of good citizenship to our community. Thank you, Mr. Speaker.

### **Water-ski Champion**

**Mr. Leonard Derkach (Russell):** Mr. Speaker, today I rise in the House to pay tribute to a young Manitoban who has captured not only the gold, but also the silver medal in the water-ski Pan-American tournament that was held in Peru.

This young man is from Russell, Manitoba, Mr. Speaker. His name is Kole Magnowski and he participated in the under-21 age group in the Pan-Am water-ski competitions held in Peru just recently. The interesting thing about this young man is that he was not even supposed to be a member of the team but, as an alternate, was phoned a few weeks prior to

the competition and then scurried off to Florida to do some quick training, and then off to Peru to the competition.

From time to time, we acknowledge all of our gold medal winners in various national and international competitions. It is my pleasure today to acknowledge this young Manitoban who represented not only our province, but, indeed, our country in this Pan-American tournament that was held in Peru, and received for Canada, for Manitoba and for himself a gold medal in the water-ski jump competition and a silver medal in the slalom event. This, indeed, Mr. Speaker, is a prestigious memento for an individual from our province, who represented not only Manitoba but Canada at this international event. I want members of this House to join me today in congratulating Kole Magnowski for his excellent performance at the Pan-Am tournament in Peru.

### **Women of Distinction Awards**

**Mr. Rob Altemeyer (Wolseley):** The YM-YWCA of Winnipeg recently presented its 2004 Women of Distinction Awards at the Winnipeg Convention Centre last week. I am very pleased that there were two award winners from Wolseley, Loa Henry and Sarah Amyot.

My dear friend and colleague, Loa Henry, was awarded in the category of Art, Culture and Heritage. She is a former school teacher, and has been a role model in Wolseley through her work in music, drama and theatre. For the past 25 years, Mr. Speaker, Loa has been a performer and artistic director with the Nellie McClung Theatre Centre, Canada's oldest feminist theatre group.

Loa is also a founding member of the Winnipeg Labour Choir and has been its director for the past eight years. The choir's music tells the stories of people's struggles to build a just and equitable society. In her work with both Nellie McClung Theatre and the Winnipeg Labour Choir, Loa brings theatre to life as a political tool to raise awareness of important contemporary issues.

\* (14:40)

Mr. Speaker, this year's Young Woman of Distinction award winner is Sarah Amyot. Sarah is an honours student at the University of Winnipeg Women's Studies department. She is a well-known

women's activist and founding member of New WAVES, which stands for Women Acting Against Violence and for Equal Status. Sarah is well known to the community through her work with CKUW radio where she is writer and co-host of "Say it Sista," a program that discusses women's status, rights and equality issues.

I had the pleasure of meeting Sarah recently and congratulate her on her recent election as president of the University of Winnipeg Students' Association. She is also one of the organizers of the Sugar and Splice film festival coming up at Cinematheque.

Mr. Speaker, I am very honoured to recognize these two outstanding women who have enriched the Winnipeg community and made it a better place to live. Their hard work, leadership, compassion and dedication are an inspiration for all of us to pursue ideals in our community and in our lives. Thank you very much.

#### Garry Morris

**Mr. Larry Maguire (Arthur-Virden):** Mr. Speaker, it is my pleasure to rise today to acquaint all honourable members of the Assembly with an outstanding constituent from Virden, Garry Morris. Mr. Morris has just recently received the 2004 Premier's Volunteer Service Award for countless hours of hard effort, helping him achieve top recognition in the individual category.

Garry has spent a lifetime of dedicated service in his community of Virden. His short list of volunteer activities includes being a Santa Claus for 31 years; involvement with the Virden Oil Kings hockey team for 17 years; a volunteer firefighter for 4; working on the VCAC board for three years; setting up the Santa's Tears of Hope organization and daily visits to the Westman Nursing Home. Last year Garry walked the extra mile and put together the Santa's Tears of Hope Fund which offers financial support to the families of sick children who are seriously ill or in hospital. The fund raises money through raffles and donations from the public. Gary's goal for the Tears of Hope Fund is to turn it into a year-round fund.

When he is not working as a Manitoba Hydro field worker, Gary visits children in hospitals, seniors in nursing homes and those who would otherwise not receive visits at all. Gary has spent Christmas in the hospital, bringing hope for those

living with terminal illness, and also visits the residents of the Westman Nursing Home on a daily basis. I am sure that the residents at the home greatly appreciate and eagerly anticipate his daily visits. In Gary's case, action speaks louder than words and his dedication to others is readily observed through his actions.

Mr. Speaker, I would like to congratulate Garry Morris on his well-deserved Premier's Volunteer Service award. Thank you.

### ORDERS OF THE DAY

#### GOVERNMENT BUSINESS

##### House Business

**Hon. Gord Mackintosh (Government House Leader):** Mr. Speaker, I would like to announce that the Standing Committee on Justice will meet on Tuesday, May 18, at 10 a.m., to consider Bill 11, The Manitoba Public Insurance Corporation Amendment Act (Protection of Crown Assets); Bill 15, The Highway Traffic Amendment Act (Police Powers); Bill 16, MPI (Denial of Benefits); Bill 41, The Profits of Criminal Notoriety.

**Mr. Speaker:** It has been announced the Standing Committee on Justice will meet on Tuesday, May 18, 2004, at 10 a.m. to consider Bill 11, The Manitoba Public Insurance Corporation Amendment Act (Protection of Crown Assets); Bill 15, The Highway Traffic Amendment Act (Police Powers Respecting Unsafe Drivers and Miscellaneous Amendments); Bill 16, The Manitoba Public Insurance Corporation Amendment Act (Denial of Benefits for Offenders); Bill 41, The Profits of Criminal Notoriety Act.

**Mr. Mackintosh:** Would you please call Supply, Mr. Speaker?

**Mr. Speaker:** In accordance with our Rule 23(5), the House will now resolve into Committee of Supply.

#### COMMITTEE OF SUPPLY (Concurrent Sections)

##### EDUCATION, CITIZENSHIP AND YOUTH

\* (14:50)

**Mr. Chairperson (Harry Schellenberg):** Will the Committee of Supply please come to order. This

section of the Committee of Supply meeting in Room 254 will now resume consideration of the Estimates for the Department of Education, Citizenship and Youth. As had been previously agreed, questioning for this department will follow in a global manner. The floor is now open for questions.

**Hon. Peter Bjornson (Minister of Education, Citizenship and Youth):** Firstly, I would like to read into the record some of the information regarding portables in the province. The member from Southdale had been in on the Estimates process and had asked some very detailed or specific questions about the number of portables that we use in Manitoba. I took that question as notice, and I would like to enter those statistics into the record if I may.

Mr. Chairperson, the total number of portables in use in Manitoba right now is 241 units, of which 91 units or 38 percent are found in the urban centres, 180 units or 62 percent are found in the rural centres. School division requests for portable units over the past four years ranged from 23 requests in 2004-2005 to about 40 requests in 2002-2003. Between 2001-2002 and 2003-2004 the following number of units was approved: '01-02, 13 rural, 9 urban; '02-03, 20 rural, 8 urban; '03-04, 21 rural, 2 urban; '04-05, the requests are currently being assessed by the Public Schools Finance Board.

So, for the record, for the benefit of the member from Southdale, that was taken on notice last Friday.

**Hon. Jon Gerrard (River Heights):** I would start to ask the minister for a brief statement of his policy with regard to mandatory physical education from K to Senior 4.

**Mr. Bjornson:** What I can tell the honourable member, Mr. Chair, is prescribed time allotments that we currently have for physical education for Grades 1-3 minutes per 6-day cycle is 180 minutes per day. This breaks down to 30 minutes, and it accounts for 10 percent of the instructional day. For Grades 4-6, minutes per cycle of the six-day cycle is once again 180 minutes, 30 minutes per day, 10 percent of the instructional day. Grades 7 and 8, 180 minutes in a 6-day cycle, 30 minutes per day, 9.09 percent of the instructional time. The breakdown for Senior 1 through 4 physical education and health education is one compulsory credit at Senior 1 level. Physical education and health education are compulsory at Senior 2 level.

**Mr. Gerrard:** My second question, Mr. Chair, derives from a conversation that I had recently with a teacher who is doing adult education and indicated his great trouble in getting support for teaching a power mechanics course in adult ed. Apparently, there was lots of support for all sorts of other things, but none for this area. Maybe the minister would comment on his approach here.

**Mr. Bjornson:** That question should be deferred to the Minister for Advanced Education and Training (Ms. McGifford). That is not my purview.

**Mr. Gerrard:** Mr. Chairperson, I know that the minister has engaged in the past in some interesting approaches to teaching students history, and I would ask the minister his views on the teaching of Manitoba history in our schools, to what extent the minister sees this as a priority, and whether he is going to increase the extent to which we have teaching of Manitoba history in our schools.

**Mr. Bjornson:** Thank you for the question. Certainly, Mr. Chairperson, history is a personal passion of mine, and in 13 years in the classroom, the bulk of those years were spent teaching history, Canadian history, world history and a variety of other social studies classes. Actually, as a teacher, I was also part of the curriculum development and resource review committees that were looking at social studies development here in Manitoba. The document for the senior social studies is enroute. There is still some work to be done writing the document for Canadian history at the Senior 3 level.

However, Mr. Chairperson, it has been a very important undertaking by the department to engage teachers in the field in this dialogue on Canadian history and Canadian history content throughout the social studies curriculum. There is a common thread of citizenship as one of the new elements that we have incorporated into the history curriculum. There are also, for the first time, extensive consultations with many of the ethnocultural groups in Manitoba, perhaps the first time in Manitoba and perhaps the first time in Canada, arguably the first time in North America, that so many ethnocultural groups have been involved in this dialogue around the development of social studies curriculum.

Mr. Chair, there are certainly a lot of other organizations that have been involved in promoting Canadian history that continue to do so, whether it is

the historical foundation, Canada's National History Society, or the Manitoba Historical Society. There are a number of groups that are involved in that and provide a variety of resources and supports to teachers to make their instruction more meaningful. Yes, it is a very important part of what we do.

Mr. Chairperson, I know there was a movement at one time to take history off the books as a compulsory course in the middle of the 1990s. I am definitely pleased to say that it is something that we value as a government. We will continue to work towards making a meaningful social studies curriculum that can identify with local history. My personal philosophy in the instruction of history had involved engaging students at the local level. That would make national and international stories more meaningful. Certainly, there are a lot of opportunities for teachers to do that, given the direction that the curriculum is going. The curriculum continues to provide a focus on local history and the importance thereof.

\* (15:00)

**Mr. Gerrard:** There are a couple of bills which may result in changing school practices, Bills 13 and 30, as examples, one on what is appropriate education for those with special needs, the other on what is an appropriate approach to safe schools. If these bills pass, I would like to get the minister's approach to consultation with regard to regulations and to what extent it may be possible for those who have a special interest in this one or the other area to provide input into the process.

**Mr. Bjornson:** With regard to Bill 13, the groups that we have consulted with on Bill 13 to this point, I am pleased to put them on the record. Mr. Chairperson, we have had consultation with the Association for Community Living, Manitoba Association of Parent Councils, The Teachers' Society, Manitoba Association of School Trustees, Manitoba Association of School Superintendents, Manitoba School Counsellors' Association, Manitoba Association of Resource Teachers, the Coalition for Children, the Manitoba Council for Exceptional Children, the Student Services Administrators Association of Manitoba, the Council of School Leaders, Manitoba Health, Healthy Child Manitoba, Children's Special Services, the Aboriginal Education Directorate.

Our province's universities and parent advocates and other interested parties have all been part of the

array of presenters at the committee level, Mr. Chair. So we have been engaged in consultation with a number of groups and have committed to continue to consult with the groups around the development of regulations on Bill 13.

**Mr. Gerrard:** So, specifically, if individuals or groups have input that they would like to provide, what would be the approach?

**Mr. Bjornson:** Mr. Chair, our approach will include consultation with the major stakeholder groups once again around the development of the regulations. Regional consultations is the second step on Bill 13 regulations and facilitating meetings to follow up with our stakeholders.

**Mr. Gerrard:** Mr. Chair, I have had conversations with individuals in the area of autism, Asperger's syndrome, epilepsy, a variety of groups who have experience from working with special needs and parents and so on. Can the minister provide some specifics about what would be the best way for them to provide input? When and where are these meetings going to be? How do people find out about them? Are they closed meetings? Are they open meetings? If they are open, there should be some notice.

**Mr. Bjornson:** As soon as Bill 13 is passed, Mr. Chairperson, then we will make public the process as far as the development of regulations and what opportunities stakeholders and interested parties would have in making presentations to development of regulations. Once the bill has passed, then that is the process that we are engaged in at this point. It will be made public when people would have an opportunity to participate.

**Mr. Gerrard:** Where will it be made public? There are different ways. People would like to know where to look and find out.

**Mr. Bjornson:** Once the bill is passed, Mr. Chair, then we will be sending out letters to all the key stakeholder groups, who obviously network with other organizations that would be engaged in this process. We will also have it up on our Web site and other means of communication to make sure that people are aware of the consultation process.

**Mr. Gerrard:** Will other MLAs, the other caucuses be informed?

**Mr. Bjornson:** Yes, they will.

**Mr. Gerrard:** Mr. Chair, can the minister give a brief description of his approach and policy with respect to arts and music in the schools?

**Mr. Bjornson:** I personally value the arts in the school. In fact, I was at a conference this morning bringing greetings from the Province, and the focus was on arts education. There was certainly a lot of literature that supports the value of an arts program in the schools. Music instruction, for example, there is a strong correlation between students succeeding in music and their abilities in math and social skills and a variety of other team-task oriented benefits that they derive from participating in music programs.

That was part of the rationale, my own personal value that I put on music education in the school, to promote Celebrating Music in Manitoba Schools Month through a proclamation on April 5 of this year, at which time we hosted a number of wonderful bands and choral groups here in the Legislature. As well, I attended a couple of functions in a couple of schools to hear band recitals. The arts education has the same value to me, personally, and I began by taking down the art in my office. All the government art is out of my office, and I proudly display the work of Manitoba students, and every three months we rotate that art.

We made an election commitment to put \$1 million into arts education to improve arts education, Mr. Chairperson. The first step there is \$100,000 that has been designated to develop new curriculum documents around arts education initiatives. The next phases of the project will be rolled out within the term and will create a new arts and music after school program; establish youth awards in the performing arts; provide money to schools to bring in visiting artists or create an arts-in-residence program; develop career mentorship program in the arts; and provide more professional development for arts teachers, so it is a very exciting initiative.

**Mr. Gerrard:** The minister spoke of the \$1 million commitment. Is that over the four- or five-year term of the Government, and how will it break down? Can the minister tell us how it will be provided and what sort of options?

**Mr. Bjornson:** Well, as I said, Mr. Chairperson, the first commitment this year is to development of the

curriculum documents, and that budget is \$100,000 this year. The remaining \$900,000 commitment will be rolled out. That is yet to be determined exactly how, but it will be rolled out over the next couple of years to engage in these programs that I have mentioned in my previous answer.

**Mr. Gerrard:** I am just wondering whether the minister could give more details of how he envisions this. Was this an opportunity for selected schools, for schools all over the province, and what is the goal of the \$1-million investment overall?

**Mr. Bjornson:** Well, Mr. Chair, the goal is to enhance the existing programs. One thing I was really empowered by was meeting with Professor Dale Lonis. He is the Dean of the Faculty of Music at the University of Manitoba, and he told me that he sought out the School of Music here at the University of Manitoba because of the reputation that this province has. The province, he said, in his opinion, is head and shoulders above many other jurisdictions in North America with respect to what we are doing with music, as one example. He has assured me that, for example, our Orff Program is probably the best Orff Program in North America, and once I found out what Orff was, I was even more impressed.

The dean has spoken very favourably of what we are doing here in Manitoba schools and just the music, as an example, as I said, but, certainly, I have seen it on the walls in the schools of Manitoba, the art work that students produce. Many students are allowed to express themselves through art in ways that you do not ordinarily get, that opportunity to express yourself in a classroom setting, in an institutional setting as such, so it is a very important part of what we do. We are doing great work. Our teachers are doing great work in the arts and the \$1 million that we are going to commit to this initiative will provide more resources, more profile and more opportunities for students to explore arts in our schools.

**Mr. Gerrard:** I am aware of schools where students have not had opportunities to participate in theatre or arts or other programs, Mr. Chair. I would just ask the minister, where you have such schools, what can they do to try to move it forward so that they would be ready to have such programs available when this funding becomes available to apply for.

\* (15:10)

**Mr. Bjornson:** Mr. Chair, the forum that I attended this morning, part of that forum was to launch—well, actually, I had seen the launch of this video at the Manitoba Association of Parent Councils on Friday night and, again, the arts forum this morning launched a video that talked about—I am sorry, the title is *Learning for Life*, I believe, and it speaks to the value of arts education in our schools. In fact, we have distributed a video to all 707 of our public schools. This speaks to the value of the arts program. Unfortunately, not all schools can offer arts as that is a local decision around some of the resources that are available or the instructors that are available that can bring that skill set necessary to provide a good arts program to the school. So that is one of the realities that some of the schools face, that the staffing issues would preclude them from offering those courses. However, I know there are a lot of schools that work with their communities to address some of these issues.

Of course, we have the Artists in the Schools Program where artists are funded to come into the school and work very intensely with classes over the period of a week or 10 days, whatever their program might be, to offer students this opportunity. So there are a number of different initiatives that are currently underway. The \$1 million that we are putting into the program will help build that profile and hopefully produce more opportunities for our students.

**Mr. Gerrard:** One of the important issues of today is not just Internet access but broadband access. You talked about, I think it was 707 schools. How many of those have broadband access to the Internet?

**Mr. Bjornson:** We will have to take that as notice. I do not have the exact number of schools that currently have Internet access.

**Mr. Gerrard:** I thank the minister. I look forward to that information being provided, and I am going to pass to my colleague the MLA for Inkster.

**Mr. Kevin Lamoureux (Inkster):** I actually have a number of questions that I would like to ask. The first one is, given the minister's experience prior to getting elected, I am interested in knowing what he feels is an appropriate class size.

**Mr. Bjornson:** In my career I have seen the gamut, anywhere from 15 to 46, but I really cannot say what an appropriate class size would be. I know that it

depends on how the courses are resourced and other factors that might weigh into the decision to offer the course or not to offer the course. So I guess the appropriate class size would also depend on the setting in which the class is being taught.

**Mr. Lamoureux:** I would acknowledge that the make-up of the actual classroom does have an impact. Having said that, would the Minister of Education believe that 46 is an excessive number of students in a classroom?

**Mr. Bjornson:** Well, 46. Certainly, Mr. Chairperson, that makes it difficult to manage, but, you know, certainly there are some other factors that we would have to consider with respect to class size. The ratios obviously for kindergarten to Grade 4 versus senior level of instruction, there is wiggle room perhaps in terms of the number of students that you can have in your classroom and again a number of different factors that would contribute to what would make that class size work.

**Mr. Lamoureux:** Okay. What we can do is narrow down some of the factors. Let us just say it is a Grade 6 class. What would be a number in terms of a class size that this minister would be quite upset to hear about? I do not have an example; I am not trying to bait the minister. I am just trying to get an understanding of what he believes would be an unacceptable number for an average class in Grade 6.

**Mr. Bjornson:** Actually, having never taught Grade 6, it would be difficult to answer what would be a manageable class size. I taught Grade 8. It is really difficult to determine at this time. I know that we in Manitoba have a pretty good teacher-to-student ratio, but the class sizes will vary, especially when you get to senior years, depending on the availability of courses and things of that nature. There is a lot of flexibility around class size. The other day I was asked about our teacher ratio and for every currently regular instruction, 18.1 students per teacher. That breaks down to 14.7 students per educator, which would include principals and other individuals who have teacher certificates who work in the school setting.

**Mr. Lamoureux:** In an NDP and opposition dream world, you might get a 14-to-1 average throughout the Manitoba public educational system. I do not believe that to be the case, and I do not believe the minister believes that to be the case. In terms of the

maximum number, because what we are really talking about is the classroom teacher, in Grade 8 whether it is from a teacher's perspective or from a parent perspective, what do you feel is too many kids in one class?

I do not want the example of, well there might be special needs in some classes and so forth. The principal has the discretion to be able to try to make sure that there are some appropriate resources put into each of the classrooms. I acknowledge that the make-up of the student body in that classroom does have an impact. What I am trying to get from the minister is a specific, like what number he feels as Minister of Education is inappropriate in terms of the class size.

**Mr. Bjornson:** Again, it is very difficult to pick a number. There are so many factors that contribute to this, the composition, actually some of the physical limitations that might be in the structure of the building itself. There are just far too many factors when you consider 707 public schools to try and pick one number that would work. It would be very difficult to do so. Certainly, Mr. Chair, there are issues around enrolment fluctuations and things of that nature so it would be very difficult to determine a specific number in this question.

**Mr. Lamoureux:** Mr. Chairperson, I would suggest to you that the minister is actually being quite modest given his experience and expertise in education. I did not realize it was Grade 8. Grade 8 is wonderful. My daughter is going to be going into Grade 8 next year. We look forward to it.

I would suggest to you that the Minister of Education does have a number. I suspect that the Minister of Education, prior to even being elected as an MLA, had a very good idea in terms of what the number is. Maybe it is the party constraints or being in Cabinet that he does not want to share that number. The member is right, I do speculate at times because sometimes you are forced to speculate when the Government does not necessarily want to share with you what it is that they are actually believing.

When you throw numbers, Mr. Chairperson, it could come back at you, but it is a question of government accountability. I think Manitobans, teachers, his peers, his former peers and parents have a right to know in terms of what is an acceptable number. The minister started off by saying, "Well, it

ranges between 15 and 46." That is quite the range. I would think that Manitobans are entitled to a little bit more frankness of an answer in regard to that particular question. Having said that, if the minister wants to answer that, he can.

The next area I want to go on to is physical education, but I will pause to see if he wanted to respond to that.

\*(15:20)

**Mr. Bjornson:** When I had a class of 15, that was an acceptable number because of the social dynamics of the class, the academic dynamics of the class, the subject matter that I was teaching. That was an acceptable number.

When I had a class of 46, as uncomfortable as it may have been because of the number of bodies in the classroom, the content was a psychology class, a very popular course. We had 46 textbooks. We were able to make it work in terms of resourcing it, and I was very comfortable teaching 46 students.

Again, you are talking about a very specific number. You cannot really determine a specific number given all the dynamics that school divisions, principals and teachers face with respect to what they would like to offer their students, what courses they could offer them, how they could resource those courses, what other supports the teachers would need to make those resources work, if there are any mentioned earlier, special needs students in the class and what that means if we need teacher assistance in the classroom as well. There are far too many variables to narrow this down to one specific number.

**Mr. Lamoureux:** There are schools that are put up through public finance board, and my understanding is today we tend to favour building a core for a school and then, as it expands, add portables to the schools. This way once the school population starts to go down you can take away the portables and still maintain the building itself. Is that a fair assessment of what the policy currently is for construction of public schools?

**Mr. Bjornson:** The policy of the PSFB is designed to reflect fluctuating enrolments.

**Mr. Lamoureux:** When you construct, let us say, a gymnasium, Mr. Chair, and I will talk about two

schools in specific that I represent, Stanley Knowles and Meadows West. Both of them have a number of portables that are attached to them. I am wondering if you can give an indication, does the PSFB establish what they believe a maximum number of students could be in a facility? For example, can you tell me what is the maximum number of students that Stanley Knowles and Meadows West can actually take?

**Mr. Bjornson:** We do not have a maximum number that would be specific to those schools. Those decisions are made at the local level with the school board.

**Mr. Lamoureux:** So the PSFB would not be required to know that information?

**Mr. Bjornson:** The way it works with respect to individual school divisions is they submit their five-year capital plans based on situations where they might recognize a need in schools where there has been growth consistently or they submit those capital plans requesting portables to address issues of fluctuating enrolments. Whether or not the PSFB had that information, it is still incumbent on the school division to come forward with their five-year capital plans and try to address their needs as far as space is concerned.

**Mr. Lamoureux:** I wonder, Mr. Chairperson, if the minister could just comment on a specific example, a hypothetical example. If you build a school to accommodate, let us say, 500 students, that means that includes the gymnasium space, the width of the hallways and so forth. Then five or six years later the school population is at 1500, but you have accomplished that because you have added numerous portables. Would the minister agree that the core of the school, the gymnasium and the hallways might not necessarily be able to accommodate the educational needs of that sort of enrolment that maybe was not expected?

**Mr. Bjornson:** Yes, I would agree. That is why we have moved ahead with projects such as a new school in Winkler, where I believe there were about 500 students that were actually housed in the portables in that existing school. That is why we are moving ahead with a new school there.

That is why we built a new school in Mitchell, just outside of Steinbach, a beautiful school. It is

built such that it could very easily be added on in the event that the population continues to grow, and all patterns are pointing to continued growth in that area.

Mr. Chairperson, that is why we are building a new school in East Selkirk and Happy Thought. We do value the work that the school boards do with respect to identifying their needs and coming up with five-year capital plans. Each board will submit those, I believe, by the end of May. Some of the five-year capital plans have already been submitted. Public Schools Finance Board is taking a look at the priorities province-wide.

We are builders. We have invested \$288 million in the last five years in Public Schools Finance Board projects. That includes eight new schools, eleven replacement schools, over thirty major renovations, gymnasiums, science labs, things of that nature. A total of over six hundred projects will have been completed in our five-year term in addressing structural needs for our schools. So that is part of the long range plan, part of the five-year capital plan, that school divisions bring to the Public Schools Finance Board for their consideration.

**Mr. Lamoureux:** Given the minister's comments, I am wondering if he would acknowledge, then, that the Leader of the Liberal Party was asking about physical education, and I believe that the number is 180 minutes in a six-day cycle. I am wondering if the minister feels that there are schools that are in a situation where, because of the size of the school, they are not able to provide physical activity for children because the gym was just not built to accommodate the number of students. So, even though the minister says 180 minutes, they are not getting 180 minutes of actual physical activity, especially when the weather is not appropriate, in other words, when you cannot take the children outside, that they have to be kept in the schools. Is the minister aware of situations of that nature?

\* (15:30)

**Mr. Bjornson:** Mr. Chair, I am aware of the fact that there are some fluctuations in the amount of time that is allocated for physical education. The increase or decrease in the time allotments are, actually, the local decisions.

With respect to facilities, Mr. Chair, I know the *Free Press* reported that there was a school that had



deficiencies as far as a gymnasium was concerned, but it was also mentioned that the school was 73 years old. Obviously, we have different criteria around appropriate facilities. Being 73 years old is the reason why there is not an appropriate facility there. It is a dated facility.

There are a number of initiatives, though, that school divisions seek out with local recreation authorities or local rec commissions on shared services agreements so that they can optimize phys ed time. I know, in my own experience in Gimli, there was a very good relationship with the Gimli recreation authority where students were skating and curling and taking advantage of a wonderful facility just a short walk away from the school.

There are other creative ways of providing meaningful physical education for students in the absence of access to the gymnasium. Usually those events were planned around the drama productions where the gym would be taken over by the drama cast and crew for a couple of weeks, so the phys ed department looked at other ways of delivering meaningful opportunities and sought that through shared service agreements.

Mr. Chairperson, these are things that are quite common throughout the province. There are a number of shared service agreements between school divisions and local recreation authorities to provide students with those opportunities.

Again, the fluctuation for time allotted for phys ed is really a local decision.

**Mr. Lamoureux:** I pick up on the point of local decision. The Government must have, in particular the Ministry of Education must have, a sense, in terms of what they believe would be an unacceptable amount of time, in terms of actual physical activity in any given six-day cycle for a student.

Could the minister indicate what he believes that time would be?

**Mr. Bjornson:** I think the recommended time that we currently have is sufficient, Mr. Chair, but, again, it is a recommended time. It is the local decisions that would indicate whether there is an increase or decrease in the time allotments. The recommended time that we have provided is sufficient right now. We are looking at best practices and things of that

nature and we are always looking to improve. That is part of the ministry, we are always looking to improve. There could be room for improvement and that is why we are going to be taking a look at these things.

**Mr. Lamoureux:** The recommended time the minister is referring to is that 180 minutes of physical activity through that six-day cycle and if that is not happening, I trust that the minister would be interested in hearing from us if we hear of a time that is less than that. Safe assumption?

**Mr. Bjornson:** We do know that there are schools that are not offering the recommended amount of time, but we also know that there are schools that are offering more. I know in my own experience in Gimli High School, though it was not compulsory in Senior 3 for physical education, that our administrators saw value in having more time allotted for Senior 3 and, as such, there are courses offered in phys ed for Senior 3.

We know that there are some jurisdictions that are offering less and some that are offering more. We are hoping that schools would see fit to adopt the recommended guidelines.

**Mr. Lamoureux:** So, if a local school or a division indicates, "Well, we are only going to have 90 minutes." The only response from the minister would be, "Well, we would recommend that you stick with the 180 minutes and be content with the 90 minutes if that is what the local administration determines."

**Mr. Bjornson:** I am not aware of any schools that would be offering only 90 minutes. This, of course, is part of a bigger picture issue that we are looking at. I mean, our new education and health curriculum has been lauded by educators outside of Manitoba as well, that it is a very good document. As someone who about 75 pounds ago used to play basketball and volleyball in the high school system—I cannot believe I just put that on the record—but having said that, I certainly value the physical education program that we have in Manitoba and the Manitoba High Schools Athletic Association and their purview with respect to extracurricular sports.

There are a lot of great things that are going on. With respect to the recommended time, it is my hope that schools and school divisions are able to provide at the very least that recommended time. Again, as

you said, there are lots of divisions and schools that offer beyond that recommended time.

**Mr. Lamoureux:** Mr. Chairperson, the last couple of questions are in regard to a document actually that was tabled from my colleague from Tuxeco which I thought was quite interesting.

Mr. Chairperson, it was the minister's Working Group on Education Finance. When I was sitting back and listening in Question Period, I found it truly amazing that you have the critic for Education being more aware of what is happening than the Minister of Education in terms of having access to information.

Two relatively quick questions on this: Is it the first time the Minister of Education was made aware of any of the content in this report the day that it was actually tabled by the member from Tuxedo, or was he aware of any aspects of what was within this report prior to the member from Tuxedo tabling it?

**Mr. Bjornson:** Just a quick history lesson, when I was first appointed and briefed on the status of the working group, I was advised that the report would be presented to me by the working group. That was the process that had been agreed to. There had been a status report that had been given to my predecessor. That status report, my staff had advised me that it was a pretty innocuous document, that it was simply providing the terms of reference for the working group, and I was satisfied with that. When I met with some of the stakeholder groups that had representation on the working group, I would informally ask if they were aware of the status of the document, and as a rule they were not. I was told that I would receive it soon. That was the process that we agreed to, and that was the process that I respected.

I was quite surprised when the draft was available to persons other than myself. I had not seen the document, nor did I have any indication from staff what the recommendations were in that document. Of course, this is a draft document. We have also discussed the status in Estimates prior, that the working group will be meeting one more time to sign off on the final draft. I do not recall the date of the meeting. Today or Thursday? May 19 is the meeting where the working group will be signing off on the document. Then it will be sent to the printers to be printed in both official languages. That is why I would not receive the document until the 16th or

23rd of June. These were dates that were selected by the working group to give them sufficient time to have the document printed, but I had not seen the draft until it was tabled in the House. I was not aware of the content of the document until it was tabled in the House.

**Mr. Lamoureux:** Has the minister actually read the document that the member from Tuxedo tabled?

**Mr. Bjornson:** Well, I have had a cursory look. It is a draft document. I am awaiting the final document. Apparently, the date has been confirmed that I will be receiving it on the 23rd of June.

**Mr. Lamoureux:** I am to take it that the minister then really has not read the document to date, even the draft. When you say a cursory, a two-minute quick look at each page type of thing is what I think about when you mention "cursory." So it is safe to say that you are not really even aware of what the content of the draft is.

\* (15:40)

**Mr. Bjornson:** No, it is not safe to say that. I am aware of what the content is. I have looked at the document. I mean, I have had it now for a couple of weeks, but again, it is a draft and I am waiting for the final document.

**Mr. Lamoureux:** Does the minister have a cost of what that working group is going to cost the taxpayers?

**Mr. Bjornson:** Yes, actually, that request was made earlier on in the Estimates process. We took it as notice and provided those figures the very next day. I believe the total cost was in the neighbourhood of—oh, here we go. For the fiscal year '02-03 it was \$11,443.71; '03-04, \$10,564.36, for a total of \$22,008.07; in '04-05 to date approximately \$1,200 expended.

**Mr. Lamoureux:** Finally, Mr. Chair, I take it then the final costs will ring somewhere around \$25,000. It is interesting, in my quick perusal of the document, that obviously a substantial amount of thought did go towards the PST. As the minister himself says, as he has had the chance to at least look through it briefly, I am sure he can get that sort of an assessment also. I would have thought that the Government would have been more open and honest with the working group

as to what their intentions were in regard to the tax issue of the PST/other taxes, because obviously they spent a great deal of effort on this. We know now that that is all for naught because of what the Government has said on the record. I appreciate the time from the member from Tuxedo and look forward to other opportunities to ask questions. Thank you.

**Mrs. Heather Stefanson (Tuxedo):** The minister does not want to respond to that?

**Mr. Bjornson:** No, that is fine, go ahead.

**Mrs. Stefanson:** Well, just to follow along from some of the line of questioning there, so the minister is saying that \$25,000 roughly has been spent to date on this working group. There is a draft document that is put together. I believe it has been for the last two to three years that the working group has been working on this. The minister has indicated for us today that he has had a chance to go through the document. Yes, there were some recommendations made in there, but there was also a number of other sort of different models that they were looking at. They did make a final recommendation, I guess, in the document. Now it was a draft document, but there were a number of different models in this document, and if the minister has had a chance to go through the document, is he considering or would he consider looking at any of those models as a possibility for implementing with respect to funding in Manitoba for education?

**Mr. Bjornson:** Since it is a draft document, and I have yet to receive the final document, I do not think it would be appropriate to comment on the recommendations at this time.

**Mrs. Stefanson:** Well, yes, Mr. Chairperson, he has indicated several times that it is a draft document. Again, the working group has basically cost the taxpayers roughly around \$25,000 for the working group to come up with a draft document that they have come up with so far. Certainly, he has said and the Premier has said that he will not continue raising the PST. There has got to be some sort of a direction. Is the minister saying that this working group is essentially going in the wrong direction of where the Government wants to go with respect to funding education in our province?

**Mr. Bjornson:** I have said repeatedly that we are committed to the process that was agreed to, and that

process will involve the delivery of that final document, as I have just found out today, confirmed today for June 23. That is the point where we review the final document and take those recommendations into consideration.

**Mrs. Stefanson:** Well, the minister has seen that clearly there is a direction the working group has been taking. They have been working very hard to come up with what they have come up with so far. The minister, the Cabinet and indeed the Premier (Mr. Doer) are responsible for setting direction with respect to funding education in our province and with respect to education in our province. After having read what the document says, is the minister saying that the working group is essentially going in the wrong direction and they have to go back to square one to come up with some sort of an idea as to how education is going to be funded in our province?

**Mr. Bjornson:** No, I would not say that. What I would say, as I said before, is that there is a process that was identified and agreed to, and I am still waiting for the final draft. Until such time, I do not think it is appropriate to comment on those recommendations.

**Mrs. Stefanson:** Mr. Chair, I would just like to ask the minister, then, he is essentially saying then if they are not going in the wrong direction, they must be going in the right direction with respect to this document. If they are going in the right direction, which aspects of the document does he feel are going in the right direction with respect to the changing of how education is funded in our province?

**Mr. Bjornson:** I am not prepared to comment on any of those recommendations until such time that I officially receive the final document and we have had an opportunity to take a look at the final draft of the document.

**Mrs. Stefanson:** I have to say that it is rather unfortunate that the minister who is responsible for directing policy and coming up with new policy initiatives for this Government and with respect to how education is going to be funded in our province refuses to answer questions that are of a general nature, just with respect to general policy directions that the Province might be looking at. If the minister refuses to answer questions, I guess we will have to move on, because there are a number of other areas

that we would like to cover in this Estimates process, and it is just unfortunate that we are not really getting any answers from this minister.

I would like to go back, though, to we were questioning on the issues surrounding the Laureate Academy yesterday. We had asked if the minister would consider meeting with all groups that are affected by the situation that has come about with respect to the Laureate Academy and the St. James school division and the DSFM.

Mr. Chairperson, the minister has said he would not take it off the table, in terms of meeting with all groups that are affected and to try and sit down in one room and try and come up with a resolution to this issue. As a matter of fact, in a letter from the minister to Mr. Edward Scully, who is the Executive Director of the Laureate Academy, dated May 5, the minister says, and I quote, "Further to your request, we are considering and exploring your request that we endeavour to co-ordinate a non-binding mediated session between the school division and the Laureate Academy."

I am wondering if the minister can indicate when Mr. Scully and, indeed, the parents can expect to hear back from this minister about whether or not this meeting could potentially take place.

**Mr. Bjornson:** Once again, there are a couple of options that are on the table right now for the Laureate Academy to consider and until such time that they have explored those options, we do not want to pre-empt that process, and we would be looking at having that meeting after these options have been explored.

**Mrs. Stefanson:** Well, clearly, and again, we have discussed this yesterday, yes, there are a few options on the table, but I think the parents and the Laureate Academy itself have expressed concern about these options, and I believe they have expressed very good reasons for why these options would not be what is in the best interest for the education of these children.

Again, Mr. Chair, I caution this minister because his Premier (Mr. Doer) on CJOB the other day committed to finding a solution to this issue, and I guess I would ask the minister, if his Premier has said that he is committed to finding a solution, why will this minister not do whatever it takes to make

sure that a resolution is found in this situation, so that what is in the best interests of the education of these children, and, indeed, all children affected by this, is taken into consideration?

\* (15:50)

**Mr. Bjornson:** I believe the phrase "credit where credit is due" comes to mind here because we are taking measures and I have said it before that my jurisdiction under The Education Administration Act with respect to private schools is very clearly defined in terms of having the appropriate curriculum and core curriculum covered in the independent schools, having certified teachers in independent schools and the list goes on and on with regard to my purview there.

However, I do not have jurisdiction over infrastructure needs for independent schools. Having said that, I recognize that this is a very difficult situation that we have before us right now and we are looking at options. The member from Tuxedo is saying that the Laureate Academy parents are saying that these options are not viable.

Well, I know that Laureate Academy has not even had an opportunity to tour one of the options that we put on the table or that has been presented to them, pardon me. It is curious why the member from Tuxedo would suggest that the Laureate Academy parents do not think that that is a viable option when they have not had the opportunity to take a look.

We are working towards a solution. The school divisions that have been involved in this negotiation, the DSFM and St. James school division, are looking for ways to provide for the Laureate Academy.

In reference to the letter, again, we have met with the Laureate Academy, we have met with the DSFM, we have met with St. James school division, and we will continue to meet with the parties until such time that a solution is found. I am concerned for all students in this situation. We need to find a solution that is the least disruptive for all of the students involved.

**Mrs. Stefanson:** Mr. Chairperson, I would like to ask the minister if he has had the chance yet—we know he has not bothered to go and tour the Laureate Academy facility where it is currently. Could he inform us today if he has visited Brooklands School,

which is one of the options for the Laureate Academy?

**Mr. Bjornson:** No, I have visited 46 schools thus far in my tenure, but I have not had an opportunity to visit Brooklands School.

**Mrs. Stefanson:** Can the minister inform us if he has had a chance to visit the facility that is being looked at in the Louis Riel School Division as to where the Laureate Academy is potentially—it is an option for them to move to?

**Mr. Bjornson:** I have not been inside the building, but I have driven by the building.

**Mrs. Stefanson:** So the minister is accusing the Laureate Academy of not taking the time to go out and visit these facilities as potential options, yet he has not even bothered to take the time himself to go out and visit these facilities to see if they are options. I would say that is somewhat hypocritical. If these are viable options, I would expect that the minister would at least have first-hand knowledge that these are viable options.

Certainly, the facility that is being discussed in the Louis Riel School Division, as I understand, it has been an administrative building. There are a number of small offices. There would have to be a significant amount of money that would have to be put in to renovating the school to be appropriate for the Laureate Academy.

I am wondering if the minister would indicate, is that money that the Laureate Academy would have to come up with in order to make the facility usable for what is in the best interests of the students, something similar to what they have right now. Who will have to pick up the tab for making the renovations to that facility to make it useable for the purposes of educating these children?

**Mr. Chairperson:** I would like to just interrupt for a minute. I would like to take a moment to caution all honourable members on their language here in committee today. The Speaker has cautioned the members in the House about the word "hypocritical," so let us not cross a line. I would ask all members to keep their remarks tempered and worthy of this Assembly and the office they hold. Thank you.

**Mr. Bjornson:** Mr. Chair, the facility in question previously had been a school, but of course it had been converted to the office space for the St. Boniface School Division. The facility, I understand, has room for eight classrooms plus administration space plus a gymnasium. Laureate Academy will have an opportunity to tour the facility. It is for them to decide. It is not for me to go there and decide if it is an appropriate facility. It is the Laureate Academy that will have to take a look at that facility and see that it would be appropriate to their needs.

**Mrs. Stefanson:** As I understand, this facility in the Louis Riel School Division has been used for administrative purposes in the past and the offices are quite small. There would have to be significant renovations that would have to go into a building such as that.

I would remind the minister that the Laureate Academy has already, because they had a 10-year lease on their existing building and they are three years into that, because they thought they were going to be there for at least 10 years, they put a significant amount of their own money into the building to renovate it because they wanted to do what is in the best interests of the children to ensure that they get the best quality of education as possible.

The minister is now saying, I guess, I will not say what the minister is saying. I guess I would like to ask the minister, if these children are to be uprooted from their existing location where the Laureate Academy has put significant money into, is the Laureate Academy then looking at further expenditures to have to, in any facility, any of these options that are provided, are they going to have to pick up the tab for any renovations or upgrades or whatever to those buildings.

**Mr. Bjornson:** Well, certainly, Mr. Chair, with respect to the Brooklands option, St. James school division has talked about the possibility of reducing the rent, such that there would be approximately \$100,000 less rent that could be applied to capital improvements. Perhaps that is an opportunity that might be available to the Laureate Academy when they take a look at the facility that is available in the former St. Boniface School Division office, but that is something that Laureate Academy would have to enter into negotiations with the school division on, on that issue.

**Mrs. Stefanson:** Well, I thank the minister for his comments, but I am a little concerned about this. The Laureate Academy has signed on to a 10-year lease with the school division. They put a significant amount of their own money into this facility to make sure that it is safe for their children, and so on. Now what he is saying is that, with respect to Brooklands School, which, I would remind the minister, I believe we are awaiting an engineering report to see how stable that building is, but it has been talked about. The reason that this report, I guess, is coming about is that there have been some concerns with respect to structural issues with the Brooklands School.

Mr. Chairperson, if there are structural issues, significant structural issues, they are going to cost quite a bit more than \$100,000, and certainly, right now, with Laureate Academy having put so much into their existing facilities, just offering them something that is sort of \$100,000, when they are going to have to pay for a new roof, or some structural damage, or what have you, to make sure that is safe for the kids, but that is one alternative. But the fact of the matter is, these children are going to be uprooted, I guess, as of next year. Hopefully, that is not a done deal yet.

I guess, really, what I would like to ask the minister is if, in fact, he would agree to halt the sale of this Spring Valley School that the Laureate Academy is currently situated in until the minister co-ordinates a non-binding mediation to properly explore all options and find a suitable solution for all parties that are involved in this situation. I specifically want to refer again to his letter of May 5, where he indicated that he would explore looking at this as an option to getting all parties together. When will he do this? Will he agree to halt the sale of Spring Valley until this meeting takes place, this non-binding mediation, to explore all possibilities for a suitable solution for all parties?

**Mr. Bjornson:** No, Mr. Chairperson, we will not halt the sale of the school. There are viable options on the table. We are waiting the independent engineering report on the Brooklands School and, again, the opportunity for Laureate Academy to visit the former St. Boniface School Division office space. There is some disagreement on the structural issues of the Brooklands School. That is why there is an independent engineering report forthcoming. The member from Tuxedo is referring to that \$100,000 going into structural improvements. Well, actually, I

believe the intent would be, perhaps there would be some structural need there, to provide other meaningful upgrades with that saving in rent costs when they would reduce the rate of rent over that two-year period or whatever agreement they are negotiating. I mean, these are all speculative questions. There are still answers that need to be brought to the table with respect to the independent engineers report and with respect to the suitability of the St. Boniface School Division office.

But, no, we will not halt the sale of the school. The DSFM has identified that this is a very important area for growth for the DSFM, and the sale is going forward.

\* (16:00)

**Mrs. Stefanson:** Mr. Chairperson, will the minister, then, at least agree to co-ordinate a non-binding mediation meeting to properly explore all options and find a suitable solution for all parties involved in this dispute, as referenced in his letter of May 5 to Edward Scully, the Executive Director of the Laureate Academy?

**Mr. Bjornson:** It would not show good faith to enter into that process until such time that the options have been explored. I did send the letter to Mr. Scully, and I do intend to proceed with that. In the event that these options are not viable for the Laureate Academy, then we will proceed with the next step. We do desire a solution to this situation that, as I said repeatedly, will provide the least disruption for all the students involved.

**Mrs. Stefanson:** Well, I find it very unfortunate that the minister will not agree to halt the sale of this school, will not agree to non-binding mediation to properly explore all alternatives for all parties. I find it very interesting that two weeks prior to an election call in the Sunrise School Division, this Government jumped very, very quickly to mediation services, offering that to end an embarrassing labour dispute at the time. Very quick to jump at that, yet will not even set foot near something that is so important for the education of children with special learning needs.

I think, you know, it is a question of priorities. We have seen time and time again with this Government that they do not have their priorities straight. I would suggest and caution this minister that as the Minister of Education he should be

concerned about what is in the best interests of the education of all children of our province. The fact that he says time and time again that independent schools are not within his purview, I tell you, as the Minister of Education, you are responsible for the education of all children in our province. I just think this is very unfortunate that these children are essentially going to be uprooted. There is not a viable option on the table right now for them. The minister will not even agree to get all parties involved, to do whatever it takes to come to a resolution that is suitable for all parties. I find that extremely unfortunate that as a Minister of Education, that he is not willing to do what is in the best interest of all of these children.

So I guess I would like to ask the minister if he is not willing to go this route, will he at least—well, I will leave it at that and see if the minister has any comments to that. I do not know what else to ask here because those certainly are the key issues that we need answers to.

**Mr. Bjornson:** I would just like to comment on the member from Tuxedo's suggestion that I said independent schools are not in my purview. I have said repeatedly what my purview is with respect to independent schools, with respect to The Education Administration Act and what is outlined in The Education Administration Act and requirements of curriculum, requirements to have certified teachers teaching in these independent schools.

I am responsible for independent schools. What I am not responsible for is the facilities for independent schools. Having said that, we are very involved, and we are hoping that we can find a solution with all parties. We have talked to all parties involved to try and find a workable solution because I am concerned about the situation. To suggest that I am not committed to what I said in the letter as far as having a non-binding mediated meeting is not correct. I have said that we do have viable options on the table. There are some time issues around those viable options. Until such time that Laureate Academy has had an opportunity to tour a school, which the member from Tuxedo has already determined on her own is not appropriate for Laureate Academy parents when they have—

**An Honourable Member:** I did not determine on my own.

**Mr. Bjornson:** Well, apparently, because the member from Tuxedo has repeatedly said that it is

not a viable option. Laureate Academy has not yet toured that facility. So it is curious that the member from Tuxedo would dismiss it as not being a viable option.

There are options on the table. We are waiting for an engineer's report. We are waiting for a tour of a facility. Until such time as those viable options have been explored, it would not be prudent to engage in this meeting, but I did send a letter to Mr. Scully. In that letter I did say that we would be committed to a mediated process, and we intend to follow through with that in the event that these options are not suitable.

**Mr. Larry Maguire (Arthur-Virden):** I would just like to switch for a moment then to an area that the minister is in responsibility of, and that would be the Public Schools Finance Board and the number of schools that the Government had indicated prior to the last election that they would be moving ahead with in regard to construction and upgrading.

I am wondering if the minister can give us an upgrade in regard to the situation with those schools, and if he can just list them for us again, the ones that they have gone ahead with or that they had recommended prior to the election at least that they go ahead with.

**Mr. Bjornson:** We could go back to '01-02, or would the member prefer that I speak on the last two years or three years?

**Mr. Maguire:** Does the minister mean back to 2001? Just the last three years would be fine.

\* (16:10)

**Mr. Bjornson:** Certainly, Mr. Chair. In '02-03 there were two replacement schools, Deloraine and Falcon Beach; additions and renovations to Lundar, Rivers Collegiate, phase 2 of the Kelvin school and Virden Collegiate; '03-04, three new schools, south St. Vital, Garden Valley and Happy Thought in East Selkirk; one replacement school announced in Inwood; renovations to John Pritchard, Amaranth, Meadows West, Lorette, Vincent Massey in Winnipeg; Shilo and Robertson School; a replacement school in '04-05 at Carberry Collegiate.

**Mr. Maguire:** Can the minister give us an upgraded statement in regard to the mould implications that

they have seen in Carberry and Deloraine and where they will be going with either of those?

**Mr. Bjornson:** The Deloraine school has been awarded as a replacement school, and we will in short order be forwarding the ministerial award on the Carberry Collegiate.

**Mr. Maguire:** I would just like to thank the minister for that pre-announcement. I know our new Member for Turtle Mountain (Mr. Tweed), I hope, will appreciate that as we move forward. That was my next question. What was the state of that school? I see that we have taken care of that.

The Deloraine Collegiate, can the minister give me an indication if they plan on continuing there with the addition on to the main collegiate that is there, with the addition on to the present school that is there, the present high school in Deloraine Collegiate Institute and just exactly what grades and facilities will be moving forward with that?

**Mr. Bjornson:** I understand that the Deloraine school is in the early design stages at this point.

**Mr. Maguire:** Can the minister indicate the dollar amounts that are being looked at in that project?

**Mr. Bjornson:** Not until the tendering process has been undertaken.

**Mr. Maguire:** So, if the tendering process is going forward, can he indicate to me when that will take place?

**Mr. Bjornson:** Probably within one year.

**Mr. Maguire:** That would be within a year of, say, by May 1 of '05.

**Mr. Bjornson:** The sketch plans take about three months, the working drawings six to nine months and then nine months for construction, but it depends on the school division and the architects as well. Ordinarily, it is a three-month window for the sketch drawings, six to nine months for the working drawings and nine months for construction.

**Mr. Maguire:** The other schools that were promised at the time of April of '03 for immediate construction or construction right away, are any of those other

four schools further down the road than Deloraine in regard to construction?

**Mr. Bjornson:** Currently, the south St. Vital project is in the sketch-plans stage. The Garden Valley project is moving from the sketch-plans to the working drawings. Happy Thought School is at the sketch-plans stage, and Falcon Beach is at the working drawings stage as well.

**Mr. Maguire:** I know that the minister had indicated that there was an expansion for Shilo as well. Can he look at whether that is to be around the circumstances of the base expansion or is it in regard to the present facility's condition?

**Mr. Bjornson:** The school in question is on the base, and we are working with Brandon School Division to address the needs of the children of the military. Yes, that was part of the dialogue around the need to address the renovation there.

**Mr. Maguire:** I would just like to question the minister as to what grades will be impacted by both Deloraine and Carberry because of the mould situations in those schools, and what will they do with the present structures that are there, that are being closed I assumed, or replaced might be a better word?

**Mr. Bjornson:** No children will be displaced as a result of the project. In Deloraine the building will be replaced, and the old structure will be demolished. We are working with the school boards to make this work.

**Mrs. Leanne Rowat (Minnedosa):** Since we are on school projects, can I get an update on the Souris School and the construction that is there?

**Mr. Bjornson:** We will take that as notice. We are not aware of the status of the Souris project at this time.

**Mrs. Rowat:** I would like to touch base with the minister on a couple of communities that have been more successful in the decentralization initiative that was under the current administration. I would like to know the status of the Textbook Bureau in Souris, if there are any plans to relocate that to Winnipeg.

**Mr. Bjornson:** No, there are not.



**Mrs. Rowat:** Can I ask the minister the staffing component right now in the Textbook Bureau? What are the staffing allocations?

\* (16:20)

**Mr. Bjornson:** I believe, Mr. Chair, there are 17 employed there, and it would not show up in here as a special operating agency. It does not show up in our Estimates package.

**Mrs. Rowat:** Mr. Chairperson, I have a question regarding the Wawanesa Distance Learning and Information Technologies Unit. Can the minister give me an update on what is happening with that unit?

**Mr. Bjornson:** There is a retirement in that office and the functions of the office will be absorbed in the Winnipeg staff.

**Mrs. Rowat:** I am also aware of the retirement by Karen Paulson, who has been with the program since its inception in Wawanesa. She has actually been involved in the department for years prior to that and was involved in the development and instruction of a calculus course that was offered through the department years ago. We were very sad to learn of her decision to retire. In conversation with her, I am very saddened to learn that she is filling a responsibility to the one employee who will have to either take a position in Winnipeg or look for placement elsewhere within the department, within the region. I have a couple of questions to the minister on that.

With the retirement, will that consultant position be filled by somebody in Winnipeg with the branch moving to Winnipeg?

**Mr. Bjornson:** The work that Karen Paulson did will be absorbed by the staff in Winnipeg, not new staff, but existing staff.

**Mrs. Rowat:** What staff department will be taking over the responsibilities?

*Mr. Cris Aglugub, Acting Chairperson, in the Chair*

**Mr. Bjornson:** The Program Development Branch.

**Mrs. Rowat:** What is the staffperson's title and who is the individual that will be taking over those responsibilities?

**Mr. Bjornson:** I do not know the detail of who, but the function will be absorbed within the Distance Learning and Program Development Branch. I cannot provide the detail of who.

**Mrs. Rowat:** The success of the course has been quite amazing. I think the success rate in stats for the program are a 90% success rate in passing, and I think that has a lot to do with the human contact that the individuals receive through Karen and the instructors that she had chosen to present the courses to the students. My question to the minister is the admin support, Candace, who has actually become a strong community leader within the community of Wawanesa. And in a community of 400 people, the two positions that are being taken away from the community will have a significant impact on them, a community that has a relatively new, or really new, health facility. It has a geothermal development in anticipation of the 2PPCLI. This type of a loss to the community is very detrimental to the economic aspect of the community. I believe it will be approximately \$95,000 of salaries lost to the community and the area. Also, I believe that there is a component of a leasing agreement with the school and that is also lost revenue to the community.

Back to Candace, Mr. Chair, who will be the admin support, who is now in a situation where she will be losing her position, and I guess I could say that she has declined moving to Winnipeg. She is in a situation where I am hoping that the department or the Government will work with her to try to find an alternate position within the region. I was wanting to know what the process will be for Candace to secure employment?

**Mr. Bjornson:** We are in discussions with the employee and we are doing our best to place her within the region.

**Mrs. Rowat:** Are there any openings within the Textbook Bureau in Souris at this present time?

**Mr. Bjornson:** That would be one of the options that we are exploring at this time.

**Mrs. Rowat:** Mr. Chairperson, my question is are there any opportunities available right now, staff years available, within the Textbook Bureau in Souris.

**Mr. Bjornson:** It is part of the global discussion that we are having with the staffperson as to what options are available within the region.

**Mrs. Rowat:** My question is are there any staff years available out of the Textbook Bureau office in Souris.

**Mr. Bjornson:** As an employee, she carries the staff year with her, so that is really not relevant to the discussion. As I said, it is part of the dialogue looking at possible employment within the region.

**Mrs. Rowat:** I guess then I can go back to the community of Souris and indicate we are not sure if there are any staffing positions available within the Textbook Bureau, and as far as Wawanesa is concerned, I guess Candace is really on her own. If they decide to allow her to take a position within another community, it is really at the hands of the department.

\* (16:30)

**Mr. Bjornson:** I guess you could indicate what you wish, but we are engaged in dialogue with the staffperson about what options are available to that individual within the region.

**Mr. Peter Dyck (Pembina):** I want to deal with several of my divisions and several questions and issues that we have out there. At the outset, though, I do want to thank the minister for coming out to Southwood School that was celebrating Earth Day, and I think it was music month and volunteer month as well. Anyway, it was a good time, but it was also an opportunity for us to showcase our community. I think, as he saw and as was indicated by the chair of the parent council, we have many students in huts. I know that one of the other MLAs is looking at me and saying, "All he is wanting to do is spend money." I can see that in his eyes. I will not mention his name because I have heard him say it many times.

I, however, would want to say that in an area which is one of the fastest growing communities within the province of Manitoba, we do need to put resources out there. I talked to the superintendent this morning, and I guess all that they are getting is delayed and stalled comments regarding a new school that was promised a year ago.

I see that questioning look on the minister's face, and I find this interesting because the minister and I were out there, and we were making the big announcement about a new school that the Garden Valley School Division would be getting. As late as yesterday apparently, it is being delayed and stalled and the drawings are not even pressed on. So I am asking the minister could you give me an update as to where we are at with that school that was announced a year ago, which will be another year in the making. Could you please give us some time lines on that?

**Mr. Bjornson:** The Garden Valley project has gone from the sketch plan stage to the working drawing stage. The working drawing stage is a six- to nine-month process, depending on the architect and the school division and the dialogue between the two organizations as such. Then the construction phase would be about nine months as a rule. So we are in the working drawing stage at this point.

It was a pleasure to visit your community and celebrate all that we did celebrate that day. Yes, I was very much aware, having attending the event in a school with seven huts, that it is a growth area. As I said that day, growth is a good problem to have. We are in a situation where many school divisions are seeing declining enrolment in rural Manitoba, so it is indeed a good problem to have, and we are sensitive to those growth areas.

One of the duties I had as minister in the first couple of months was to cut the ribbon at Mitchell School, an area just southwest of Steinbach where there had been tremendous growth in the community, and recognizing that need, a very beautiful facility was built there. Indeed, the situation as far as facilities in your area has been noted. The capital plans are brought to our attention by all 38 school divisions, and we will certainly take a look at what the province-wide priorities will be.

**Mr. Dyck:** I thank the minister for those comments. So, okay, if he could put this into time lines, when do you expect to see the cranes working out there and actually building this school, when you are looking down the road? I want to assure you that the school division has gone through building projects before, and it is not that they are not aware of the process, so they will do everything in their power to be able to move this along as rapidly as possible, but I would

ask as to when he would feel that they will be able to start actually building.

**Mr. Bjornson:** The Public Schools Finance Board will be reviewing the sketch plans tomorrow, and at that point the next phase would be going to the working drawings, which again is a six- to nine-month process. The construction process, as I said, is usually about a nine-month process beyond that. So those are the time lines, and we are very proud of our policy on immigration here in Manitoba. We have seen the benefits of our immigration program in the Winkler area and in the Steinbach area. As I mentioned, building the Mitchell School was a response to that. We are aware of growth areas, and it continues to be part of our dialogue with the affected school divisions. I am looking forward to cutting the ribbon at the next new school that we build in the area.

**Mr. Dyck:** Well, thank you. I look forward to cutting that ribbon as well together with you. So let us work at it. But, again, I want to assure the minister that the division will work with you as rapidly and as expeditiously as possible in order to be able to pursue this.

Now you mention immigration. That was going to be my next question of you. Again, we are proud of the immigration that has taken place out there. Of course, this was started back in 1996 and has just been going ever since. But, with that, the division also informed me that they have a request in for seven huts for next year and have not gotten a response. On the one hand, we say that we are pleased with the growth in the student enrolment and, of course, with immigration taking place within the province, but on the other hand, we do have to put resources out there for them as well. So I was just wondering what the status is of the seven huts.

**Mr. Bjornson:** All portable requests are currently being considered by the Public Schools Finance Board at this time, and, hopefully, a decision will be made with respect to those portables within a month or six weeks. That is the time line.

**Mr. Dyck:** Okay, thank you. I appreciate that answer. I guess certainly it is the responsibility of the department to have a place for these students, a classroom for them. So, certainly, I am sure you will be communicating that with the school division and I will be doing the same.

Moving on to the other issue that is out there, and this is from all the school divisions that I represent, the Western, Garden Valley and also the Prairie Spirit. The whole area of funding, as you are aware, we have a growth area, and we have just gone through that; but, when you look at the funding increases for this past year, basically there was no increase at all, and yet they continue to need to deal with the expanding population.

It is possibly more of a comment than what I am expecting from a response, because obviously your decision has been made, but again to just affirm the fact that this is a growth area and we are proud of it, but we do need to have sufficient resources out there. We cannot expect the local taxpayer to pick up all of the costs. It is definitely the responsibility of the provincial government as well.

**Mr. Bjornson:** Certainly, increasing enrolment is an integral part of the funding formula. We do fund increasing enrolment. As I said, and I will say it again, growth in rural divisions is a good problem to have, because it is not the pattern that is consistent throughout the province. We are seeing a lot of rural areas where there is a decline in enrolment.

We review the funding of schools annually and funding increasing enrolment is an integral part of that process.

\*(16:40)

**Mr. Dyck:** Okay, Mr. Chairperson, I guess I will leave that one, but my comment to that would be that, when you do have growth areas like that and when you are looking at the funding formula, possibly we need to reconsider how that formula works. In a sense, for a growth area they are being penalized for the growth that they are experiencing. I would certainly encourage the department to look at that.

The last question I have—I know that I have colleagues who want to ask a few questions as well—with the Prairie Spirit School Division. That is the western part of my constituency. The issue that is out there, and again it was under our government when they voluntarily amalgamated, and, of course, we never did indicate that there would be a reduction in costs. We knew that the costs would increase. Certainly, from our experience, that has happened. Again, they did this on a voluntary basis, and they

are not looking backwards and saying they wish they had not amalgamated.

My question here is one for transportation. As you have amalgamations taking place in areas where you have declining rural population, they do experience increased transportation costs. I would indicate to you that in that division especially and possibly others within the province where they have amalgamated, the increased costs in transportation have not been reflected in the funding formula that is out there. I would just ask the minister for a response regarding transportation and the transportation of pupils to the different schools.

**Mr. Bjornson:** Coming from a rural division, Mr. Chairperson, I am very much aware of the impact that transportation costs have on the school divisions. Each year the advisory committee on funding of schools will take different issues into consideration. I do have information here for the record on transportation. Categorical support we increased in 2000-2001 from 245 to 255 urban; from 370 to 375 rural. In 2001-2002, we increased the kilometre rate support. In 2000-2001 we increased the loaded kilometre rate. In 2000-2001, we increased our bus grant.

These are some of the measures that were taken in the 2000, 2001, 2002 to address some of the challenges that divisions faced with respect to transportation costs.

**Mr. Ron Schuler (Springfield):** My first question to the minister is has he had the opportunity to meet with the board of the River East Transcona School Division.

**Mr. Bjornson:** I have not actually met with the River East Transcona School Division. I have met with 23 of the school boards so far. I have met many members of River East Transcona School Division board at a number of different events that I have been attending, but I have not met with the board formally. That is certainly something I intend to do sooner rather than later.

**Mr. Schuler:** Has the minister had the opportunity to meet with the Sunrise School Division?

**Mr. Bjornson:** No, I have not met with Sunrise yet, either, but again, 23 of the 38 so far. I am aware of the ones that I have not met with yet. I certainly do intend to meet with these school boards.

**Mr. Schuler:** I know the former minister is probably just a little sensitive on the topic of my next question. It has to do with the botched amputation of the school divisions in my community. It was a very difficult time for the former minister from Brandon East. It was a substantial public outcry. What is left now is the carnage of that decision. I would like to ask the minister if he can tell us what the status is of the joint services agreement that had been in place between Sunrise School Division and Transcona-Springfield School Division.

*Mr. Chairperson in the Chair*

**Mr. Bjornson:** The current agreement remains in effect. We have invited them to dialogue with us on revisiting that agreement. They have not invited us to do so yet.

**Mr. Schuler:** When does this current agreement expire?

**Mr. Bjornson:** I believe it would expire June of '05.

**Mr. Schuler:** As the minister may know, Mr. Chair, one of the difficulties with the community was that the Springfield component of Transcona-Springfield had access to a lot of the programming that was based in Transcona. Basically, you had French immersion up to Grade 8 in École Dugald, and then you went to Transcona for your senior years for French immersion.

If that agreement is somehow terminated or is not renewed, that means that the students have a considerable distance to go to get to any kind of French immersion at the senior level. The same had to do with some of the shops and those kinds of things.

It is of particular importance that students still have access to the Transcona senior level immersion program, because the nearest program then is at least an hour away. That is why I bring it to the minister's attention.

In expiring by 2005, can the minister endeavour that he will ask his department to look into it to see where it is and if negotiations have stalled that they be brought back on, because in the end this is all supposed to be about the children?

Too often, as we have seen in politics of late, whether it be here at the civic level, where it seems

to be about the politician and not about the people, sometimes politicians can get wrapped up in what they are doing.

We want to make sure that whatever takes place that it is about the children, that those children have access to appropriate programming, they have gone through a lot of years of French immersion, that they will still be able to access the programming that is necessary for them to finish their degree in an immersion program.

It should not really matter if it is one kilometre this side of the border or one kilometre on the other side of the border. In fact, I have said to previous ministers that you could almost stand in some locations in my constituency, and if you had a really good throwing arm, you could hit one of the schools on the other side in the city.

I mean, it is that close. It is a 15- or 20-minute drive on a normal day. Yet they could be looking at the possibility of an hour-and-a-half bus ride. I would say to the minister, if that agreement were to fall through that would probably be the end of the immersion program in Dugald, because parents are not going to put their children on a bus for an hour or hour-and-a-half. Weather like today, you would be at least sitting on a bus for two hours. Parents are not going to do that.

That is one way. I am sorry. I should have been really clear. That is going one way. Basically, what it will be, it will be the end of a program. I guess that does happen with some programs, it just happens to be that this was a very popular one.

It enriched École Dugald and made it a very good school. I would hate to see the joint services agreement die and with it, possibly, the immersion program in Dugald if parents are not going to participate. I just leave that. If you would task his department to perhaps look into it, that would be much appreciated.

**Mr. Bjornson:** From what I understand, there is a renewal clause as part of that joint services agreement and that we will be sure to invite them to contact us when that negotiation is ongoing to renew that. We will be sure to invite them to contact us and my staff will follow up on this concern.

\* (16:50)

**Mrs. Stefanson:** Mr. Chair, I just have one more comment and question for the minister regarding the Laureate Academy. I have been notified that one of the stakeholders has, in fact, toured the facility at the Louis Riel School Division, the building, the option that has been offered to them. She had mentioned that it is not set up as a school and contains a number of small offices and would have to be completely redone to set up classrooms. She indicates that we do not have the funds to buy a building and renovate it extensively. More significantly, she says that they have been told that the building could only accommodate six to eight classrooms and they are currently using ten classrooms, a computer lab, a library and a theatre.

Mr. Chair, she indicates clearly that if they had the funds, the building would not even meet the needs, especially in light of the fact that they are getting more calls from new parents than usual, and they expect their enrolment to increase significantly. I know the minister had indicated earlier that no one had yet to tour the facility. In fact, that is not the case, and they have looked at the facility and, clearly, they have indicated that it would not meet expectations that would be in the best interest for those students. I wonder if the minister has a comment for these individuals.

**Mr. Bjornson:** I have not received any official word from representatives from the Laureate Academy. If one person can make that decision on their behalf, that is rather curious, but I was under the impression that many officials from the Laureate Academy would be visiting the facility.

Yes, we were aware that it is office space right now, but we are also aware that it had been a school at one time, and that the structure has over 30 000 square feet available that could be converted to useable, workable space. So, really, until such time that I hear officially from representatives from the Laureate Academy, I do not think it would be appropriate to comment on this.

**Mrs. Stefanson:** Clearly, Mr. Chair, at this point in time, I believe, there has been a bit of a deadlock that is reached. I would encourage the minister to do the right thing here, to co-ordinate a non-binding mediation to properly explore all options and find a suitable solution to all parties here. I have indicated that before, I will indicate that to him again. I hope

that he will do the right thing with respect to this and ensure that everyone is properly taken care of.

I would like to now move on to another area of questioning. Actually, I will defer to my colleague from Russell.

**Mr. Leonard Derkach (Russell):** Mr. Chair, my colleague has, I guess, in her closing remarks on Laureate, quite rightly put the fact that she hopes the minister will be fair in how he addresses the issue of the relocation of the Laureate Academy. However, the principle does not go away, and that is that the minister did have influence in averting the takeover of the Allard School.

I guess I have to go back to the minister's sense of obligation to students here, Mr. Chairperson, because he is the Minister of Education, whose prime responsibility is for students from kindergarten to Grade 12. Whether they are independent students or whether they are public school students, he still has jurisdiction over them. He has an obligation to ensure that they are his first and primary focus when it comes to their educational experiences and their educational opportunities.

Regardless of whether the school division is doing it or whether the minister is doing it, we have a situation where public funds have gone into the construction of a school that is being used by the Laureate Academy right now. Those public funds were also used to build the Allard School, which is being used by the police academy. The minister has no obligation to the people in the police academy. The minister has an obligation to the students at Laureate Academy.

It would seem to me that the dislocation or the relocation of students from the Laureate Academy will have a profound effect on those children because these are special students. These are not students who can function in an ordinary, regular classroom.

Mr. Chair, the Laureate Academy has been established to take care of those differences, those human differences that we have within our society, children who are not necessarily disadvantaged or advantaged, but they are different and we have to recognize that. So, therefore, adjustments like the relocation of a physical setting could become a traumatic experience for these children. It is for that

reason that I think the minister has an obligation here.

Now he has had a plea from the parents. He has had a plea from the people who have taught these children, the people who are involved in the Laureate Academy that this is not a wise move. And yes, I understand the obligation we have to the DSFM, but there are options. The DSFM had already started a process to take over the Allard School, and that is where they should be because it is not that hard to relocate adults, but it is certainly traumatic to relocate young children.

It is for this reason that we raise the issue on this side of the House. It is for this reason that the critic for Education has made an issue of this because it is our sense of compassion, our sense of obligation, our sense of responsibility to students and children rather than to adults.

So I just want to reiterate, I guess, the words that my colleague put on the record, that we appeal to the minister's good judgment here and to his sense of responsibility and obligation to students who are in the Laureate Academy. It is not too late yet to enter into some discussions with both DSFM, St. James school division and Laureate Academy to ensure that the right thing is done and for the right reasons.

So, Mr. Chair, I guess we will leave it at that, and perhaps the minister has a comment that he might want to make in response.

**Mr. Bjornson:** Certainly, with respect to the issue of the Allard School, I did not intervene in that process. What had happened was a first reading for expropriation had taken place, and it is completely congruent with the disposition of schools that the Public Schools Finance Board would be involved in that.

We were looking at a very expensive process for the parties involved to undertake an expropriation. That is a very prolonged and expensive process that would not have served the needs of the children of DSFM very well if it was a very long, protracted process. It was the St. James school division that asked the DSFM in January to cease and desist with the expropriation action and did so by offering them Spring Valley School. Now Spring Valley School had been the original school the DSFM had indicated to the St. James school division that they wanted. The DSFM was given assurances by the St. James

school division that the students of Laureate Academy would be provided for. That is why St. James and DSFM entered into that negotiation.

Yes, we do have options. We do have options on the table. These options are the former St. Boniface School Division office space as mentioned. Yes, it is an office space, but it can be converted for instructional purposes. The other option on the table is the Brooklyn space. Yes, there is some discussion around structural issues, but that is why there is an independent engineering report being done on that particular facility. These are still viable options that Laureate Academy can negotiate with the school divisions to look at long-term solutions for the Laureate Academy, including in that discussion the possibility of purchasing the buildings as well. So there are viable options on the table. I have sent a letter to the Laureate Academy that will commit to mediation, meeting all parties who are involved in this discussion right now and we intend to follow through with that in the event that the options that have presented are not suitable.

I have a lot of compassion for kids. That is why I chose to be an educator. I am an educator. I will always be an educator, and my compassion for kids is what I bring to this office every day.

\* (17:00)

**Mr. Derkach:** I find it incredible what the minister just put on the record, Mr. Chair. He just admitted that it was a preferable option to remove children rather than to go through an expropriation option for adults because, yes, in your first statements the minister said that the expropriation process was very expensive and therefore was not a desirable option, so then it was easier to remove children out of a school setting and move them to another location.

Now that, Mr. Chair, tells me one thing, that is this minister's priorities are all messed up because we have young children of which the human cost to removing these children out of that school is far greater than what a few dollars would mean in terms of expropriation. So the process is one that we go through time and again. We have been through it before, but I think the focus has to be on doing the right thing and doing the right thing is not moving Laureate children from a school where the renovations have been done to accommodate those children's needs and to start looking at space that is

questionable right now in terms of being suitable for educational standards and educational purposes.

The minister just tells me, just because these are independent students now that is not his focus. He would rather save the Allard School for the police academy than be on the side of children who have special learning needs. That is a sad commentary. I do not care whether the minister says he was an educator, he loves education, that is fluff because what is important here is the genuine interest in what the minister has taken an oath for, and that is to act without bias, without influence on behalf of the people that he is not only advocating for but he is responsible for, Mr. Chair.

**Mr. Bjornson:** Perhaps the member from Russell did not hear the second half of my comment in which I mentioned that in January, the St. James school division asked DSFM to cease and desist with respect to the expropriation process because they were going to offer them the Spring Valley School. With that offer for the Spring Valley School, which as I mentioned before was the first choice of the DSFM because of the location, the geography and the logistics as such would be able to attract students from rural Manitoba to that particular location.

They have been offered the Spring Valley School by the St. James school division, and the St. James school division offered them that school with the proviso, with the assurance that there would be provisions made for the students of the Laureate Academy. It is my purview under The Education Administration Act in many areas clearly defined under The Education Administration Act for independent schools, but that does not include facilities. Having said that, it is a tremendous concern that the Laureate Academy does have appropriate facilities. That is why we engaged all three of the groups. Whether it was the St. James school division at my table, or the DSFM at my table, or the representatives from the Laureate Academy, we engaged all three in dialogue around possible solutions to the situation. Some of the solutions that are proposed are possibly long-term solutions where the Laureate Academy can look at purchasing the building, which to me would be a very important opportunity to ensure sustainability of that particular facility if they have the option to own a facility.

**Mr. Chairperson:** I will give the floor to the very patient Member for Ste. Rose (Mr. Cummings). The floor is yours.

**Mr. Glen Cummings (Ste. Rose):** Thank you, Mr. Chairperson, no reflection on my colleagues. The question I have for the minister is the announcement, a fascinating announcement that was made in the budget speech about property tax credits, direct transfer of property tax credits to school divisions, created a lot of excitement out there, but on closer reflection, there does not seem to have been much clarity about the intent and the result and the process around this. I wonder if the minister would like to clear that up.

**Mr. Bjornson:** Staff are currently looking at this, but the process has not been defined as yet.

**Mr. Cummings:** What is the intent?

**Mr. Bjornson:** The intent is simply to give the money directly to the school divisions.

**Mr. Cummings:** Does that mean they will get the money earlier and they will save interest costs or it will create a cash-flow benefit? What is the concept?

**Mr. Bjornson:** Again, it is something that is in process. Those are a lot of the questions that have to be answered around the process.

**Mr. Cummings:** Mr. Chairperson, it says right here in the Finance Minister's speech, to ensure transparency and equity and accountability, but that requires a little bit of backup and you are telling me that that still has to be clarified. That is what I am seeking, some clarification. Will these municipalities be remitting the money directly to school divisions as it comes in?

**Mr. Bjornson:** The Department of Finance will be transferring the value of the \$400 tax credit directly to the school divisions.

\* (17:10)

**Mr. Cummings:** Well, one of the major problems in education finance is lack of money. Will this create any more cash in the system?

**Mr. Bjornson:** The school divisions will receive the value of the property tax credit directly as opposed to going through the municipalities, so this will not change the funding.

**Mr. Cummings:** One of the principles of education funding is equity and equal opportunity, and equal

opportunity means equal quality of education, as near as possible, across the province. Will this not create further interesting manipulations in the rest of the education funding formula, because you will have vast discrepancies between divisions and how much money will be rebated or transferred?

**Mr. Bjornson:** There will be no change to the funding formula as a result. As I said, it is a direct transfer from the Department of Finance to the school divisions as opposed to transferring those funds to the municipalities. It will go directly to the school divisions.

**Mr. Cummings:** Well, Mr. Chairman, one of the hoped-for changes is that there will be an education funding change. We have seen funding go from 75 percent to 70 percent to 65 percent to 60 percent to 56 percent of expenditures in schools, and I do not want the minister to give me the story about the capital. That has always been considered different, in terms of what the operating costs of the divisions are. Are there any plans to address that aspect of education funding to take the load off the property owner?

**Mr. Bjornson:** Well, certainly we have made our election commitment to fund at the rate of economic growth or better and we have lived up to that commitment, delivering five years in a row where we have funded at the rate of economic growth or better, and a significant increase to the base funding of \$105 million. Yes, we are sensitive to the concerns of taxpayers, as we also have lived up to our commitment to reduce the education support levy that the Province collects on property, and three consecutive years of reducing that education support levy and increasing the property tax credit and increasing the seniors credit and also with our partners in education. I know when we announced the 2% increase this year, there was also the recognition that there was \$69.9 million sitting in accumulated surpluses and school divisions were asked to consider using some of that surplus fund to offset any increases in taxes that they anticipated as a result of the changing dynamics that challenge our schools divisions in terms of their decisions around budgets

Yes, we have made significant gains in terms of providing meaningful tax relief. I have used the figures before: for a \$125,000 home, the increase is over 50 percent in taxes from 1990 to 1991, and from 1990 to 1999 and from 1999 to 2004 there was a



0.5% increase in tax. That speaks to our commitment to providing meaningful tax relief and putting a \$105 million in the base is a very significant contribution to education.

Of course, having the working group set up to come forward with some recommendations as well speaks to the fact that we have identified that this is a serious issue for Manitobans, and we are anticipating that report, I understand. Today I was given notice that the ministerial working group will be submitting their final draft of their recommendations on June 23 when it will have been printed in both official languages, and I will be presented with the final draft of that report by the ministerial working group. So I am looking forward to meeting with them and discussing the work that they have been doing for the last two and a half years. But, indeed, our commitment to funding at the rate of economic growth, our commitment to providing meaningful tax relief and our commitment to taking a look at how the whole education system is funded speaks to our priority in education.

**Mr. Cummings:** Well, Mr. Chairperson, it is easy to flatten out the charges against property. When the assessment goes up, the mill rate does not have to. Would the minister give us any insight into how he expects this mechanically to occur in terms of the property tax credit flowing to the school divisions?

**Mr. Bjornson:** By 2005, Mr. Chair, that is the time line that we are looking at here, and the school divisions receive funding from three different areas: the special levy as levied by the municipalities; the Department of Finance will be looking after the tax credit; and, of course, schools funding. But the mechanics would require setting up additional revenue lines and accounting lines as such, and that is something that staff has been working on at this point.

**Mr. Cummings:** To add to the confusion, there are two different numbers in the budget speech. One is somewhere close to the real amount that is involved in Education Property Tax Credit, which would be around \$180 million. The number referred to in terms of the direct transfer to the school divisions is a hundred. Why the difference?

**Mr. Bjornson:** Part of this process involves the income tax system whereas \$80 million would be channelled through income tax and the \$100-million

property tax credit would be through the \$400 that the property tax credit accounts for on the tax bill.

\* (17:20)

**Mr. Cummings:** Well, I eventually would hope that the Minister of Finance (Mr. Selinger) would question somebody about whether this was intended as a feel-good announcement that now is causing this minister some grief in order to explain how it is going to be handled or put on record, eventually, and I would assume that, and it has always been my experience, once something has been announced in a budget situation, that there has been some thought go into it.

There should be some rational explanation as to the intent in going down this route. What the minister has just said by telling us, and clearly it is true, many people get their credit not just off their property, but there is an implication for income tax purposes, that this continues to compound and create some confusion around what the real dollars are and what the real intent behind this is.

This might come as a shock, the school divisions initially said, "Oh, whoopee, we are going to get the homeowner tax rebate." They saw this as additional revenue, and I think it was warmly embraced by those who had not thought through it at that point. So I am trying to understand what the purpose is. It does not seem to me that it fits the standard that is in the speech here of ensuring accountability, unless it is related only to the section that comes off of property, and the balance will be handled by the Province somewhere else. Is that what the \$100 million represents. Is that what is raised only against the property?

**Mr. Bjornson:** Mr. Chairperson, the \$100 million reflects the \$400 that you immediately receive as a tax benefit on your tax bill. We never did say that this would be increased funding. We said it would be providing more transparency with respect to how we fund education.

**Mr. Cummings:** I recognize that it was not sold, but the implication seemed to be there. That is why I referenced the fact that there is a lot of confusion around what this is intended to accomplish. Is the property owner going to receive their benefit?

**Mr. Bjornson:** Nothing changes. Just what is changing is how the money gets delivered to the

school divisions. We increased that property tax credit, and our ratepayers will continue to benefit from the fact that we had increased that property tax credit. But the property tax credit will be moved directly to the school divisions, as opposed to going first through the municipalities and then being allocated to the school divisions.

**Mr. Cummings:** So the Province will pay the money directly, and it will be allocated by division?

**Mr. Bjornson:** That is correct, allocated by division.

**Mr. Cummings:** Therefore, there will be further calculations that will have to be done in the funding formula to recognize the fact that various divisions will have different amounts. Either that or you are going to recreate an unlevel revenue stream for the divisions. Fort Garry has always benefited, for example. One I am familiar with, Beautiful Plains relative to Turtle River, the rebate numbers will be different.

**Mr. Bjornson:** It will be the same amount of money. It has nothing to do with the funding formula. It is the same amount of money. It is just that we are changing the way we deliver that money from the Department of Finance directly to the school boards as opposed to the Department of Finance to the municipalities to the school boards. So it is the same amount of money. It does not change the funding formula at all.

**Mr. Cummings:** I accept that it would be the same amount of money to the Province. Does the minister indicate that it would be the same amount of money that is going to the school divisions today? Is that what he means?

**Mr. Bjornson:** Yes, it would be exactly the same.

**Mr. Cummings:** Well, Mr. Chairperson, we can only conclude that it will not add to transparency. You have probably got a free bump for publicity in the budget speech, but I do not see any particular benefit being demonstrated for the municipality or the school divisions. The accountability will be related only to the knowledge the school boards have around what the assessment is and who is eligible for rebates within their division.

By the mechanics of this, will the homeowner receive their tax credit in the same fashion?

**Mr. Bjornson:** It will be exactly the same fashion, yes.

**Mr. Cummings:** So it would be a deduction from the taxes as they are paid.

**Mr. Bjornson:** The deduction would be from the school taxes, yes.

**Mr. Cummings:** I kind of want to come back to my original question then. What was the intent of making this change?

**Mr. Bjornson:** The tax credit was intended to be a tax credit against the school taxes. It will be clearly indicated as such when we follow through with this promise to delineate it as such, and here we will have the transparency that we said we would have with respect to this particular tax credit.

Currently, the tax credit could appear to fall on both municipal and education taxes, but the intent is to clearly indicate what that property tax credit was designed to do and that was to go against property tax credits on education taxes.

**Mr. Cummings:** Mr. Chair, I would submit that the property tax credit was an attempt to buy an election and that the important aspect would be which department will now be providing the cash flow to the school divisions. Will this be reflected as part of education funding or will it simply be a transfer from the Department of Finance?

**Mr. Bjornson:** The tax credit has always been from the Department of Finance, so the Department of Finance will continue to flow this tax credit funding to the school divisions.

**Mr. Cummings:** Well, I think what we have is a complicated way of providing some kind of social equity program in the guise of tax relief rather than tax reform which is what most property owners are looking for these days, some kind of meaningful tax reform for support of education. We end up here with the status quo but delivered by a slightly different mechanism, if I understand the minister's—

**Mr. Chairperson:** The hour being 5:30, committee rise.

## WATER STEWARDSHIP

\* (15:00)

**Madam Chairperson (Bonnie Korzeniowski):** 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 Water Stewardship.

Does the honourable Minister of Water Stewardship have an opening statement?

**Hon. Steve Ashton (Minister of Water Stewardship):** Madam Chairperson, I would like to begin my remarks by noting that, as I speak, it is May 11, and there is a snowstorm outside. It shows you the perspective that comes with certain responsibilities in this House. One of the first questions I asked today was what is the moisture content of the snow.

So, normally, Madam Chair, I would have a slightly different perspective. I remember when I was Minister of Highways and Transportation it would be how much extra is this going to cost us on maintenance. But such is the great ability when you are given the honour of being responsible for important areas of provincial jurisdiction. As the Member for Brandon West (Mr. Smith) points out, it is a federal jurisdiction, the weather.

But I do want to give a summarized version of my open remarks, because I am cognizant of the fact that we now have a shorter time period for Estimates and perhaps a more focussed Estimates process than we have had in previous years. I certainly want to indicate to the opposition critic that if there are detailed questions, I am quite prepared to come back at a later time. I can also, by the way, indicate that there were some issues last year that there was some difficulty in follow-up in Conservation.

Madam Chair, I actually have been working with our department, both the Water Services side and communicating with the Department of Conservation that if there were unanswered questions that still required information, we are more than prepared to provide them.

Just to give a brief introduction, this is the first set of Estimates for the Department of Water Stewardship. I think it is really an important move by government. We brought together the responsibilities of various different parts of government.

What I want to indicate is that by comparison, the federal government has 12 separate departments still responsible for water. I can indicate to the

members of this committee that we have had very, very positive reaction from the people of Manitoba. I do hope that other jurisdictions and perhaps even the federal government will learn from our experience, both positive and any negative experience, as we bring this together.

I think our vision is very clear, Madam Chair. I mean, water is an important part of our economy. It is an important part of our ecosystem, and it is important in and as of itself. I think it is important to note that what we as Canadians and we as Manitobans take for granted is something that you just simply cannot take for granted. There are more than a billion people without proper water treatment, more than two billion people without proper sanitation.

Notwithstanding that fact, we have many challenges in our own jurisdiction. Particularly, I think our vision is very clear, that we cannot take the quality or the quantity of our water for granted.

Madam Chair, we are aiming very much at being a leader in integrated water and land use planning. I think that is something that you will see both in our department, our organization, our focus in terms of policy, our legislation. We are the key part of government dealing with water, but I want to stress again that we are not the only department that has some jurisdiction.

So you may end up, for example, with cost-shared items under the infrastructure program. We put more than \$50 million in upgrading sewer and water in this province the last number of years. That will appear separately. I am the minister responsible for the floodway, but there is a separate line item dealing with the floodway. While it is not directly a part of the department itself, certainly, I would be more than willing to answer general questions on the floodway, although there is a separate line item later. I will leave that to the critics to determine in terms of that.

I just want to give you some idea how ambitious our agenda is on the legislative side. We are bringing in The Water Protection Act, The Red River Floodway Act, The Floodway Authority Act and The Fisheries Amendment Act. These are important bills. I am not going to discuss them. Obviously, Madam Chair, those are better discussed when we actually debate the legislation, but I do want to indicate that it

is a very ambitious agenda. I think it is something that Manitobans expect.

Madam Chairperson, I want to stress the continuation of the Manitoba Water Strategy. It was released in April 21, 2003. I want to acknowledge, by the way, I certainly was Minister of Conservation at the time. But this is an effort of other ministers, the Minister of Agriculture (Ms. Wowchuk), the then-Minister of Intergovernmental Affairs.

Madam Chairperson, I also want to acknowledge that the many stakeholders and other Manitobans who were represented on the steering committee played a key role in developing the Water Strategy, whether it be municipalities, farm organizations, Aboriginal organizations.

The Water Strategy is an important, I guess, a strategy document and a vision document for Manitoba. We are looking at some of the longer-term solutions which were part of the vision of the Water Strategy, but we are dealing right now with some very specific challenges.

Lake Winnipeg. We are looking at the long-term protection of Lake Winnipeg. We recently announced a number of new initiatives in regard to the province generally but specific focus on Lake Winnipeg. We want to turn back the clock to 1970 in terms of water quality levels, and I think Manitobans are expecting nothing less than that we would be pushing ahead in terms of that.

I really want to acknowledge the work of the Lake Winnipeg Stewardship Board that is working on long-term plans, but we have also through some of the new initiatives provided funding for some very specific educational work, outreach work and some action-oriented solutions for this summer. We are not going to wait for a long-term plan, we are going to act now.

Madam Chairperson, I want to stress as well that we are going to be asking Manitobans for their involvement. We will be working with the people that live and cottage around the lake. We want a healthy waterfront living program set in place. We will be setting up a clean beaches program.

We will also be setting up a new Web site to give a clear picture of the state of the health of Lake Winnipeg. We will include in that the reporting of

incidents such as sewage spills, for example. There was a recent case that I referred when we made the announcement involving the R.M. of Gimli and those are the types of circumstances that would be available to the public, because we believe the public has a right to know.

This will be in addition to the work that will continue in terms of targeted testing and scientific research. By the end of this year, we will have put more than \$400,000 into targeted scientific research on E. coli, for example. We want to track down the sources. We have made some significant progress; and the reason we want to track down the sources is so we can then work on source protection, an important element of cleaning up our beaches and cleaning up our lakes.

I want to indicate that we will be working with the Lake Winnipeg Research Consortium. We are currently as a department in consultation with them and when I was in Ottawa meeting with officials of the Department of Fisheries and Oceans, certainly I raised the need to continue the excellent work with the *Namao*, which is providing very good applied research and long-term research aimed at the kinds of solutions that we need.

Madam Chairperson, I want to talk about the Drinking Water Office that is in place. We have 12 new Drinking Water officers. We last year had 500 inspections. That is up significantly from before the introduction of these new Drinking Water officers, and we, in this Budget, have a significant investment in drinking water protection. I want to stress that they have been inspecting and putting in place existing regulations.

I know the members raised concern about the other regulatory aspects of the legislation that was passed. We have indicated those are being brought in, and I also want to indicate very clearly that one of the key elements is that we are going to be bringing in the 1500 semi-public systems into the provincial monitoring framework; something that did not happen in the past. We have identified those facilities and, certainly, that is a priority.

We have done a number of other things that are fairly critical, and I will get into details, I am sure, if the member wishes, when we get into the discussion of the act. But I do want to stress that we are serious about drinking water safety. I do believe, Madam

Chair, the 12 new Drinking Water officers, the training and the regulation requirements that will be in place are really important to provide the kind of protection Manitobans expect.

In terms of drainage, Madam Chair, which I know is of some interest to the opposition critic and many people, particularly in rural Manitoba, we continue to monitor the hundred provincial dams. There are many kilometres of dikes, 680 bridges and 4300 kilometres of water conveyance channels, some of which the opposition critic knows quite well at the ground level. But I will leave it to him to raise that in his comments.

I want to indicate that we are continuing to work in terms of channel brushing and vegetation control. That has been a priority. The enhancement of water stewardship at the Shellmouth Dam. This allows for the purchase of additional lands, including the existing reservoir, to benefit landowners. We will put gates on the spillway to improve the performance of the dam, and my departments want to take planning in order to improve flood control and protection in the Fisher River area in partnership with the federal government.

In terms of water licensing, we are working very aggressively in the licensing side of it. We are working new regulations to streamline the process. We are going to focus on larger projects. And I can indicate, by the way, that I had discussions with DFO. We are also in discussions with the federal government because I know this is an area they are also looking at, as well. I think it is important to improve the turnaround time in terms of licensing.

In terms of flood management, Madam Chair, our department plays a very significant role in flood management. We have constructed community ring-dikes in Grande Pointe, St. Mary's Road, Ste. Agathe, Rosenort, Niverville, Gretna, Aubigny, St. Pierre-Jolys, Lowe Farm, Riverside, Emerson, Rosenfeld, Dominion City and St. Lazare. Those are very important. We have already put in place more than \$120 million in terms of floodproofing, \$110 million of which is in the Red River Valley since the major flood of 1997. We are obviously in a very important way moving ahead with the Red River Floodway Expansion Project, a very significant project in terms of costs. We already have federal-provincial cost-sharing for the first phase of the

project and it will provide protection up to 1-in-700-year floods.

I also want to acknowledge we have put in place 93 hydrometric stations as part of the Canada-Manitoba Partnership Agreement. Again, it is important to have information to predict floods.

Devils Lake is an important issue. I would be more than happy to discuss Devils Lake with the critic and his colleagues, and I recognize that some of his colleagues have a somewhat different approach to Devils Lake than certainly has been traditional. The Member for Emerson (Mr. Penner) comes to mind. But I will leave that discussion for later. We made it very clear, we want Devils Lake, whether it be the federal outlet or the state outlet, referred to the IJC.

The state outlet is a very imminent concern because it is under construction as we speak and is targeted to be open next year. We have been very clear. We have taken legal action. In state court, we are contemplating right now whether we are able to take action in state court but when we were in Washington and certainly through the work of the embassy, I met with a number of senior officials there. We made it very clear, our preference is to go to the IJC.

In terms of the Fisheries Branch, I want to really commend the ongoing work that is being done. I think Fisheries are a real success, going back to the 1990s, and certainly work started by the previous government and continued with this Government. We have got a significant progress, I think, in terms of working with the DFO to get a more co-ordinated and efficient referral process in terms of fish habitat projects. I discussed this as recently as Friday with the DFO officials that I met with.

\*(15:10)

I want to indicate our recreational fishing program is certainly one of the most successful ones in the province. Since the mid-1990s we have significantly increased the number of sports and recreational fishers. I think that is very important. We are continuing to work lake-by-lake and river-by-river in terms of our conservation focus. We have slot limits in a number of areas such as in the Whiteshell Nopiming area. I want to indicate that

walleye stocks are very strong in Lake Winnipeg, a very significant catch.

Western Manitoba. We are working to continue to maintain native fish stocks and we have enhanced recreational opportunities with trout fishing. In fact, I really want to commend the work that FLLIPPR, the fly-fishing group, has done. I recently met with them and we are certainly looking at a number of suggestions they have about further enhancing what is becoming a world-class, fly-fishing opportunity in Westman.

Our northern fisheries are also important, both in terms of lodges and commercial fishing and a sports fishery. I want to indicate that what is often not recognized is that we have now surpassed Ontario in terms of the value of freshwater commercial fisheries in Canada. We are No. 1 in terms of the value-added that comes from that very important resource.

Madam Chairperson, I want to indicate that our commercial fishing opportunities continue to be something we will focus on. In terms of Lake Winnipeg and other lakes, we are particularly also concerned about ongoing situations with invasive species, particularly with smelt. We will be looking at some of the particular challenges in Lake Manitoba and Lake Winnipegosis.

In Lake Winnipegosis we recently set up an advisory board that will look at the health of the lake. In terms of Cedar Lake which I know the Minister of Agriculture (Ms. Wowchuk) will know the situation very well I took the opportunity to go and visit the community and look at Cedar Lake directly. We are looking at building on the initiatives that were made by the community itself of actually controlling fishing. I am hopeful that in co-operation with the federal government we will be able to work out a very innovative process.

Madam Chair, I want to stress also that northern fisheries continue to be a major focus for us. One of the issues that I raised most recently with the federal government is the impact that boating regulations from Transport Canada on our fishery fleets and particularly our smaller vessels. Certainly, I would hope that the federal government would consider postponing the application and a number of the regulations given its impact on the, not only the economics of the industry, but also some real questions have been asked as to whether there is

going to be any real benefits in terms of safety, an area that we obviously all wish to see improvements in. But I think that is fairly important.

I also want to acknowledge the continuing work we are doing with many stakeholders and many communities throughout Manitoba and with our Aboriginal communities. I particularly want to note the progress in Westman with West Region Tribal Council. We have worked co-operatively with West Region Tribal Council, with local sports fishers, local residents. I think, Madam Chair, that is something that has been very well received across the board.

I want to note that this department is also responsible for the Manitoba Water Services Board which is previously under the Intergovernmental Affairs Department. It is a very important part of what we do and I think a lot of times MLAs would be surprised at the degree to which the board has been consistently providing funding to work with municipalities to improve the situation in terms of water and waste water in this province.

We have a number of projects that are in the works, even now, that are dealing with some of the issues that the water advisors, in particular, and I note, Tyndall, Garson, Anola, Snow Lake and Lynn Lake.

There are other initiatives that should be underway in terms of construction this year. The R.M. of Gimli, for example, has received infrastructure funding, and through most significantly, its own funding is looking, I believe, at construction of its new waste water facility later this year.

We have projects that we are looking at in Flin Flon and Miniota. We are also working very closely with the municipalities on extensions of regional water systems. Projects for this year include rural regional pipelines in the R.M.s of Portage la Prairie, Grey, Morris, Gilbert Plains and Norfolk. This is an important area.

This is one of my favourites, Madam Chairperson. We are now responsible for conservation districts in this department. I always used to enjoy explaining to people, as Minister of Conservation, my former role, that I was not responsible for conservation districts. I understand some of the rationale for that given the municipal basis, the

significant municipal representation of conservation districts. But the reality is, I think, having the Department of Water Stewardship, the successor to the water responsibilities of Conservation, now responsible for conservation districts is something that makes sense.

We have gone from nine to sixteen conservation districts which now cover 60 percent of agro-Manitoba including many municipalities. We are currently working with municipalities on a further extension. We are looking at four possible areas that we could see expansion of conservation districts.

I think that is really important. We are looking at the Interlake and Plum watersheds. We are looking at the Pembina Valley Conservation District, looking at a pilot drainage licensing project, so we will work innovatively with existing CDs. Our general principle is to use conservation districts as a building block for the province. In areas where you do not have conservation districts obviously we will look at other watershed management authorities.

I think it is really important, just as I conclude my remarks, to indicate I think this is certainly a very innovative move by government to bring together all the various aspects of government dealing with water under one roof.

Certainly, it is not restricted to our department and I stressed that before. I mention in terms of, for example, infrastructure funding but also Agriculture has been very active on water quality issues and water conservation issues.

I think that is perhaps something that often people in the farm communities are aware of but something that the general public is not. Our goal is to deal with the water quality and the water quantity challenges that we face in this province and I look forward to working with members of this committee and the Legislature and all Manitobans on this important goal. Thank you.

**Madam Chairperson:** We thank the Minister of Water Stewardship for those comments. Does the official opposition critic, the honourable Member for Portage la Prairie, have any opening comments?

**Mr. David Faurchou (Portage la Prairie):** Madam Chairperson, I do want to commend the Minister of Water Stewardship for obviously shortening his

opening remarks that would have taken in excess of half an hour down to 15 minutes. I appreciate that in regard to our restricted time.

I do want to say at this time we would like to proceed with a global discussion of the Estimates. As well, the responsibilities for this portfolio are split between myself and the honourable Member for Steinbach (Mr. Goertzen). Unfortunately, the honourable Member for Steinbach will not be able to be in attendance today.

So in regard to discussions involving the biggest project within this particular portfolio and that being the expansion of the Red River Floodway and the Red River Floodway Expansion Authority, that those discussion line items be deferred until tomorrow. Then once those have taken place we can conclude the Estimates for this section. So, without further ado, I would invite the minister to bring staff forward and we can get under way.

**Madam Chairperson:** We thank the critic from the Official Opposition for those remarks.

Under Manitoba practice, debate of the minister's salary is traditionally the last item considered for the Estimates of the department.

Accordingly, we shall defer consideration of this item and proceed with consideration of the remaining items referenced in Resolution 25.1. At this time, we ask that the minister introduce his staff present.

**Mr. Ashton:** Yes, I have Norm Brandson, Deputy Minister of Water Stewardship; Wolf Boehm, the ADM of Corporate Services; Don Norquay, ADM of the department; Steve Topping, director of the Water branch; and Dwight Williamson, head of Water Quality.

**Madam Chairperson:** We thank the minister. We will now proceed to the remaining items contained in Resolution 25.1 on page 145 of the main Estimates book. In the opening comments, the Member for Portage la Prairie (Mr. Faurchou) suggested that we have the discussion on a global basis. Is that the will of the committee?

**Mr. Ashton:** Yes. Also, Joe O'Connor from the Fisheries branch has also joined us.

**Madam Chairperson:** Thank you. Does the committee agree to go global? *[Agreed]*

We will now proceed to the remaining items contained in Resolution 25.1 on page 145 of the main Estimates book. Shall the resolutions pass?

**Mr. Faurichou:** Madam Chairperson, I would like acknowledgment from the minister for the record that we will defer discussion in regard to the Red River Floodway Authority and Red River Floodway capital expenditures until the honourable Member for Steinbach (Mr. Goertzen) can be in attendance tomorrow.

\* (15:20)

**Mr. Ashton:** Yes, and I should note that under the Estimates, the floodway actually appears a line item under federal-provincial cost-shared items so they are specifically referenced there. I defer to the House leaders in terms of what the arrangements are in terms of the specific motion. Certainly, we are prepared to discuss the floodway tomorrow under that line item. I will defer to the House leaders, but, having been a House leader for a number of years, I always know that you defer to their wisdom in terms of how to deal with these things.

**Mr. Faurichou:** I appreciate the acknowledgment, and we will leave it to our House leaders to arrange in regard to your shortened available time and the Member for Steinbach's wanting to participate in this.

My opening remarks were short and to the point. I wanted to have staff here when I make the next statement insofar as the minister needs support of departmental staff in regard to budget and has been allocated by the passage of this Budget for 2004-05, \$44,723,200. I will say, though, that there is considered pressures by other departments that cannot seem to live within their budget and they look to other departments to fill in when they overextend themselves. The minister has had experience in this in Transportation where he yielded back to the Treasury department out of allocated budgeted monies just shy of \$20 million, and as Conservation was asked to not spend over \$6 million. It is incumbent upon all persons who are charged with the responsibilities of a department to recognize the importance of allocated monies in the department. We are quite aware there are demands within this department that we need to attend to and it is vitally important that we use the dollars that have been allocated through the budget process in the respective areas.

Madam Chairperson, I would like to yield now the floor to my honourable colleague from Arthur-Virden to commence questioning.

**Mr. Larry Maguire (Arthur-Virden):** It might be a bit ironic with the snowstorm that is going on outside today providing us with some well-needed moisture but—

**An Honourable Member:** Million-dollar snow.

**Mr. Maguire:** Maybe more than the million-dollar snow.

Could the minister give me some indication, and I know it has been discussed in the House at different times and I raised it with the Conservation Department when they were dealing with water some years ago, the situation with boil-water orders in a number of the communities in Manitoba? Can you just fill us in on where that is at?

**Mr. Ashton:** I can provide a list, Madam Chair. I know the Member for Portage la Prairie (Mr. Faurichou) was provided with a list. We, as a province, do list those boil-water orders. That was not the practice a number of years ago. I can certainly provide that, and also if the member wishes background in each of the specific circumstances because it varies from situations where there has been a newly identified problem where the problems are being worked on, where there are infrastructure solutions that are also in the works, a number of cases you will see where because of some contamination in the area, the boil-water order was put in place.

Now, Madam Chair, there is a central water supply, so people hooked up to the municipal water system, obviously, are not really subject to the advisory itself. But in the province, since we do not have mandatory requirement for people to become parts of various different water systems, those advisories stay in place for people that still either access existing aquifers or wells or are doing that in the future. We can provide a list and I think the member from Portage or, certainly, the PC caucus obtained the most recent one, but I think the current amount of communities is 35.

**Mr. Maguire:** Madam Chair, I know that the minister has just indicated that there are 35 boil-water orders in Manitoba. I know the citizens; it is a



small community in my constituency in the community of Medora. It has been a boil-water order now for almost two years, and in that regard, I just wondered if I could get an update for those community people as to where their circumstances are at the present time.

**Mr. Ashton:** I would be more than happy to provide that. I know the official request has come through in terms of that. But I can also undertake that we would be more than happy to set up a briefing with the member on any specific circumstances in Medora or any other community.

I have asked for updated information, Madam Chairperson, not just on the total number of communities, but also site-specific information on what is happening and what actions have been taken or are in the process of being taken to deal with the situation. I can arrange that more than just provide that information in writing. If the member is interested I can certainly get our technical staff to give him a full briefing on it.

**Mr. Maguire:** I guess I just wondered if there was even a list of these that the minister has that he can share with us as to the order of these being dealt with. I guess given the fact that it is two years. The minister referred to the waterfication of some rural areas that is going on through the joint opportunities with the infrastructure programs in some of the R.M.s and conservation districts in the province of Manitoba.

Could he outline to me or provide at least a list or just tell me where Medora would be in the pecking order, I guess, is the best way of putting it? because I know that those people are extremely concerned that they have a small community and that they have had to deal with this for long, thinking that their problem might be dealt with last year when they were looking at putting the water lines in through that area. I would like to just get some clarification from the minister on that, as well, as to whether there is anything in the plans to replace what was being looked at there last year.

It is my understanding that project and Brandon municipality, Winchester, Arthur and then Cameron municipality has been put on hold, if not cancelled. So I just wondered if they could give me any indication of where Medora will be, when it will be

dealt with and if there is any follow-up on waterfication in that area.

**Mr. Ashton:** Yes, Madam Chairperson, and I know there are a number of areas in the province where there has been some progress with municipalities moving towards regional systems and there has been discussion of other areas moving to regional systems. Not every municipality, not every resident is supportive of that. Certainly, I want to acknowledge again the fact that, that is often the key element of decisions at the local level, whether there is an economic case, whether people from the municipalities feel they can afford it.

Of course, Madam Chair, you run into other circumstances. We have seen that with a couple of committees where you also end up with agreement in principle on a regional system either on the drinking water side or the waste water side and then significant disagreements on how the costs should be broken up between the different municipalities.

*Mr. Drew Caldwell, Acting Chairperson, in the Chair*

It is particularly a challenge in some of the areas dealing with rural versus urban because you may have different cost factors when you are dealing with the rural areas but obviously you then end up with how you allocate those costs.

Traditionally, regional systems are based on the idea that collectively everybody benefits. The question is whether some benefit more than others and whether it is affordable, but I will make a commitment to get back on terms of Medora, specifically, and, if the member does have any questions about the other committees, we have provided information to the Member for Portage la Prairie (Mr. Faurschou) on the other lists or with any other communities in his area or other areas of the province that he wants further information on, we can provide that.

\* (15:30)

**Mr. Maguire:** Yes, just quickly, Mr. Chair. I guess the other area that I have some questions on is in regard to the project that is going ahead in Wallace municipality, and I, certainly, appreciate that. I think the citizens there are looking forward to the waterfication program. As you have indicated, some of

them are cost-prohibitive where they have come down to that, and it is a choice that local people make, but I am wondering if there were some other circumstances that could be used to bring something back to the table on that Brenda area, but more or less, in the case of Wallace they are going ahead. The project has been put forward, and I am just questioning in regard to the commitment that the Government may have in regard to continuing to make sure that that waterfication program goes ahead in the R.M. of Wallace.

**Mr. Ashton:** Yes, I can get full status on that. Obviously, what we are dealing with are projects that are funded through the Water Services Board. We are dealing with a very successful track record in terms of cost-sharing, but similar to what we have done with infrastructure-funded projects as well. In many cases our funding commitment is only a part of the overall project, and in the long run, it is driven by local municipalities in terms of the water side or the waste water side. Obviously, to some extent, the waste water side also driven by the regulatory side and also on the water side. So I can get updates on those initiatives.

But I do want to put on the record there has been a fairly significant increase in investment in this area generally. We have now gone over the last numbers and put \$50 million into expanded water and sewer projects throughout the province. I do want to note that the infrastructure program outside of the Water Services Board, in particular, has been a main part of that investment, and I would also note that we have recently been able to reach an agreement with the federal government to have a further infrastructure program, and I can indicate that water and sewer projects will continue to be a priority. I think that certainly matches the feedback from the AMM, from the Northern Association of Community Councils and the other stakeholders. Clearly, there is room for other projects as well, but water and sewer has to be a key priority, so we will be continuing over the next number of years to further upgrade in co-operation with local authorities the water and sewer systems.

**Mr. Maguire:** Can the minister indicate whether all of those infrastructure projects will fall under his budget?

**Mr. Ashton:** Mr. Chairperson, the infrastructure projects normally fall under a separate line item and, in this case, for example, some of the floodway

expansion also appears under a separate line item reflecting the federal-provincial, and in many cases, of course, federal-provincial-municipal relations that are part of it. In fact, these are cost-share programs, and that tradition will continue. That is not to say that we are not involved in the administration side and, as my department reminds me, the Water Services Board is involved very much on the administration of those projects. They have the expertise. They are already part of the funding picture.

You will note again this year, Manitoba Services Board, there is a separate line item for the board itself, and it continues to play a significant role in terms of capital assistance, but our department is involved more on the implementation side. By the way, on the floodway, which is a similar situation, the expansion is being put in place by the authority, the floodway authority, but the operation of the floodway continues with the Department of Water Stewardship, a similar principle, and the same on the Water Services side.

**Mr. Maguire:** The relationship that he has with the PFRA, I wonder if the minister can indicate to us any work that they have done with the deep-well projects that have been looking for water in some regions of Manitoba.

**Mr. Ashton:** I can undertake to get that information, Mr. Chairperson. PFRA is an area that historically has been an important source of improvements to water infrastructure. I referenced the Shellmouth Dam, for example, in my opening comments. I think a lot of people forget an era in which you would have major projects essentially built either entirely or at least with significant cost-sharing by the federal government on an ongoing basis through PFRA. But I can get an update in terms of any of the specific aspects that are involved with that.

But I have put on the record, by the way, that I had discussions as recently as Friday in Ottawa with DFO, for example, that we see an infrastructure challenge ahead for water generally. We see it with our drainage systems. We see it in other areas. Water supply is an area that we have had some work done recently, particularly in on-farm water supplies and co-operative water supplies. I know the Minister of Agriculture (Ms. Wowchuk) is a part of that. She recently announced some federal-provincial cost-sharing.

I assume, Mr. Chair, that is what the member is talking about, the on-farm program. We recently did

announce an extension of that, but, rather than get into all the details, I can certainly provide the member with a written background on any of those kinds of programs.

**Mr. Maguire:** Just a few short questions in regard to that, I think the projects I am speaking of are not just on-site wells for individual farmers. These are perhaps deeper water sources that may be used in replacement of dams or that sort of thing in the main streams and creeks that we have in our rivers in Manitoba in regard to projects for processing, manufacturing and as well for irrigation. There are a number of those being undertaken. The federal government has put some funds into those, I know. I am assuming that the province is continuing to put some funds into that and into that research in regard to where such water may be located.

I would just like to put on the record that in southwest Manitoba, of course, we are considered to be one of the drier corners of Manitoba if you look at the average annual rainfalls, but clearly we have got a lot of water. The only problem is that we let it drain into the Hudson Bay, I suppose, if you want to take it to the extreme. So we do not manage that water as well. I guess from my perspective in southwest Manitoba we need to look at a program of being able to manage those waters to more clearly define the needs of what we are going to have in the future and make sure that we use those as supplementary systems for something like the Oak Lake and Pelican Lake problems that we always have with oxygen in those lakes for fish in the wintertime, in particular a winter that we have just come through with the need to move quicker than was done in regard to getting oxygen into those kinds of water facilities.

I am referring to the opportunities of having some of the creeks from Saskatchewan that come in from off of the end of the Moose Mountains to western Manitoba. A lot of them come through the constituency I represent before they do get into the Souris River. I think we need to look at a long-term program. I know some 25-30 years there was a lot of research done in the area of what kinds of facilities could be used or dams could be used in those areas to provide water for the future. I guess one of the things that we are seeing today is that perhaps as opposed to looking at those, there are more of these deep-well sources being looked at as opportunities in that water area.

So I would just ask the minister whether there is a commitment in his new department from Water Stewardship to look at those kinds of projects for the future in that region.

**Mr. Ashton:** I appreciate the member's comments about the varying challenges that we face. I think it is important to note, in addition to the challenges, though, that we have probably got some of the best mapping of wells anywhere in the country. We probably have some of the best mapping of aquifers, as well. Obviously, there is always more work that can be done. The reason I stress that is because we start with a fairly significant database. The member asked some questions about PFRA and I can indicate that staff is advising me that under the APFA there is money allocated for PFRA for farm order supplies. We are coordinating with PFRA in terms of the technical side of that.

So, again, Mr. Chairperson, this is another example where our department is in this case through the Water Services Board, working very closely with other parts of government or other governments and other government agencies to extend that. I also appreciate the member's comment about some of the ongoing challenges, and, I think, in a general sense it is important to put on the record that much of the infrastructure that was established for water management in this province probably reflects 1950s agriculture, perhaps even before that.

We have parts of our drainage system that go back almost a hundred years. Clearly, Mr. Chairperson, we are going to have to in our long-term planning continue to assess the validity of some of the particular strategies that we used. I know it might be different in southwest from other areas but retention is an increasing area I think across North America; restoration of wetlands, which also can play a role in terms of water management both in terms of quality and quantity, is very important. So I appreciate the member's comments, and we will, certainly, take it into mind as we look at our long-term capital projects.

\* (15:40)

**Mr. Peter Dyck (Pembina):** Mr. Chair, maybe just to give you an update of the weather out there, I can have a long preamble. It is called home. Southern Manitoba has over a foot of wet snow. So there will be water coming down.

Well, okay, this is my next question. This is my comment and question. But what happens is, as we have run-off, of course all we are doing is just we are sending the water towards the east and down the Red River to Lake Winnipeg, and it is gone. It has always been my contention, I know I have asked this question year after year, but it all goes back to the fact of the Pembina dam. I know that staff smiles and the minister smiles, but what we are doing is we are making sure that the good fresh water is sent east and sent north and out of sight and out of the way.

Meanwhile what happens is, for one of the fastest-growing areas in rural Manitoba, the Winkler-Morden area, we are pumping the water back from the Red River. So my comment and my question is that we are that dam, and I know that the Member for Emerson (Mr. Penner) worked very hard in the eighties I believe it is to try and make the officials, federal, and I know he worked with the Americans as well, our friends to the south, in trying to establish this dam.

I know several times, Mr. Chair, we have been somewhat close. I know that in '97 following the flood was another case where an International Joint Commission was working at this. Somehow that has just been in my opinion the way I see it. It has been shelved. We are now fixated on again widening and deepening the floodway, whereas we should be looking more at water retention.

So I would like to know where the minister or what the minister feels specific to the Pembina dam, specific to recreation for those four hundred thousand acre feet of water potential out there. This could be used for irrigating, for potable use. I think it would be a tremendous initiative to undertake. Again, if the minister in the department is really serious about preserving our water and retention of water, I believe this would be a good opportunity to be able to do that.

**Mr. Ashton:** Well, I thank the member, and the reason I smile is I caught the end of Conservation Estimates yesterday, so I know the member has raised this and is quite persistent with that. I am advised by staff that it was studied by the IJC. The cost of the project, and I am just going here in terms of some general numbers, but it would be a fairly expensive project, upwards of \$65 million, and that is just a ballpark figure. I can get a more direct

number in terms of that if the member wishes in terms of the latest IJC.

But one of the key elements that came through from their review is, first of all, had marginal impacts for flood protection, in terms of the city of Winnipeg compared to the floodway expansion. Certainly, would have some benefits for the Pembina watershed, but the general principle with these type of projects is to look at the benefit-cost ratio. I am advised it was a benefit-cost ratio of about 1.0, which is certainly a key factor in terms of any of its consideration.

So it is not a question of it having been ruled out of consideration. Certainly, in comparison to the budgets that we have allocated, capital budgets, and other potential projects, there are many projects in the province that would have a higher benefit-cost ratio.

So that is not to say it would not have some advantages in terms of floodproofing and, just, if I could, I should flag that while it is good to see the moisture generally from the snow, given the challenge we faced the last period of time in terms of drought. I can tell you in Thompson we had a major dump on the weekend, so as we have 10-degree weather today in Thompson, province-wide we have been hit with this, there are some concerns in terms of flood potential from the storms.

A lot of it will depend obviously on what happens in terms of the immediacy of the melt. But certainly we are monitoring that now and we are looking obviously at the Winnipeg River south and the Roseau River, Rat River, Seine River, Brokenhead River, Whitemouth River, Sprague Creek, Pine Creek and Whiteshell.

I will not spend too much time on the details because of shortness of time, but if the member or any of the members want to have more of a briefing in terms of that or would like a written update I can provide it but we are monitoring that.

We are not anticipating it would necessarily be of the level that we were seeing in terms of March and early April 2004 where we certainly faced some major concerns. Obviously, if the rain is somewhat less, it is anticipating rain after the snow, we may avoid any kind of significant flooding. But we are certainly watching that very closely right now.

**Mr. Dyck:** One more comment on that. I believe though that the study that was done indicated that between a foot and a foot and a half of water level at the north end of the Z-dike was a contributing factor from the Pembina River.

Now, if you start looking at retention of water in not only the Pembina River but other waterways as well, I feel that would be a better use of resources than simply the fact of trying to create a quick floodway or speedway for the water to head north.

So I maintain that retention of water is something that the department should look at, should continue to pursue, and especially the fact that southern Manitoba is continuing to grow and will grow. So it is a responsibility to make sure that there is good water and good usable water and I would believe that this would be under the minister's mandate to make sure that there is good water, good drinking water for those communities.

**Mr. Ashton:** I just want to stress again we are not obviously saying there would not be some benefit, but certainly in terms of the floodproofing side, the Pembina River is three inches, I am advised, at the floodway inlet, so it is not a major contributor.

Obviously, in the IJC's consideration, that was one of the elements, not to say there are not other benefits. But, as is the case when you look at any budgeting process, we try to determine first of all the available capital and then within the capital budgets, cost-benefit ratios. So that has been the major stumbling block right now, the relative cost to the benefit.

**Mr. Jack Penner (Emerson):** Mr. Chair, I truly appreciate the opportunity to put a few comments on the record as well as asking a few questions. I commend the minister for some of the initiatives that have been taken over the last couple of years in my constituency, namely, the South Buffalo drain, I think which was done in co-operation with the Americans to alleviate some of the perennial water problems that they had. I think it has benefited significantly numerous farms in the South Buffalo drain area, on the Manitoba side as well.

I only ask the minister and his department one question in that regard, and that is when is the minister prepared to direct his department to finish the two projects that are there. In other words,

continue the channels through municipally-owned drains right now, which, I think, need to be negotiated with municipalities that the province would finish that project right into the main Buffalo drain, because that has caused considerable flooding this spring, as we knew it would. The final channelization needs to be done through municipal property. I would hope that the minister would take over the drain and finish the project, because it will continue to be a perennial problem that has been created there. I think maybe the Americans would even consider further involvement in finalization of that project. So I ask the minister whether he would see fit to finish the project.

\* (15:50)

**Mr. Ashton:** Yes, Mr. Chair, we are proceeding with the actual work in terms of South Buffalo drain this construction season.

**Mr. Penner:** That is good to hear. I hope it can be done in such a way that the flooding will once and for all be eliminated there, at least to a degree that would contain the amount of run-off we had there this spring.

Mr. Chair, I want to ask the minister whether he has read the study that was done by the Lower Red River Valley Water Commission a number of years ago, probably four or five years ago, by a private engineering firm that did a study on the effects of doing two dams on the Pembina, one on the Canadian side and one probably at Walhalla; two major dams and the impact that it would have had on the dike in Winnipeg. I think that is what the honourable Member for Pembina (Mr. Dyck) was referring to, and the effect it would have had. That study, done by a reputable engineering firm, indicates that the effect could have been a foot to a foot-and-a-half lower water on the Winnipeg dike during the '97 flood. I have constantly maintained that if we did significant flood storages of water on the Pembina we could kill two birds with one stone.

If that study is correct, then I believe the impact of lowering the water on that dike by a foot would have been major, because we came, and I think the minister has referred to, within inches of topping the dike at Winnipeg at one time. Had we lowered it by a foot and a half, we would have a significant impact on the Z-dike or even the construction of the Z-dike. The money that we would have saved there would

have gone a long way to start the construction on the Pembina and the Pembilier dams, which are both on the Pembina gorge, which would create two lakes very similar to Lake of the Prairies and provide water for the development of the towns of Altona, Winkler and Morden, and others.

The water would all flow downhill if you built a pipeline from Walhalla, North Dakota, to Winkler, Morden, Altona, and you would have no pumping costs. The economic benefit over the long term has not been calculated properly.

The irrigation that could be developed on both sides of the border would create economic activity that I think we have not even calculated yet. From a processing standpoint, the development of wet industries, that could all happen. I think the department needs to take a really hard look at that one and have open and broad-based discussions with our American neighbours. I know that the two senators that live right across the line from my place and are responsible for that area are very interested in furthering that.

I have had discussions with the Governor of North Dakota on this one. I have had the discussion with Senator Tom Fischer on this one, who used to live at Walhalla; he was born and raised there. He sees tremendous potential there so I think from a state standpoint, there would be significant interest.

I think the International Joint Commission chairman, Allen Olson, former Governor of North Dakota, has never lost interest in this project. He is now the chair of the U.S. side of the International Joint Commission. He and I had a discussion not too long ago about this one again. I think if we would choose to, instead of taking constant court action against our American friends, sit down and negotiate with them and discuss these matters in a diplomatic way, we would make major headway. I ask the minister whether he would consider opening those discussions in a meaningful way to see what kind of agreement we could come to with our American friends in developing those two projects.

**Mr. Ashton:** First of all, Mr. Chair, I disagree with the member's last few comments because we have a fairly significant history of working with our neighbours in the U.S. on co-operative issues. I think he was referring to recent developments in terms of the Devils Lake outlet, particularly the state outlet.

I am not sure if the member is aware, Mr. Chair, but the State of North Dakota has issued tenders. Construction began last year. Construction is under way this year. It is anticipated to be completed next year unless something happens in the interim. We have indicated we want it referred to the International Joint Commission. There is a 95-year history of the Boundary Waters Treaty and of the IJC resolving matters such as this. That is the message we took to Washington. I am very pleased to confirm that during the Prime Minister's visit, this was raised by the federal government formally with the U.S. government. The reference to court action, we are involved in court action only where it is necessary to protect Manitoba interests whether it be in the case of the state court action with Devils Lake or the NAWS project. We have very real concerns about inter-basin transfer of water whether it be from a sub-basin or from the Missouri basin directly.

*Madam Chairperson in the Chair*

The member referenced the study, I think the study he is referring to predates the work of the IJC. There was a significant amount of work done by KGS in response to the '97 floodway, and that is certainly the most current engineering work that is available. When we made decisions on the floodway expansion and the ancillary projects that are part of that, we did so based on the sound scientific evidence that existed both in terms of the engineering and the cost benefits side.

I stressed before, when we talked about the Member for Pembina's (Mr. Dyck) comments, and the Member for Emerson's (Mr. Penner) comments applicable as well, there are many potential projects in the province we could look at, but clearly we look at the cost benefit ratio that is there and we base it on the most recent engineering and technical work that is out there.

I appreciate this may be a project that has some benefit, but certainly we are continuing, in looking at our capital plans for the province, to base our capital plans on the most current engineering and technical information that is available. The particular project the member referenced, according to the work done as part of the IJC's follow-up to '97, indicated there would not be a significant benefit from the flood protection side in terms of the city of Winnipeg, but that is not to say there would not be other benefits. As we would be expected, I guess, as any responsible

provincial government, clearly we have to look at the cost-benefit ratio and, currently, it certainly has a very high cost and lower cost-benefit ratio than many other projects that we are either constructing or looking at in the planning stage. So it is not to say it is off the books entirely. We would certainly look at any further information that comes in on any of the capital projects in the province, but that has been the reason why it has not proceeded.

I suspect that is one of the reasons why it did not proceed in the eighties and nineties, as well. Normally, governments of any political stripe have to look at cost-benefit ratios in the latest engineering work. Certainly, I am not an engineer and I do not claim to be one. I defer to the excellent engineering expertise we have in our department and, in this case, a very reputable engineering company, KGS, which did the seminal study for the IJC, and the many other engineering firms that are currently moving ahead with the expanded floodway. As I said, this project is still on the books. I am sure we will come up with many other estimates. I am not being dismissive of it in the sense that I am sure it has some merits, but we have to make decisions based on the best technical advice and the resources available.

\* (16:00)

**Mr. Penner:** I will only make one further comment to the IJC, and I believe if the minister would check the records he would find that the reference made by the IJC was based on a study that is probably about 20 years old. I read part of the study not too long ago. I believe the Lower Red River Valley Water Commission was quite involved at that time. I think Mr. D. K. Friesen, who has now passed away, indicated to me, "Jack, you and I will both not live long enough to see the development of the Pembina Dam, simply because of the international nature of it and the failure of politicians," I think those were his words. "To realize the importance of it from not so much a flood protection standpoint," he said, "we made a mistake there by referencing flood protection as one of the major initiatives." He said, "We should have itemized the economic benefits that could be accrued. Now we are beginning to realize what that really meant."

That was after 1988, after the drought in the Red River when we had to ask the Americans to release water into the Red River out of their storage basins to keep the water flowing at least at 100 cfs or better.

I believe in the fall of 1988, 1989, we were below 100 cfs in that river for a while. At least, I could walk across the Red River without getting my knees wet and I had never seen it that low before. It was a real concern because most of the water delivery systems in the Red River Valley which are pipelined, and water treatment plants at Letellier and Morris, but most of the pipelines take all their water out of the Red River now and deliver water to all the towns in the Red River Valley, including Winkler, Morden and Carman. That is all interconnected.

I pay a tremendous amount of tribute to the people who had the foresight and vision to develop a regional water system, the Pembina Valley Water Co-op, a tremendous initiative that has demonstrated a viability in operational economies of a scale that we had not seen before in the province. I think the benefits of that system are clearly an indication of what can be done if there is a will and a trust in the local people to promote those kinds of project. We want to also pay tribute and thank the Manitoba Water Services Board and PFRA for the tremendous contributions they have made towards all the pipelines. I believe I was the president of the initial water co-op in this province. It had never been done before. We built a 54-mile pipeline to serve the communities of Halbstadt and the Marais. It was called the Halbstadt-Marais Water Co-op. It is still in existence and operating well. We demonstrated that you could in fact distribute water, and that has been treated water and good drinking water. As you know, the South Red River Valley in Manitoba, the southern portion of the valley in Manitoba, simply has no drinking water except ponded drinking water, which I grew up on. It was sometimes a bit odd when you had to put the cows on the ice in winter and have them drink there, and then in spring you saw the stuff melt into the water. That was your drinking water, so I know what that means having hauled big 45-gallon barrels a mile down the road just to have drinking water at home, or bathing water for that matter.

Regardless of who is in government, the tribute I pay is to those that worked in government. We call them bureaucrats but civil servants that truly were servants in that respect and captured the vision that some had and proceeded with it. Regardless of which political party was in power, they did a tremendous job and I appreciate that.

I want to make a few comments in regard to comments that the minister has made on my behalf

about me and Devils Lake. I just want to clear the record on it. I have always said I would hope that we as a province would use the money that we will spend on court cases to do the water studies that I believe are required and are absolutely necessary, both in Devils Lake, in the Red River, and our lake systems. To see what the fish species are, to identify them clearly, to see what kind of biota is contained in the waters, what kind of quality is in the waters.

Nobody has done that, Madam Chairperson. I am amazed and surprised that we have not co-operatively done this with North Dakota, that we cannot see ourselves fit to say to North Dakota, you do the scientific studies on Devils Lake and we will do the scientific analysis of water in the Red River.

I know the minister has referred to striped bass as being something that he does not want in his waters. When I talked to local fishermen, they said, "If you want good striped bass fishing, go to the Winnipeg River. You will catch some real good ones, and they fight like heck." I guess they are in our waters if my fishermen friends know their fish, and I think they do. They said striped bass fishing is real good in the Winnipeg River. So I suppose we have it in Lake Winnipeg then, if that is the case. And somebody is shaking their heads both up and down. I do not know. I have never caught a striped bass in the Winnipeg River, but I believe I caught them in the Red River. When my kids were very small, we used to go fishing there all the time.

So, regardless, I want to ask one further question on the Roseau River. There is a group of people in Minnesota on the upper reaches of the Roseau River that have done a tremendous amount of work on the Minnesota side and have had a co-operative effort with the municipalities of Piney, Sprague—or Piney, Stuartburn and Franklin, and Montcalm, and have done a tremendous amount of work in that area.

There is some discussion about water storages, two water storages I believe they are looking at, one just south of Vita and one in Minnesota. I wonder whether the minister has had any significant discussion with him to discuss that project with him.

**Mr. Ashton:** Just to respond to a number of comments and the question that the member raised. First of all, I am advised that there are white bass in the Winnipeg River system, not striped bass. Striped

bass would be an invasive species. It is a quite aggressive fish and was stocked in Devils Lake. The state outlet has virtually no environmental mitigation in comparison to the federal outlet. There is a mesh screen which was the sum total of, I suppose, the protection, and I do want to stress that we want to spend the money on the environmental side. We do not want to go to court, but we have the State of North Dakota which is going to have its outlet up and running by next year unless there is a referral to the IJC or unless there is something in the way of court action that can prevent that from happening. I would do nothing more than point the member who, by the way, was making comments that our court actions were frivolous and that somehow—

**Mr. Penner:** I never used the word "frivolous," Steve. Be careful.

**Mr. Ashton:** Well, certainly, Madam Chair, there was that suggestion.

#### Point of Order

**Madam Chairperson:** The Member for Emerson, on a point of order.

**Mr. Penner:** I just want to indicate to the minister that he should be careful. He is trying to put words in people's mouths again, and I have never used the word "frivolous."

I have never suggested, Madam Chairperson, and to the minister, that the Province of Manitoba should not have concerns about the water. We have voiced this time and time again, especially those of us that were members of the Halbstadt-Marais Water Co-op and the Pembina Valley Water Co-op, that we want to be assured that the water quality coming out of Devils Lake will be such that we can use the water.

Let it not be said that we are not concerned and let it not be said that the minister is frivolous. I am suggesting that the minister could have used other actions in a co-operative manner to get a clear indication of what the water qualities are, and I make no bones about making those statements because I think that would only be responsible.

**Madam Chairperson:** In my opinion, this is not a point of order. It is neither deviation from the rules nor is it unparliamentary language to the best of my



knowledge. Therefore, it is not considered a point of order.

\* \* \*

\* (16:10)

**Mr. Ashton:** Thank you, Madam Chairperson. I just want to put on the record that one of the elements of an IJC referral is a proper environmental impact statement that would look at the federal outlet. I would point the member, who has been also suggesting, quoting the Governor of North Dakota, who is also the chairperson of the water board there, in terms of actually direct proponent for this project, that even Colin Powell in his letter to General Flowers of the U.S. Army Corps of Engineers acknowledged in his recent correspondence that there has not been enough work done in terms of farm biota and also referenced mercury as being an area where that is the case. This is in reference to a federal project which has some environmental mitigation built in, not satisfactory as far as we are concerned, but one of the reasons we want to get to the IJC.

Madam Chair, I wish the member would say very clearly that he supports that in reference, then all the environmental issues would be put on the table. I remind the member that, when we are talking about Devils Lake, it is the State of North Dakota that is unilaterally proceeding to build the state outlet. They have refused to send it to the IJC.

The State of Minnesota and the State of Missouri also have concerns as do many environmental organizations, the wildlife organizations in the U.S., so it is not Manitoba versus North Dakota. It is certainly not Canada versus the U.S. There are many Americans who are concerned about what is happening. The way that we have dealt with these matters for 95 years is through the IJC, so we have gone to court reluctantly, but if the State of North Dakota is not willing to send it to the IJC and, until such time as we can see that reference from the Secretary of State directly, we have no other option. So I hope the member will support our legal action in terms of Devils Lake but also support the clear reference to the fact that the work needs to be done on the terms of that.

By the way, Madam Chair, for years we have developed the process in this province and country

where you do not build things first and ask questions later. In this case the proponent is the State of North Dakota. They have a responsibility, I believe, through the IJC reference to do a proper environmental impact assessment. The member seemed to ask a number of questions in terms of what work we had done.

This is the State of North Dakota. What am I supposed to do? Go down with a sample bottle myself, as a tourist, and do the work. I would also remind the member too, and I would show him the environmental impact statement from the U.S. Army Corps of Engineers. Water quality concerns have been flagged by the U.S. Army Corps of Engineers in its environmental impact statement on the federal outlet.

The federal outlet, by the way, which would release upwards of 40 tonnes of nutrients eventually into the Red River and into this watershed. While the member says estimates, but, you know, Manitoba, along with Minnesota, along with Missouri, along with many groups, has put forward the fact that clearly this is saline water, clearly it is nutrient-contaminated, and clearly striped bass was stocked at one point in time.

It is up to the State of North Dakota if it is going to build the outlet to do the proper thing and refer to the IJC and do the environmental work. When Manitoba Hydro builds a hydro dam, we have a whole process whereby we go through in this province, environmental scrutiny of that.

That has been the whole evolution of how you deal with environmental law. For the life of me, I would hope that the member would support our efforts. Certainly, his leader went to Washington along with the Leader of the Liberal Party (Mr. Gerrard) some time ago. Certainly, my understanding is that the Leader of the Opposition (Mr. Murray) is fully aware of the concerns in terms of Devils Lake and, certainly, historically has opposed that. I know we are short of time so I will refer that. But if the member wishes to discuss or debate Devils Lake, I am prepared to do it anytime, anywhere.

But I was somewhat disappointed that, even again, the member has not recognized that if nothing is done either through the courts or the IJC referral, the State of North Dakota will unilaterally have put in place an outlet that will deteriorate the water

quality in the Red River and into Lake Winnipeg at a time when we are trying to clean it up.

By the way, Madam Chairperson, at the time when Minnesota has got very significant targets in improving water quality as well, I will not even get into the issue of the inlet which could move Missouri water, a completely different watershed, in. In terms of the Roseau River group, we have already provided \$15,000. I announced that in Fargo when I attended the Red River Commission, basic commission meetings. I think that speaks volumes to the fact that when we talk about watershed planning it includes working with the U.S. and neighbouring jurisdictions. Dare I say we are practising what we preach by, in this case, funding a very worthwhile initiative that involves both the U.S. and Canadian side of the border?

**Mr. Penner:** There are two issues that are and I will raise this in one question and my last question. Two issues that are of significant concern to those of us that live in that Halbstadt area. One is the road between North Dakota and Manitoba. It is a required road. We, farmers need that road for access to their properties and it was built there some 43 years ago I believe, some 44. There is a significant canal that has been built on the south side of that road from Gretna to the TV tower, which is the Pembina tower we call it.

The culverts that drain water from the North Dakota side of that road to the Manitoba side are significant enough, there is enough capacity in those culverts to take the headwaters of the Aux Marais and fill it entirely. In other words, those culverts fill that Aux Marais River to capacity with no other Manitoba contributions at the headwaters on the Manitoba side.

So I want to say to the minister, when you are discussing with your North Dakota friends, that dike, or when the court action comes, we would expect that Manitoba would defend its position and defend the maintenance of that road. If we do not allow that road to be maintained then how do farmers get to their properties and how do they get their crops off those properties, because you have to have a road along the south side of those properties?

Secondly, Madam Chair, I want to say that if that road should disappear, then the minister should realize the flooding on the Aux Marais River will be

substantive and it will be annual. The damages that will be incurred by both property and houses will have to be mitigated somehow. That discussion needs to take place between North Dakota and Manitoba, how that mitigation would run.

I would ask the minister only one thing, that he take to North Dakota the position that they should, if the dams cannot be built on the Pembina to control flooding, then they clean out from Neche, North Dakota, to the Red River, should be done immediately by North Dakota, because most of that river is plugged up with concrete and car bodies. It was done as a protective erosion measure on the North Dakota side. Just take a helicopter up and fly that and take some pictures of what happens there and then you will realize why the flows do not accommodate the waters anymore and why we get the flooding into the north side or get high water flows through those culverts virtually every year.

The other one is if they should succeed in getting a court order to take that road down, then the first thing that should be done is close that canal from Gretna, Manitoba, which drains water and alleviates the flooding at Neche to the tower. That should be closed immediately.

**Mr. Ashton:** I think we found an area of agreement after the Devils Lake discussion, where we have some disagreements. We have been very clear in terms of the lawsuit. We believe that the claims being made are not legitimate. There is a whole history of this road or dike. It does act as a dike, so I use the terms interchangeably. It is important to recognize there was a lot of drainage activity that occurred in North Dakota, some of which up until this day we feel has been illegal. There has been some progress of removing illegal drainage works in North Dakota. In this case, the impact of the removal of that road or dike would be some impact on some land in North Dakota, but it would create a heightened flood risk downstream in terms of both farm properties and the community of Vita, I believe.

We will protect Manitoba's interests, Madam Chair. I hope the member will reflect on the fact that in this case we are actually defending in court Manitoba's interest and will do so. I do not want to get into the hypotheticals of what may or may not happen, but I do think it is important that nothing has happened yet in court. There has been nothing filed, I am advised. Certainly, we have to send a clear

message to North Dakota and the people of North Dakota, in this case, that this, I think, is unacceptable. We are prepared to protect Manitoba's interest. In some cases it may mean we are on one side on the court docket, and some cases we are on the other side.

We will defend that road that acts as a dike. It has been in place since 1948, I believe, late 1940s certainly. The member is quite right, and this is one we do agree on.

**Mr. Penner:** I just caution the minister on one thing. It was never a dike and it still is not a dike. It is a road and will remain a road, forever a road. Reference to a dike should not even be part of our language. The other suggestion I make to the minister is that to concede that there is flooding on the U.S. side because of that road is frivolous, I think, if anything. That one is frivolous.

The Americans on the U.S. side need only cut a few ridges and they would have no water left. Their natural drain really is into the Pembina River, but the Pembina River needs a severe clean-out there, and that is the biggest problem. Thank you. I appreciate that.

\* (16:20)

**Mr. Ashton:** I just want to say that we refute the North Dakota claims. It is being premised on the fact that there was some land that would benefit from that level, so we certainly refute the claims. It is a road and the argument, you know, is obviously that it acts as a dike and the reason I am referring to it is a lot of people are confused about what the implications are.

If this was removed, it would have significant impacts on heightened flooding downstream, and that would be, I think, totally unacceptable, and I think, in this particular case, when you talk about a community and a number of farm residences, we are not just talking about economic effects. That is important, but we are talking about people's livelihoods, people's homes, being put at greater risk.

So I can tell you we will aggressively pursue this in court. We refute the claims coming from North Dakota, and we are confident that, if and when this ends up in court, we will have a very strong case and that, in fact, their claims will be totally refuted.

**Mr. Faurschou:** I was just wanting to first off clarify a question in regard to the proposed legislation, The Water Protection Act. I am asking in determination of the amendments to the ground water and water well act.

I want to ask this question on the record, and that is for clarification pertaining to domestic water sources and the changes to this particular act leave questions as to whether or not persons are still going to be able to source for domestic water usage from wells, sand points, on their own properties, and whether they would be their principal residence or their cottage development.

**Mr. Ashton:** I am not sure if we should necessarily get into detailed discussion of the legislation, notwithstanding that it also violates the rules, but there will be plenty of opportunity during committee stage, but that would not be the case, but I would suggest there are further questions because I know we have arranged a briefing that I have indicated if there are further follow-up questions, I have certainly no problem getting the department and our technical staff, our drafting staff, available, and I will undertake, maybe, to follow up, perhaps personally, with any member on any of those kinds of concerns.

**Mr. Faurschou:** Madam, Chair, I appreciate the minister saying that because I know that if we ran out of time, the minister is extraordinarily busy and trying to reschedule has been problematic. So I want to take this opportunity, and if I am in breach of the rules, I ask the Chairperson's indulgence.

Moving to the Estimates process here, water licensing, can the minister update us as to the current status of water licensing in the province? I know that they had vested some responsibilities for drainage licence and that to conservation districts, but I believe all water licensing is still being done by provincial issuance of licence. What is the time delay at the present from receipt of application to disbursement in the form of a licence, conditioned or otherwise?

**Mr. Ashton:** Madam Chairperson, I mentioned this in the opening remarks, and I want to put on the record again, that we have recognized this is an irritant and ongoing concern and we have, on a pilot basis in the Whitemud area, now in the Pembina area, we are working with conservation districts in terms of approval processes. What is, in terms of,

you are talking about what, drainage? Oh, on the water side, water rights side.

Now, the reason I want to reference this too is because we have also raised this with the DFO, and I will just finish off on that very quickly. As recently as Friday, because this is a major concern about the DFO process as well, and overlapping processes, and we are both looking at more of a targeted process that would also particularly look at whether you even need the level of licensing and approval for some of the activities that are being undertaken. The member will know that that is a huge irritant. I hear this all the time from R.M.s in terms of drainage ditches, et cetera, whether they need to go through the licensing process. Often it is to do maintenance, because it has become tied up in the regulatory framework.

I have been advised, Madam Chairperson, on the water licensing side, quite apart from the other matter we just referenced, there has been a fair amount of progress in terms of backlogs. We have been particularly successful as a department focusing on priorities. We have a significant new development or initiative of actually prioritizing the resources. Usually, if there is any delay it is to do with specific circumstances that are particular to that application. In general, we are getting a fairly constant flow-through of water licensing.

**Mr. Faurschou:** I believe this constant flow-through, the time lapse from application to licence receipt is upwards to two years. At least that was the experience of a constituent of mine.

**Mr. Ashton:** You may get cases where applicants have not met the requirements of the proposed licence. Without knowing the specific circumstances of that particular case, certainly that is not the case generally. Generally, Madam Chair, there is fairly expedited turnaround time. My suggestion is if there is a specific case the member is referring to, we can look into that case.

\*(16:30)

**Mr. Faurschou:** I would like to express to the minister, I know that things are much more complicated today than they were a number of years ago when the federal government's Department of Fisheries and Oceans was not complicating the process. I understand now when, even in intermittent streams, the Department of Fisheries and Oceans

federal side is expressing that there be no in-channel storage made of waters that in my own personal experience would significantly enhance the creek bed that is of an intermittent flow nature with a standing body of water that could effectively yield fish as well as be a source of ground water recharge by holding that body of water within the intermittent stream. Right now my understanding is, and I speak specifically of Rat Creek west of Portage la Prairie, that in-stream storage is not permissible under their current mandate. I would like to express that to the minister.

Does the minister have any commentary in regard to relationships currently? I know he had situations with the Department of Fisheries and Oceans in his past life as Minister of Highways and Transportation and Government Services.

**Mr. Ashton:** Spoken appropriately, as the next department in line, the Department of Transportation and Government Services, enters the room.

Definitely, Madam Chair, I had exposure to the difficulties then. Also, as Conservation Minister and now as Water Stewardship Minister, I can indicate, as recently as Friday, I met with senior officials of the Department of Fisheries and Oceans. I met with the previous minister of Fisheries twice. One of the top concerns for us was to deal with this matter.

I think we are moving ahead in terms of habitat management. We signed a memorandum of agreement with them last September at the minister's conference. I can indicate that DFO is looking very much in the same way we are, and they are particularly looking in the direction we would encourage them to look which is focussing in on the type of situations in which there is a potential for significant impact on fish habitat. We have no difficulty with that. What we need to identify is what are those real issues. We have been working with the AMM. We have a task force with DFO that includes the AMM. I can say everybody is hopeful we are making progress.

I had flagged with DFO the fact that that is important. There is a fair amount of commitment to the process here but we need to see some results. I want to stress again it is not that we are opposed to proper scrutiny from DFO, we support it, but the reality is this particular case has as much time being spent on relatively minor and inconsequential issues

as is being spent on major priorities for government. For both the federal and provincial governments, and for the public, the bottom line here is we are hoping to see a much more expedited process that still gives proper scrutiny on the fisheries side. I thank the member for raising the concern which I know is an ongoing concern in rural Manitoba.

**Madam Chairperson:** A short recess has been requested. Is it the will of the committee to recess for two minutes? *[Agreed]*

*The committee recessed at 4:33 p.m.*

*The committee resumed at 4:35 p.m.*

**Madam Chairperson:** The floor is open for questions.

**Mr. Faursehou:** Thank you very much for the response from the minister in regard to the Fisheries and Oceans. I know that there are ongoing concerns with the federal government department. The local municipality has written you in regard to a request that a bridge be redeveloped on a drainage ditch. The bridge needs to be replaced. They have, in previous years, replaced all the other bridges that were on this with culverts and now this last remaining bridge is up for replacement, and they are saying now from the Department of Fisheries and Oceans that a bridge has to be re-installed with upstream a mile and downstream a mile, culverts are already in place. The municipality is in consideration of significant dollar differences between installation of culverts versus bridges.

I ask the minister is there a further consultation between your department and the Department of Fisheries and Oceans to clear up these very clearly ludicrous situations that any common-thinking individual would have difficulty understanding.

**Mr. Ashton:** Yes, that is one of the reasons we are working so hard on a solution. Quite frankly, whenever you are dealing with any kind of an assessment in terms of impact on the environment generally, on ecosystems, in this case on fish habitat, you also have to look at requirements in terms of following up on any of the licensing requirements that are put in place. I think that clearly has to be another focus to make sure we have reasonable response because, if

you went out with a very significantly enhanced expenditure, or little or no benefit in terms of fish habitat, what always bothers me is the fact that as the minister responsible for fisheries, for example, we could partner with the federal department in numerous places throughout Manitoba on fish habitat and enhancement. In this case, we want to make sure that we have not only a more efficient system in terms of timing, but also a system that focusses on the real priorities and is not resulting in exorbitant additional costs for us as a government or for municipalities or for anyone in the province, people in the farm community included. So I think the member and I are on the same wavelength on this one, and I think that is the consensus throughout rural Manitoba.

**Mr. Faursehou:** Madam Chair, I appreciate the minister's understanding of the situation and I wish him well in his deliberations.

The Manitoba Water Services Board, providing technical information and backstopping development of water and waste-water infrastructure in the province. In western Canada, Madam Chair, PFRA had also a significant involvement, as well. We are well aware of significant cutbacks within PFRA and the services offered in relationship to infrastructure development. I am leading down the path of irrigation here. I want to emphasize with the minister that this not be lost in your deliberations with the federal government, that clearly the mandate of the PFRA is to provide for that type of infrastructure development, and that clearly, within the provincial mandate, is something within your department.

**Mr. Ashton:** Absolutely, infrastructure is a priority. It should be a priority for the federal government. It has not been a priority, significantly, the last number of years, in terms of water-related initiatives outside of infrastructure programs. I do not want to, obviously, neglect some of the cost-sharing that has been put in place in those areas. But, if you compare PFRA, if you compare what was available in the sixties and the seventies to what is available in this decade, the most noticeable shift has been from our side.

Madam Chair, I should say that we are hoping that maybe some promising news will fall on the agriculture side, the APFA, because there has been some allocation there in terms of water initiatives that we saw in that portion of the agreement. So there are areas we are co-operating with the federal

government, but, clearly, we need more investment, I believe. This is unique to western Canada, dare I say. Not that there are not water-related infrastructure issues in other provinces, but if you look at the development of agriculture in western Canada, it has been so much dependant on the management of water and it still continues to be one of the biggest challenges that we face. This, to my mind, is something that is a western Canadian issue, every bit as much as so many of the other infrastructure issues.

\* (16:40)

**Mr. Faurtschou:** Madam Chair, I appreciate the minister's understanding in that regard. Infrastructure is vitally important for water retention. I know there is a lot of discussion and a lot of investment being made in facilitating the flow of water around Winnipeg through the floodway. But I want to emphasize once again with the minister, as have my other colleagues from Pembina and Emerson, water storage is vitally important to rural Manitoba as a source for every use. I want to ask the minister is the minister aware of an initiative coming out of Treherne, Manitoba, in regard to storage of spring run-off water, high water run-off that would be charged at high run-off time, through supplemental pumping from the Assiniboine River.

*Mr. Rob Altemeyer, Acting Chairperson, in the Chair*

Also, to that, Mr. Chair, I want to also put on the record that I do not see anything in the documentation here that leads me to believe any work is being done towards my project I have supported for many years, and that being the Holland No. 3 Dam, which I will lead up to again, cramming in more and more questions here, is that the consistency of flow of two major rivers that intersect in Winnipeg here, and that being the riverbank erosion and the riverbank restoration that the Winnipeg City has estimated costing over \$80 million.

That riverbank restoration is needed, because of the continued fluctuations in water level and, ultimately, the wetting and drying cycle on soil on the riverbank is cause for erosion. As long as the soil remains moist, the natural adhesion between the soil particles is there and erosion is very minimal, but once the soil dries out when the water level goes down and then it comes back up again, that dry soil is very much subject to erosion at that point in time before it gets the natural adhesion back through moisture.

Mr. Chair, I know that the minister is building within the redesign of the floodway an ability to control summer flows of water in the Red, but I speak specifically of the Assiniboine, and we need an additional structure that will provide the reservoir capacity so that that could be accomplished. Again, I come back to the Holland No. 3 Dam as an ideal structure to accomplish it. So, it may be costly to put in place originally, but the benefits are significant, and I just cite one.

**Mr. Ashton:** I am aware of the discussions that are active in the local level in terms of the Treherne Dam. Holland Dam is a major, major project. We probably do not have too much time to give it the discussion it is due, but I certainly appreciate that the member, if anything, is consistent. He is consistent on that.

I think, rather than take up the precious time that is available, I will acknowledge the concerns. One thing I will state, just as a quick summary, is there is no shortage of potential ideas and projects that are water-related in the province, and I do take them seriously. When I point to some projects that may be controversial, expensive, clearly we respect why people are pushing for these ideas. The challenge of water is critical to this province economically and certainly in terms of our ecosystem, so I appreciate the member for raising the concerns.

*Madam Chairperson in the Chair*

**Mr. Faurtschou:** I appreciate the minister's precise and quick response. I would like to ask the minister in regard to federal-provincial relations here two specifics that involve waste water, one being the ability to dump directly one's sewage from a boat into Lake Manitoba or Lake Winnipeg without contravening any legislation.

Also, two, it is my belief that the railways of governance acts at present allow for the discharge of fluids onto railway right-of-ways as well. Both of those are national or federal, I should say, legislated situations that need to be considered and obviously addressed in a different fashion from which they are today.

**Mr. Ashton:** Very quickly, the issue that has been raised across Lake Winnipeg is a legitimate concern. In this case, it is an issue of the federal government. In this case, Transport Canada designated Lake Winnipeg as a listed water body to restrict this

practice. We support what the R.M. has been putting forward. It is consistent with our vision for Lake Winnipeg, and I will be writing to the federal minister indicating our support for that. I know our department certainly has already indicated that.

I will look into the issue that the member raised in terms of railroads. I think that is an interesting point, so I thank the member for raising those important questions.

**Mr. Faurschou:** I appreciate the minister's response. I just stated, I believe, that the railways have some latitude and that he may want to look into that. I would appreciate if either my understanding is in error or can it be confirmed. That is the question I leave with the minister either to address now or at a later time.

**Mr. Ashton:** Yes, Madam Chair. I will just follow up on that in that I can indicate that there are ongoing issues with railways in terms of abandoned lines and contaminated sites that we will certainly continue to pursue. So I thank the member for raising that question, and I will keep him posted in terms of Lake Winnipeg. I think it is important that we deal with the sources, big or small, where we can and this is obviously the case here.

I can indicate that certainly the testing on the impacted area has not shown elevated E. coli sources and when we did our testing last year, it did not point to human sources but that does not mean that we are not interested in this case and obviously doing something that is a technical change that would extend the provisions of the federal legislation to protect Lake Winnipeg.

I can indicate, by the way, that we offered, in my discussions with DFO, for example, on Friday, we have indicated very clearly that we see a partnership ahead for Lake Winnipeg. Madam Chair, we see a significant role for the federal government to play and this could be a very quick and common-sense way in which they could show some real commitment to Lake Winnipeg water quality improvement.

**Mr. Faurschou:** Yes, Madam Chair, water quality is of paramount concern to everybody and we want to follow through. Now that the minister brought up Department of Fisheries and Oceans, I will leave with him another question that was deferred by the Minister of Conservation (Mr. Struthers) insofar as

that the University of Manitoba Field Station operates at Delta, Manitoba, at the south end of Lake Manitoba.

The foremost authority on environment, the director of environmental studies, University of Manitoba, Dr. Gordon Goldsborough, had made a proposal to enhance fish and fish habitat, aquatic life, as well within the Delta area, and to my knowledge he is yet to receive approval. I know it is going on three years.

**Madam Chairperson:** Order, please. As agreed to in the House, this section of the Committee of Supply will now proceed to the Estimates of the Department of Transportation and Government Services.

Shall we recess briefly in order for the minister and critic to prepare for this set of Estimates?  
[Agreed]

*The committee recessed at 4:50 p.m.*

*The committee resumed at 4:53 p.m.*

## TRANSPORTATION AND GOVERNMENT SERVICES

\* (16:50)

**Madam Chairperson (Bonnie Korzeniowski):** 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 Transportation and Government Services.

Does the honourable Minister of Transportation and Government Services have an opening statement?

**Hon. Ron Lemieux (Minister of Transportation and Government Services):** I do, thank you Madam Chairperson, just a brief one.

Thank you very much for the opportunity to make a couple of brief opening remarks with regard to the Department of Transportation and Government Services. I know that my critic, as well as other members that are here, wish to get into the Estimates and ask questions, so I will, certainly, respect that. I

know most people have been going on a global basis as well and I also respect that as well. I think that is probably the way we want to proceed.

Just to make a quick and a couple of comments. I want to thank, first of all, the members who are with me here today from the department, both departments actually. The people who are civil servants that work within government always do a very, very commendable job and work extremely hard. No matter what political party, what political stripe is in the Legislature and is the government of the day, civil servants work extremely hard to do whatever they are called upon to do.

On a day like today we received a storm and I know a number of people are not able to get into Winnipeg or leave Winnipeg as a result. Of course, what does it affect? It affects the roads and the service on the roads and the grading and the salting and the sanding that needs to take place with regard to any kind of a storm that happens. Often you find, generally, it is about a month earlier than this, that we usually get something, and a storm that usually takes place so often that will have an impact on budgets as well, where, all of a sudden, you are looking at year-end and the month of March and then you end up with a big storm that can affect your budgets one way or another. I am sure members of the Opposition will appreciate that.

I just want to say that Manitoba's 19 000 kilometres of highway infrastructure is a \$7.2-billion asset that includes the roads plus over 2400 bridges and large culverts and related rights-of-way and traffic control devices.

The focus of my department in '04-05, Madam Chairperson, is to make significant progress in protecting both the safety and sustainability of the highway infrastructure. RoadWorks, our highway infrastructure strategy for preservation, maintenance and enhancements, is increasing by \$12 million in '04-05.

The highway twinning is a proven method of increasing road safety, therefore completion of the previously initiated twinning of Trans-Canada Highway from Virden to Saskatchewan border has been advanced by one full year from '07 to completion in '06. The Trans-Canada Highway twinning project is being partially funded by the federal government as

part of the Canada-Manitoba highway investment program.

Under this agreement, Madam Chair, the federal government has committed to contribute up to \$8.75 million towards the twinning of Virden to Elkhorn. Twinning from Virden to the west junction of 83 was completed in '03 at a total of \$6.8 million. Twinning from 83 to Elkhorn will commence in '04 and once completed is expected to cost an estimated \$15 million. The final portion of the twinning from Elkhorn to Saskatchewan border is estimated to cost approximately \$14.3 million and is being funded solely by Manitoba.

On Highway 59, the \$25-million third phase of the twinning of this highway south to Ile des Chênes has also been approved. Construction is expected to be completed by the end of '06. Hopefully, by the fall of '06, people will be able to use that highway.

In order to improve safety and to close the four-lane loop around Winnipeg, work will commence in '04-05 on the northeast Perimeter Highway at a cost of approximately \$65 million. The project will see a 16-kilometre stretch of Perimeter Highway, PTH 101, upgraded to four lanes complete with two interchanges over the next five years. Five million has been committed to the first stage which includes grading and base installation of the new lanes from Wenzel Road to PTH 15, which is Dugald Road.

I do have a lot of notes here provided by the department, and I really appreciate them taking the time to make and put forward these notes. I just wanted to touch on a couple of those items on new projects that we are coming forward with. I know members who are here today from Her Majesty's Official Opposition recognize that the more money you put into roads, it takes away from other things too. So we have a number of different highways in Manitoba that need looking after, not just new roads. There is always a demand for new roads from a lot of R.M.s and individuals, but without an influx of money from the federal government, regrettably, a lot of that 19 000 kilometres that we currently have of roads in Manitoba and new roads that people are wanting to twin or to pave or to bring up to RTAC levels will not be able to be done unless the federal government contributes a lot more than they are contributing now.

\* (17:00)



I just want to say that, with regard to our road work strategy, it also secures the maximum government partnership funding available through the multi-year, \$40-million, cost-shared Strategic Highway Investment Program, better known as SHIP, and the \$32-million cost-shared Prairie Grain Roads Program. However, as I mentioned before, the federal investment through these programs is not enough. The program criteria are quite restrictive in where these funds can be used. Often funds only apply to areas of lesser priority in relation to the overwhelming highway infrastructure deficits that we have accumulated across Canada.

While efforts continue to bring the federal government to the highway infrastructure table in a meaningful way, Manitoba addresses the gap in a number of important and strategic ways. Manitoba has formalized its long-standing commitment that every cent of provincial fuel tax is invested in roads. To protect this critical revenue base for highway infrastructure investment, The Gas Tax Accountability Act has been introduced into the Legislature. My colleague the honourable Minister of Finance (Mr. Selinger) will oversee this act. As well, to address current and future infrastructure needs, the tax rate on diesel fuel will be synchronized with the tax rate for gasoline, and vehicle registration fees will increase by \$23. Strategic management of the highway infrastructure to maximize the value of investments and to meet the target of the leased life-cycle costs of sustaining the asset is being advanced significantly.

Madam Chair, I just want to briefly mention about how we have done the recent projects under the Northern Development Strategy, and it includes new terminals completed at Island Lake, which is a million dollars; Lac Brochet \$250,000; Gods River \$250,000; and new terminals under construction at Thicket Portage, which is \$335,000. Pikwitonei is another \$385,000. In the area of commercial vehicle regulation there are roughly 40 000 transactions, resulting in approximately 4200 overweight, 7700 overdimensional, 4400 single-trip registration and 1600 fuel-tax permits being issued.

There are a lot of other issues, Madam Chairperson. We could talk about Churchill and the value of Churchill to Manitoba and what is being done in Churchill. I know that we are looking at also the Mid-Continent Corridor. We are looking at the NASCO involvement with looking at addressing key

issues, including border relations, sustainable transportation and transportation technology and financing. We are looking to work with all the United States, all the states south of us, trying to get this corridor open to improve trade because we believe that transportation is really important in many ways, but it is an economic enabler. We believe that very much so, not only dealing with trade with the transportation network that we have here in trucking but also with tourism and other aspects related to our transportation system.

I will just make a couple of comments if you bear with me with regard to fleet vehicles for example. Madam Chair, we have a special operating agency entitled Fleet Vehicles and also our materials management agency have also been leaders in environmentally preferable purchasing. The MDA now lists approximately 120 environmental and preferable products in its '03-04 catalogue. Fleet Vehicles promotes the use of alternative fuel vehicles and ethanol. Purchases of ethanol-blended fuel, E10, have reached almost 1.9 million litres, or 21.3 percent of the 8.9 million litres purchased for government vehicles. The department has a Mould Remediation and Asbestos Abatement Program. Also there are many, many other different aspects with regard to Government Services and the services they conduct that should be commended for all the hard work that people do in the Government Services side.

Just in closing, Madam Chair, I would like to thank the Transportation and Government Services' 2736 employees, the force on the front lines of meeting the goals and objectives that I have outlined briefly today. We are all proud to serve the public interest by providing Manitobans and those who come to our province with safe, sustainable access to each other and needed goods and services, to community and economic growth opportunities and to public services.

I look forward to the critic's statement and the opportunity to answer any questions the honourable members may have. I just want to thank you, Madam Chairperson, for the opportunity just to put a couple brief comments on the record, because what this department does is truly valuable, especially when you take a look on a day like today when the roads are in such terrible shape weather-wise. They really do a very, very commendable job taking care of our safety on the roads. Thank you.

**Madam Chairperson:** We thank the Minister of Transportation and Government Services for those comments.

Does the official opposition critic, the honourable Member for Arthur-Virden, have any opening comments?

**Mr. Larry Maguire (Arthur-Virden):** Yes, just briefly, Madam Chair, first of all, I appreciate the minister for those comments, but I know that, as he indicated, there was a good deal of work done by his department on those. I thank him for the brevity that he has put forward in it.

I would recommend that, if it is okay with the minister, as well, and the Chair, I give him the opportunity to table that and put the statement into the orders of the proceedings that we have here. I wondered if I could just get a copy of those from the minister. I certainly would not mind him just being able to table that, as I sure thank him for his short remarks.

**Madam Chairperson:** Do we have the agreement of the committee to have the total remarks from the minister recorded in the Hansard?

**Mr. Maguire:** Either Hansard or just table it. I will give it to the minister's choice.

**Mr. Lemieux:** I had made a lot of comments on there as well. I do not mind providing it if it is possible to provide it tomorrow and just give my comments, because I put a lot of other comments on there. So I would just table it at that time, if you would not mind, if I could table it tomorrow, if that is not a problem.

**Madam Chairperson:** Agreed? [*Agreed*]

**Mr. Maguire:** As I say, I appreciate the fact the minister has indicated that he will go globally on this issue in regard to Transportation and Government Services. I would proceed with the Transportation sector today. The critic for Government Services will deal with some time on subsequent days with the minister.

I just want to say that I appreciate the work being done by all of the members of the Department of Transportation and Government Services in the province of Manitoba. I want to just briefly touch on the fact that when we think of Transportation and

Government Services, particularly on the Transportation side, we may think of the highways.

As the minister has alluded, when you are in the middle of an ice or a snowstorm, as we are today, in the early part of May it is an unusual circumstance. There are also modes of transportation by air, water and rail in this province that are very, very important to the economic well-being of this province. I think as we move forward we will discuss some of the priorities on those issues. I am hoping that I have the agreement of the minister to receive some answers on those issues.

Madam Chairperson, I think we tend to think early of capital projects as well as being a very important item in regard to the budget on highways and transportation, but the issue of maintenance is an ongoing area of importance for all economic development in the province. I think an area that is left off all too often is on the research side and the research that we do in these departments as well.

With that, I would just like to leave it. I know the minister has staff here. If he is prepared, I would close my remarks and we could proceed.

**Madam Chairperson:** We thank the critic from the Official Opposition for those remarks. Under Manitoba practice, debate of the minister's salary is traditionally the last item considered for the Estimates of a department. Accordingly, we shall defer consideration of this item and proceed with consideration of the remaining items referenced in Resolution 15.1.

At this time we invite the minister's staff to join us at the table and we ask that the minister introduce his staff present.

\* (17:10)

**Mr. Lemieux:** Thank you, Madam Chairperson. I would like at this time to introduce the staff that is with me. First of all, there is Andy Horosko, the Deputy Minister of Transportation. Jerry Berezuk is the Deputy Minister of Government Services. Paul Rochon is the Assistant Deputy Minister of Administrative Services; John Hosang is the Assistant Deputy Minister of Engineering and Operations and John Spacek is the ADM, the Assistant Deputy Minister of Transportation Policy. That is the staff I have here today.

There are other staff, but I appreciate, as you know, that we are going global. Not all the staff that

have the knowledge and expertise in certain areas are here today. Some are away because of roads and so on, but as we go through the questions, some may arise where I may have to refer to staff that are not here. I know the opposition members would certainly grant me some time to obtain that advice. Thank you.

**Madam Chairperson:** The minister has made in his remarks the statement that he is prepared to deal with the resolutions globally, with the Estimates globally, is that the will of the committee? *[Agreed]*

The floor is now open for questions.

**Mr. Maguire:** I know, in regard to time and his ability to be here as well, I will turn it over to a question from the member from Portage la Prairie.

**Mr. David Faurschou (Portage la Prairie):** I want to look at staff and then to the minister in regard to the expenditures and the line that references Transportation and Government Services. In researching over the past number of years, the amount of money that has been allocated yet not expended in the area of Transportation and Government Services has been significant. In my addition here, we are approaching \$35 million over the last four years, and that concerns me greatly. I would look to the minister who I know has gone into a corner or two in his NHL days and made sure that he made the effort to come out with the puck. I would hope that he makes the same effort in preserving the allocated monies by this Budget and that all the dollars are spent on our vital infrastructure.

With that opening comment, I would like to ask the minister: Specifically, referenced in your opening remarks, there are \$7.2 billion of assets under this department's management, and if one was to effectively gauge all of those assets in a depreciation schedule, I know that there are various structures that would be considered for 30-year, 20-year and 15-year depreciation schedules, what would the amount be that the department would require to effectively preserve those assets and offset the wear and tear on those assets in the course of time and use on an annual basis?

**Mr. Lemieux:** I have been advised that to keep it at a steady state or without deterioration would be approximately \$300 million.

**Mr. Faurschou:** To maintain the current infrastructure, would be \$300 million at present-day

dollars, which then we can determine that there is inflation and adjustments made accordingly.

In regard to capital projects, I know the minister in the past has referenced it is in excess of a billion dollars of capital projects that the department sees in its long-term planning to provide the infrastructure that Manitobans are wanting or expecting. Could you update us as to how much dollar worth these projects are currently?

**Mr. Lemieux:** I thank the member for the question. When I first came in as the Minister of Transportation and Government Services approximately six months ago, in one of the first meetings I had with my deputy minister we discussed what the needs or the requests are from rural municipalities and other organizations requesting projects. It is over a billion dollars every year. Every year it is over a billion dollars. I mentioned before that it has been estimated that funding of up to \$300 million per year is needed to bring our highway system up to standard, and to provide upgrades and enhancements to accommodate growing traffic demands.

So here you have a demand of over a billion dollars, yet our budget itself, I believe, is around \$384 million. I will get the exact number. The reason I mention this is because the revenue sourcing to provide necessary funding is a real challenge. The department annually spends more on the highway system than the amount of provincial road fuel taxes collected. The shortfall in road funding is a common situation amongst jurisdictions all across Canada.

You have heard me mention this once. I will probably be mentioning it a few times, about the amount of money the federal government puts back into the province on road fuel taxes. They take about \$165 million out of the province and they put back approximately \$10 million to \$15 million back into the Province of Manitoba. It is unacceptable. I know it is unacceptable to the Opposition, and I know, when they were in government, they also were on the heels of the federal government saying, "Put more of that money back in."

It is not something that is a political issue as such. It is political in the sense that we need more money for the system. I believe the federal government has an obligation to come forward with putting some of that fuel tax back into the province. They help on different programs. I talked about the SHIP

program. I talked about Prairie Grain Roads. That is fine, but when we are talking about that \$165 million in gas tax they take out of the province, and they are only putting in about \$10 million to \$15 million, it is not appropriate at all.

Paul Martin, with his comments that he made that he wanted to give the municipalities, I think it was five cents a litre, that does not address. Even then, the R.M.s and the municipalities and the cities and towns in our province do not really know what that means or if there are any strings attached to that. It is really disconcerting that the federal government is not there financially in a better way, but we will just keep pushing it as the Opposition did, when you were in government. I know that you were feeling the same pressures.

We have over a billion dollars of requests from different organizations every year with regard to the needs out there, yet we cannot come close to meeting that. We have tried to address it. We have increased the dollars available to capital this year by \$10 million. Next year, we have said it will be another \$10 million. We are trying to address it in a small way. We know, taking a look at all the numbers, that is not going to be satisfactory.

I am sorry for the long-winded answer, but I think it is really very important to the basis of what we are talking about and what the Estimates are all about here, about lack of dollars in respect to the need that is out there.

**Mr. Faurchou:** I do really, though, Madam Chair, want to be very specific in this. I know the minister has confused me with some of his comments. I want to know specifically what we need to spend year over year in infrastructure works to maintain what we have already in place. Then the second question is, we want to always improve and have grade separations, have greater thoroughfares for speed of movement of goods and services, and there are requests for improvements. So there are two separate issues.

So, Madam Chair, looking on the Infrastructure Works line, the minister said \$300 million. We are currently budgeting \$125 million. Is that the line that he wants increased to \$300 million or is it the line increased to \$300 million, which includes program and works? I just want to be very specific. Infrastructure Works, what do we need to spend there in order to maintain our facilities?

\* (17:20)

**Mr. Lemieux:** I am glad the member clarified the question. I may have misunderstood the question. The exact numbers on what he is asking for, I want to be accurate, that number is not here today. I mentioned to him before that we may have to ask your indulgence to return with that number. That is when we would have to get back to you.

We understand what you are asking for, but I do not have that at my fingertips. We will have to come back with that number.

**Mr. Faurchou:** As the minister outlined, Madam Chairperson, whether one is in opposition or on the government side of the House, this particular portfolio is one of concern to everyone. I do want to be accurate, though, in what we should be going after insofar as the amount of dollars required by this vital portfolio to all Manitobans.

I do want to ask just two specific questions for the Portage la Prairie constituency. I appreciate the latitude provided by the official opposition critic, my colleague from Arthur-Virden.

Petitions have been presented in the House as they pertain to Provincial Road 227. Provincial Road 227 only has about four more miles in which to be completed as far as grade upgrade. I know the petition considers pavement, but first we have got to get the road upgraded before one can consider paving.

I would like to know if the minister has a time line, because only four more miles and then the road has been upgraded from Provincial Trunk Highway 16 all the way through to Meadow Lea which is Provincial Road 4.

**Mr. Lemieux:** This is probably, as I mentioned, not only talking about lack of finances to address the \$1-billion request. This would fit into that over a billion-dollar request. What I have found extremely frustrating I think is something that probably all ministers of transportation or highways have found in their tenure, the lack of funding to address. Even though we have increased the \$10 million this year and \$10 million again next year, there still is not the capacity to address that whole, that \$1-billion request.

So I know that you are very careful in choosing your words about, well, it is only four miles. Well, I cannot tell you how many times I have heard that at a lot of rural municipality meetings that I have attended since I became the minister. It is only two miles or it is only four miles or it is only ten miles. Yet it can be extremely frustrating, I understand that, especially for the residents. They often wonder, when it was brought to a certain point, why in the heck did they not finish the whole works? I hear that so often.

Yet, Madam Chair, I am not going to be political in all this and point the finger at who finished what by what year, and so on, but I can tell you that is essentially one of the challenges. Regrettably, I cannot give the member from Portage la Prairie an exact date if he is looking for an exact time that this will happen. It is something that I certainly depend on the expertise of people in my department, the engineers and people in the different regions to be working on the priorities and trying to bring those forward.

I have a real appreciation for what the member is asking, because this is the question that is most asked of me on a daily basis throughout the whole province of Manitoba, the question of: When are you going to do my five miles, or when are you going to do my ten miles? Thank you.

**Mr. Faursehou:** I know our time is short. I want to be very specific on another issue in Portage la Prairie. That is the increased conveyance of potatoes from new areas of production, that being Treherne, Rathwell, St. Claude areas. The request was made by this R.M. and city of Portage la Prairie, endorsed by the potato processors. That was 240 south of Portage la Prairie from the Trans-Canada Highway to No. 2 highway. The estimated cost was about \$7 million.

What frustrates me, as the Member for Portage la Prairie, is when I receive a carbon copy of your correspondence saying there is not enough money, and then seeing, in the very same day, the report of the fourth quarter leaving \$6.5 million unspent out of the budget of the department of highways returned to Treasury.

Obviously, the bottom line is that they covered off overexpenditures from other departments. That is where I made mention of the minister's physical prowess and abilities to fend off other ministers' intrusion upon allocated budgeted monies.

**Mr. Lemieux:** I thank the member for the question. I know he thanks the critic as well for being able to ask some questions.

Madam Chairperson, I would try to answer it like this, with regard to at least part of the question. I know that that particular highway, I believe you mentioned was 240 south of Portage. What we are starting to find now, of course, because the economy is booming in Manitoba, there are a lot of requests coming from all over. Many different businesses are developing. In fact, a number of different businesses have developed right on their own homestead, not any particular plants of any kind, but their businesses have grown such that the roads were never meant to handle the truck traffic that they are getting, and that is a fair comment.

With regard to the monies that have not been allocated, Madam Chairperson, monies are allocated to different departments. It is a budget and you try to operate. But we do have balanced budget legislation, where governments will balance their books. We are committed to balanced budget legislation. As a member of the Government, as a member of Cabinet, this is an important item. We believe in balanced budget legislation. We feel that that is a priority and that is where Manitobans want us to go. We have been able to live up to that in our tenure.

Madam Chair, I just want to say that the actual expenditures from year to year do fluctuate due to many different factors. Whether it is weather conditions as we see today, for example, late wet spring conditions have an impact on spring breakup and could influence maintenance expenditures in the Budget. Or you could have early fall impacts on construction and enhancement programs. The contractors may be required to shut down early. They are trying to pave and it gets cold and all of a sudden you have a day like today at the beginning of October, and then you have an early winter. So that, in fact, has an impact on your expenditures as well as that mild winters impact the winter road program, requiring the development of land-based roads and impact expenditures to keep the roads in the network open.

There are a number of different impacts. The shared-cost agreements that we have with the feds, they put out a number and they want you to match it in order to get those dollars. A lot of this has an effect on the budgets, in this particular budget. Once again, we are talking about a budget for a particular

department, and there are a lot of needs in the province of Manitoba, a lot of great needs.

I know that in the year '03-04, we overspent our maintenance and construction budget, and just to tell you that is an important factor because sometimes it does vary from year to year. If you want to go back to the year 1990 and take a look at from the years 1990 to 1999, a lot of these different challenges faced the previous government as well. I will try to keep my comments brief and take another question if time permits.

**Mr. Maguire:** Just briefly, I think with the limitation of time, I just wanted to know if the minister can indicate to me that the RoadWorks Manitoba capital program that they announced of \$600 million two years ago is still a commitment and if it is still on schedule.

**Mr. Lemieux:** No matter what, I really have to thank the previous ministers of Transportation, the Member for Thompson (Mr. Ashton) and the Member for Brandon West (Mr. Smith). They were the two that really worked very hard on ensuring that RoadWorks would be able to proceed in a way that would improve our infrastructure program.

You have a case of wanting to put \$120 million in for five years. This is something that we can certainly take a look at. I am not sure what the member is asking, but we made a commitment to take a look at what the transportation infrastructure system in Manitoba needed, and we felt at that time it would at least take a base number that a lot of municipalities and a lot of other organizations would take a look at and would be able to at least know that there was a number. In other words, it was not a number that would vary from year to year. That was the main purpose behind it, to give the industry as well as others out there, not only trying to tender early but other organizations, the idea that what we are trying to do is create some stability in this particular field.

**Mr. Maguire:** So the minister is indicating then that it would be his goal to look at splitting that up, that is a \$120-million virtually per-year commitment that the minister is looking at on the \$600 million budget.

**Mr. Lemieux:** The whole area of financing transportation, there are different aspects to look at and this is something that I believe I mentioned in

my opening remarks and will also be tabled with regard to my opening comments which I never had an opportunity to go into.

There are different ways of funding it. We mentioned that as a—

**Madam Chairperson:** The hour being 5:30, committee rise.

## JUSTICE

\* (14:50)

**Mr. Chairperson (Conrad Santos):** 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 Justice. Would the minister's staff please enter the Chamber now.

We are on page 117 of the Estimates book.

**Mr. Gerald Hawranik (Lac du Bonnet):** Mr. Chairperson, the issue was somewhat raised today in Question Period with respect to 12 junior prosecutors that have an employment contract that expires by the end of June of this year. I am wondering if the minister can assure me that their contract will be extended after the end of June.

**Hon. Gord Mackintosh (Minister of Justice and Attorney General):** Far be it from me to give advice to the Opposition, but, Mr. Speaker, when they raise nine questions in the House based on false information, misleading the House in terms of the budgetary plans for Prosecutions, I think that is certainly a questionable tactic. Not only is the Prosecutions branch a protected area, it is a growth area. We have delivered on a 67% increase since coming into office to Prosecution resources, and indeed, in the budget document, I believe it is page 35, the increases are set out there which increase is not only the staffing in Prosecutions but the bottom line.

I believe the math indicates 11 percent or something in that range of an increase for this fiscal year. There is absolutely no intention to delete any positions. Of course, whether any particular individuals stay on, I leave that with management in terms of their abilities; in terms of whether there may be any employment issues or performance issues. But in terms of a number of positions, there are no

reductions. There is an increase and there is an increase, as well, in operating.

Prosecutions are a priority for this Government. It was an election commitment, Mr. Chair; it was a commitment following the Ernst & Young report. It is a commitment from the last election campaign. We have recommitted to eight new prosecutors over the second term of the Government. In this Budget there is a new prosecutor position added and the other number of positions will remain the same. I can advise the member that we have also assured the Association of Crown Attorneys about that because I understand there was some rumour going around before the Budget, which is unfortunate. Those rumours are, while perhaps unfortunate, very, very common in every branch and in every area.

I just want the member opposite to maintain his composure and just for the record, the desk is falling apart across the way, and that is not the fault of the member, but perhaps, the Budget of the Legislative Assembly. So we will have to perhaps look at that next year.

**Mr. Hawranik:** Again, with respect to Prosecutions, in terms of the number of prosecutors within the department, what is the acceptable vacancy rate that the minister is going to be accepting for this year in that department?

**Mr. Mackintosh:** It is the intention that there be no undue delay in filling vacancies in the Prosecutions branch.

**Mr. Hawranik:** Can the minister advise how many vacancies there are at this date in the Prosecutions branch, in terms of prosecutors specifically?

**Mr. Mackintosh:** The staff has been conferring and to the best of their knowledge they have provided advice that there are none currently.

**Mr. Hawranik:** Can the minister advise how many prosecutors at this point are active versus on inactive duty? What I mean by inactive duty is those who may be on sick leave or on maternity leave within the Prosecutions department.

**Mr. Mackintosh:** I am advised that there are two maternity leaves and one long-term disability and all three positions are filled.

\* (15:00)

**Mr. Hawranik:** When the minister states that all three positions are filled, is he saying then that he has an extra three prosecutors covering their duties when they are on maternity and disability?

**Mr. Mackintosh:** The department advises that there are three term hirings in those three positions.

**Mr. Hawranik:** I note from some of the budgetary documents that the minister indicates that he—not the budgetary documents, but Provincial Court judges report states that there are 41 judges within the province. Is that correct?

**Mr. Mackintosh:** There are 40 full-time judge positions, Mr. Chair, and all 40 are currently filled.

**Mr. Hawranik:** Are all 40 judges active in terms of performing full-time active courtroom duties?

**Mr. Mackintosh:** All are on active duty, I am advised.

**Mr. Hawranik:** Can the minister advise the number of articling students that are now articling with the Prosecutions department that are currently articling with them?

**Mr. Mackintosh:** I am told that in the past year there have been seven articling positions, and I am advised that in the forthcoming year there are actually eight.

**Mr. Hawranik:** Mr. Chair, are there any plans by the department to keep any of the articling students on at this point in terms of full-time employment?

**Mr. Mackintosh:** I am advised that at the moment there are no positions.

**Mr. Hawranik:** I have a question of the minister with regard to the Estimates of Revenue, and I notice that, in Justice, when it comes time to detailing the fees and costs in terms of revenue, from 2003-2004 it goes up from \$11.534 million to \$21.429 million in 2004-2005. Can the minister indicate where that increase is coming from?

**Mr. Mackintosh:** The increase of revenues is comprised of the justice services fee in large part on a full-year basis estimate up to 6.8. That is an estimate, I understand. As well, photo enforcement is

estimated at over 1.2, an increase. Then there are a number of other revenue sources, a number of them that comprise the balance. But those are the two main areas. The justice services fee is clearly the dominant contributor to the revenue increase.

**Mr. Hawranik:** When we are talking about the justice services fee, are we talking about the surcharge on all provincial files, the \$15 surcharge, I believe?

**Mr. Mackintosh:** Yes, the increase is a \$30 surcharge.

\* (15:10)

**Mr. Hawranik:** I refer the minister to Departmental Expenditure Estimates that was tabled a couple of days ago. With respect to page 11, we are dealing with Civil Justice 4.3

Can the minister explain why, under subsection (d) Family Law, while the number of full-time staff was reduced by one person, salaries would have increased by \$134,000? With respect to that, what kind of position is being eliminated in that full-time equivalent?

**Mr. Mackintosh:** I am advised, Mr. Chair, that an FTE reduction is actually a position that was a one-time, non-recurring position funded by the federal government under its Child-Centred Family Justice Fund.

So there is a reduction in FTEs but there is no reduction in salary dollars, because it was federally funded and it would have shown up as a revenue source in last year's Estimates, as I understand it. The increase in the dollars is because of general salary increases and other regular salary adjustments.

**Mr. Hawranik:** I refer the minister to the next line, Constitutional Law, where we are reducing full-time staff from 12 to 9. I read the explanation in the rest of the Estimates book in terms of there being two constitutional lawyers that are being eliminated and one administrative staff.

Mr. Chair, my question to the minister is, those who are affected by the reduction of full-time equivalents, will they be simply losing their jobs, or will those numbers just be reduced by attrition in the department?

**Mr. Mackintosh:** This is not an indication of any layoffs. There was a misunderstanding or a misprint of the explanation here. The two lawyers' positions are vacant and have been vacant since last year; one vacant since October of 2003, one since December of 2003.

The other position, a support position I understand, Mr. Chair, was vacant since 2001. So there simply is a continuation of the staff level that pre-existed the budget announcement actually. So no one will be losing their job as a result of the budget decision to reduce the number of full-time FTEs in Constitutional Law.

**Mr. Hawranik:** I refer the minister to page 12 of the same document under Courts. I have a question with respect to a reduction of full-time staff under (a) Court Services. Can the minister advise what type of positions those are that are being eliminated, the two positions?

**Mr. Mackintosh:** There are two vacant full-time-equivalent Administrative Support positions that are being eliminated as a result of the Government's overall civil service position reduction of 400.

**Mr. Hawranik:** I refer the minister to (c) Regional Courts, just two lines below that. I am particularly sensitive to Regional Courts, because I practise in Beausejour. We have a Regional Court there which really has seen a great deal of reduction over the last number of years. I think that rural areas in many ways are being neglected by our court systems. I see that there are two and a half less positions. Can the minister tell me where they are and what kinds of positions they are?

**Mr. Mackintosh:** Mr. Chair, there were 2.5 vacant full-time-equivalent positions when the Budget was completed. Those positions are being eliminated, 2.5.

**Mr. Hawranik:** Can the minister tell us where those positions are, in which Regional Courts?

**Mr. Mackintosh:** Yes, one half at Dauphin and the one at Selkirk. Those are magistrate positions. Then there is an admin support at Portage.

**Mr. Hawranik:** I refer now to page 35, the same document. I note that under Manitoba Prosecutions there is going to be an increase in prosecutors by three in accordance with the document. Can the



minister tell me in what areas these prosecutors will be working? Would they be working in Child Protection? Would they be working in Adult Prosecutions? Is there any particular plan for those three prosecutors?

**Mr. Mackintosh:** The member will note that on page 35 there is an increase. The explanation notes are at the bottom, of one full-time-equivalent Crown. As well, within that line there is an increase of two paralegals. It is the intention to have the prosecutor dedicated to violence-against-children cases. The planning is beginning now in terms of the deployment of that position.

\* (15:20)

**Mr. Hawranik:** I note on the same line that the minister just mentioned that there was one new prosecutor, two administrative staff, it sounds like, in those three positions, but I notice that there is a 15% increase in salaries. How could there possibly be a 15% increase in salaries with just one prosecutor and two support staff?

**Mr. Mackintosh:** I am advised that last year, when we added 13 new positions to Prosecutions, that was added part-way through the year, and so this year it shows up in what is called annualization. In other words, the salaries now are shown for the full year. So I think that explains it as best I can.

**Mr. Hawranik:** Turning to page 37, I have a bit of a concern when I look at the RCMP DNA testing, that it is estimated that the cost of DNA testing is to go down from \$725,000 to \$552,000. Could the Justice Minister advise why there would be a \$175,000 decrease in DNA testing when we see, it seems anyway, an increase in testing of that type across the province, whether it is Sophonow, Driskell or Unger, and there is a committee that is, in fact, doing testing on different cases? I am just concerned about whether or not the minister has addressed his mind to that particular issue.

**Mr. Mackintosh:** Actually, that line is a good news story. There is no decrease in the amount of testing, the number of cases for testing, at all. Instead, the decrease reflects economies of scale that have been realized. The cost per test has gone down. This is based on the information received from the RCMP. So we are doing the same amount of testing, it is just

that it is being done at less cost per test. This is under a new agreement.

**Mr. Hawranik:** I turned to page 41 and I noticed that there is an increase of staff in Victim Services, particularly with Professional/Technical. There is an increase of two and one and a half for administrative support. Mr. Chair, can the minister advise where those positions are?

**Mr. Mackintosh:** That increase is for the regional expansion. In other words, Mr. Chair, expansion of Victim Services outside of Winnipeg. Discussions are ongoing now in terms of where the greatest need is for a levelling of service across the province.

**Mr. Hawranik:** Can the minister advise which communities will be affected with those increases of staff?

**Mr. Mackintosh:** Well, the department has been doing an analysis of where need can be better met, but that final decision has not yet been taken in terms of what communities will enjoy enhanced Victim Services. So that will be made over the coming weeks, or months at the outside.

**Mr. Hawranik:** Turning to page 61 of that document, I have a question with respect to Other Expenditures, and it is Legal Aid Manitoba. Under Other Expenditures, fees to the Private Bar have increased by over a million dollars. Can the minister advise why there is such a drastic increase. Is it because of the Hells Angels trial, or is it because of other reasons?

**Mr. Mackintosh:** I do not want to use the description of the member opposite, but the trial to which he refers, the multi-accused trial, is the consideration for the increase on that line.

**Mr. Hawranik:** We are going to page 71 of the same document under Other Expenditures, Custody: Egg Lake Rehabilitation Camp. Mr. Chair, can the minister explain why there is a decrease in expenditures of \$50,000 in that line and why that would be necessary?

**Mr. Mackintosh:** The Egg Lake Camp, as the member knows, will be closing on July 1 because of its underutilization, which has been going on, I think unfortunately, for too many years. For those inmates

there will be consolidation at The Pas, as I understand it.

**Mr. Hawranik:** On page 73 we have under Other Expenditures, again under Custody, the Estimates of Expenditure for the Agassiz Centre has been decreased by over \$100,000, Manitoba Youth Centre again by a little over \$100,000. Can the minister advise why it has been decreased and whether there will be a decrease in staff accordingly as a result of that decrease in expenditure?

**Mr. Mackintosh:** As the member knows as well in this area, the youth population, actually right across Canada, but in Manitoba, which we speak for, has gone down. Our recollection is that they have gone down about one third in the last while. There was recognition that a unit should close at Agassiz because of the low population levels there. Indeed, at the Youth Centre there are low population levels as well.

**Mr. Hawranik:** I would like to ask the minister about the Agassiz Centre in particular, and with respect to the Agassiz Centre, you advise that one unit is to close. Can the minister advise how many positions will be eliminated as a result of that?

**Mr. Mackintosh:** I know the announcement about Portage was made with staff some time ago and the community. So it may actually be shut down already. That was a 20-bed facility, as I recall, and I believe there is, I think it is 14.5 FTE reductions as a result of that. We will see what the future holds. I know there was a closure of a unit there some time ago and that reopened did it not?

Anyway, these units, they open and close from time to time. There are trends that occur, and so we will be responsive to any change in population numbers, but right now they are down, so there has to be this adjustment.

**Mr. Hawranik:** I have concerns about the Milner Ridge Correctional Centre, as well, because obviously it is in my constituency.

But can the minister advise, Mr. Chair, what he feels to be the future of Milner Ridge Correctional Centre in terms of whether it is going to be expanded, or reduced in size; or the number of employees, whether they are going to be increased or decreased over the next few years?

\*(15:30)

**Mr. Mackintosh:** Well, the department just watches the numbers. I do not have any advice of any change in the status of Milner Ridge. This was last year, I think it was about a year ago or so, but the Bridge-point facility was very underutilized and in fact some of the staff-to-resident ratio was of great concern to the department. So that part of what is the Milner Ridge facility generally of course was shut, but the adult population levels will continue to be looked at.

But I am not aware of any recommendations or plans in terms of a different use or utilization or staffing at Milner Ridge.

**Mr. Hawranik:** Over the last week or so we have indicated in Question Period, and in fact it was a communication back from Manitoba Justice, that there were 2146 cases, criminal cases, in which there were charges laid and 24 months later they still have not been disposed of or dealt with by the courts.

I know that there are factors that contribute to the length of time an accused is within the system and there always have been those same factors, whether it is the Crown, whether they are available, whether the defence is available. There are always disclosure issues that have to be dealt with both from the Crown to police, or police to the Crown. There are also delays, lapses in communication, and so on. There are always those kinds of delays and there always has been.

It was really quite shocking to me, Mr. Minister, and I can tell you that I have spoken to a number of other lawyers who have also done criminal law and are doing criminal law. The wildest guess that I got from any of them was probably 500 over two years. That was the highest guess I got. I just asked them their opinion as to how many accused were still in the system after 12 months after having been charged 12 months, or 24 months earlier I should say. The wildest guess was 500. I had guesses of 200-300, but 2,146. I know the minister has in fact endorsed the Front End Project. In fact it is working at this point.

Can the minister tell me what effect he feels the Front End Project will have on those court backlogs?

**Mr. Mackintosh:** As the member knows of course the issue of backlog is nothing new and is nothing unique to Manitoba. Indeed I know of cases and I

know of the trends over the last decade, when you even have child abuse cases over 18 months being documented by Stats Canada in Manitoba there is serious cause for concern. So, as a result, when we came into office we began by focussing on what was within our immediate control, and that is the Prosecutions Service. We added one more full-time judge. We started a process to expedite the filling of judicial vacancies in the Provincial Court. We began discussions with the new Chief Judge of Provincial Court in terms of how we can bring the different stakeholders, the different independent yet interdependent stakeholders together to wrestle this problem down.

We recognize that, in no small part, Mr. Chair, defence counsel tactics and time lines or scheduling are at play. In no small part, police disclosure is at play. That was documented by former judge John Enns just in the last several weeks. There were two recent cases dismissed for delay because of untimely police disclosure. So we have raised that to the national level and asked the federal government to incorporate police disclosure as an issue as it looks at the challenge of Crown disclosure to defence. The quality and timing of Crown disclosure will be dependent largely on the quality and timing of police disclosure.

As well, we recognize that historically there are challenges in Prosecutions, which is why we have increased the number of staff positions and have made organizational change and generally increased resources very significantly in the Prosecutions branch.

As well, the court's utilization of courtrooms and the rules of court also play a role. We have had a very responsive Provincial Court, a very responsive Chief Judge who has brought together in Winnipeg the police, defence bar, Prosecutions, Courts, and of course the members of the court to deliver on what is officially called the Pre-Trial Coordination Pilot Project or what is known in the courts as the Front End Project.

I think it is an historic step forward. It is an initiative that other provinces are looking at. I can tell the member, outside of the give and take of Question Period, that the Attorneys General of Canada in the provinces have been faced with this problem and have found it a very difficult challenge to deal with. This is not something where different

political parties have differed in terms of their concern about the problem. We have in other jurisdictions thousands, if not tens of thousands of cases that have been dismissed for delay situations that Manitoba has not suffered. But we have, like all the other jurisdictions, to my knowledge, a problem of delay. We at last now have an initiative that holds out some hope of some improvements.

What we are seeing currently, for example, under the Front End Project is the conversion of some docket courts to trial courts. The Front End Project began with the in-custody family violence cases and now has expanded, I believe, as of April or March 1 to non-custody family violence cases. I think that we can see some improvements over the next couple of years. I think we have to be patient in terms of how quickly there can be a turnaround, because there are a lot of cases that have to be pushed through under this new procedure that does provide time lines now and provides for the early review and ensuring of information on the file, but there have to be early discussions with opposing counsel. There is a lot of co-operation needed for this to succeed. I know the Chief Judge and everyone that is involved, including the chief of police, are going to learn as they go.

This is a partnership deal. I think, along with some other initiatives that I will just outline, we have now a strategy unfolding. The other initiatives, first of all, we have been leading, along with some other provinces, in the call for the elimination of preliminary inquiries. We spent \$1.6 million last year, it is estimated, on prelims. It triples the length of time it takes to process a trial, I am advised by analysis of Stats Canada. It is a retardant to justice, it is victimizing and it is costly. Unfortunately, there are about three provinces that have not agreed with Manitoba's position and that has slowed down the reaction by the federal government to a positive resolution, but I would ask that there be support from members opposite to that change at the federal level. As well, there is unfolding at the national level in no small way because of concerns expressed by the Chief Justice of Canada.

Mr. Chair, the partnership initiative involving the Canadian Bar Association, the judiciary of Canada and the provinces' prosecution services and courts, led by the federal government, to find national approaches and national solutions which may involve further changes to the Criminal Code.

Given that this is a national challenge, it is an expectation that solutions can be found nationally, but I know that other provinces are looking at front end projects. Other provinces have tried things; most have not been very successful. I will just add that in Manitoba with regard to the challenge of police disclosure we now have a police disclosure working group with the Winnipeg Police Service and RCMP and Prosecutions branch representatives as a result of the Judge Enns's review of the Driskell disclosure matter. We have a number of other initiatives that are organizational in nature in Manitoba as well, but it is the Front End Project that we are largely looking to.

I can say that in the area of youth, Stats Canada has indicated that the average time to process youth cases over the last couple of years for which the stats were available has declined, a significant decrease of about 25 percent in the mean time that it takes to process a youth case. We have also been putting a lot of attention on child victim cases and making sure that there is prosecutor ownership of those files. That concept of prosecutor ownership of files is being expanded with the Front End project. In fact, in Brandon I saw a recent article that was talking about the fact that there really are no backlogs in Brandon. The individuals that were interviewed for that article point to the local practice of having one prosecutor per file as being part of the reason that the waits are not long. I am just going back to the headline here, Long Waits Rare in Brandon Courts. It was the Crown attorney there who says, "One of the real reasons we do not have the backlog Winnipeg does is file ownership," so they know we can also learn internally in Manitoba of practices that can help to expedite the processing of cases.

\* (15:40)

**Mr. Hawranik:** With respect to the Front End Project, I think that any project or any initiative that is done by the Justice Department, I believe, has to be evaluated. I think you have to ensure that any initiative is evaluated so that you get bang for your buck, and my concern is whether there are any noticeable results now and, if so, what they are, and will you be evaluating the efficiency of this project and who will do it and when?

**Mr. Mackintosh:** Right now, the objective is to get the old system matters through and getting them dealt with. Many are getting set down. As we get through, I think there about 4000 of these cases that

are being pushed through from the old system to the new. They are slotting it through. My understanding, with the advice I have, is that there are performance measures that have been developed by the Front End Project, and there will be a quantification of the success as we move over to the new system. The immediate changes that are so far noticeable are reduced prisoner movement, reduced overtime and reduced docket time in court.

There are some early indications of some limited success. This is an initiative that is going to take some time to fully realize its potential and to quantify its results. The remand culture and the delay has built up over at least two or three decades in this province alone, and it is going to take, I suspect, a couple of years before noticeable improvements are quantified.

I just want to reiterate another benefit is the ability now to reduce the number of docket courts and convert them into trial courts because of the way the cases are now being processed.

**Mr. Hawranik:** I was reading through the 2002-2003 annual report of the Provincial Court judges and it indicates that there are only 39 judges in the province. Mr. Chair, the minister indicated that there were 40. Can the minister explain why there is this discrepancy?

**Mr. Mackintosh:** It is my understanding that at the time the report was written there was a vacancy. There are still 40 positions, but there were 39 judges at the time. That position has now been filled.

**Mr. Hawranik:** Does the minister expect to be hiring more police officers or providing more money to the City of Winnipeg to hire more police officers within the city of Winnipeg?

**Mr. Mackintosh:** There is a commitment to increase the number of police officers in Manitoba over our mandate by 20. Mr. Chair, the planning for that has already begun. The organizational groundwork is being prepared.

**Mr. Hawranik:** Can the minister explain how many new officers will be hired this year?

**Mr. Mackintosh:** Mr. Chair, I would have to get that information for the member. That information would have to be requested of the Winnipeg Police

Service and RCMP, and Brandon. I understand that Brandon is hiring more but I can get those numbers for the member.

\* (15:50)

**Mr. Hawranik:** I would like to ask the minister a question about the statistics collection system in the province and I refer to an article that was in *The Winnipeg Sun* on March 26 of last year. I would like to have an update in terms of what progress he has made or whether it is complete or done at this point. The article referred to the fact that the minister said the work has begun bringing antiquated filing and tracking systems up to date and the overhaul began two years ago at an expected cost of \$10 million. He indicated, as well, that Manitoba should be in line with other provinces by March 2004.

Can the minister advise whether that system is fully operational and, if not, when it will be?

**Mr. Mackintosh:** The court system is called CAIN, and components are being added to that. There is also a strategy to link the three different systems which are PRISM in Prosecutions, CALMS in Corrections and CAIN in courts. I can provide any further information to the member. I can get that from the appropriate staff.

**Mr. Hawranik:** At the time, the minister had no problem with saying in the article that, in fact, we will be in line in March 2004 with other provinces. Can the minister give me some idea as to when we will have that system fully operational?

**Mr. Mackintosh:** First of all, Mr. Chair, on coming into office we recognized that there had to be significant investments in information technology in the court system. Very significant investments were consequently made and, indeed, in this Budget there are capital dollars set aside for the continued development of an information technology system. We have based our approach on avoiding the unfortunate circumstances in other jurisdictions where they made a massive, up-front investment and had systems completely fail. I think of provinces to the east of us where there is a huge loss of investment. Instead, Manitoba has concentrated on building modules and then joining them together. My understanding is that the CAIN system, the court system, now tracks cases in terms of more detail of the status for the development of the IT system. I would be pleased to get that information for the member.

**Mr. Hawranik:** The minister mentioned that this Budget, in fact, puts money aside for information technology for this CAIN system. Can the minister tell me how much money was put aside this year for that CAIN system, and when does he feel it will be fully operational?

**Mr. Mackintosh:** I am advised that the system is operational now, but I think technology has changed. As we look for improvements in the software, there can always be further enhancements. That is what is being developed. My understanding is from the advice I have that there is about \$1,350,000 in the Budget for those enhancements.

**Mr. Hawranik:** Can the minister advise how much money was spent on this system to date?

**Mr. Mackintosh:** We can provide that information. I believe that the information we just have at the table here is current information, but we will provide the historical data.

**Mr. Hawranik:** Mr. Chair, protection orders under our domestic violence legislation really are used in emergency situations to protect spouses who are in imminent danger of abuse. A few weeks ago one of our judges, Justice Scurfield, made a decision to declare part of the existing domestic violence and stalking legislation unconstitutional. As a result, I believe women are at risk as a result of that particular decision.

Now, I noticed a few days ago that the Justice Department has launched an appeal of that decision to the Court of Appeal. My question to the minister is why did it take almost 30 days to decide as to whether or not to appeal that decision when the decision should have been made almost immediately, particularly since the legislation that is under attack was legislation that was reduced by this side of the House. This minister, in fact, is increasing the scope of that legislation by introducing Bill 17, which we support wholeheartedly. We support that bill because it actually improves the scope of the people who will actually be entitled to protection orders. Therefore, it seems to me that it should have been a very easy decision, a very quick decision by the minister as to whether or not to appeal Justice Scurfield's ruling.

As I say, my question is why did it take the minister and his department almost 30 days to file an appeal of a decision that should have been done almost immediately.

**Mr. Mackintosh:** I am advised that in actual fact the decision to appeal was taken about three days after the judgment, but the framing of the grounds and the arguments pursuant to those grounds then took several days, a couple of weeks, two or three weeks, I guess, after that. But certainly the appeal was filed within the appeal period. There was swift action and prioritizing of that matter. My understanding is that there is a pursuit of a fast-tracking of the hearing of the appeal, but that does depend on the available dates in the Court of Appeal.

**Mr. Hawranik:** Certainly, when I reviewed the grounds for appeal it seemed to me that there were fairly general grounds. I question how long it took to formulate those grounds.

If this is a priority in terms of protection for women and priority in terms of legislation for this minister in terms of introducing Bill 17, it should have been an easy appeal. While a decision may have been made in two or three days, why would it have taken two or three weeks to formulate the grounds? I mean, my reading of the grounds for that appeal, there is nothing magic in those grounds for appeal. There is nothing earth-shaking. I believe if it was a priority of this Government, that in fact an appeal would have been launched much earlier, even though it was done within 30 days. Yes, it was done within 30 days. I would expect it to be done within 30 days, but certainly, to wait two or three weeks to formulate the reasons for appeal, I do not think, is acceptable. I think what that does is it speaks toward the priorities of this Government.

\* (16:00)

**Mr. Mackintosh:** Well, I just wanted to go back to my earlier comments that the decision to appeal on the grounds are one thing, but the arguments that are being rallied to support the grounds are what is critical. When we are seeking an early date, it is important that the arguments be solid and be concluded before early hearing dates are requested.

Because this is a matter of most serious concern, Mr. Chair, the research and the rallying of the arguments have to be done in a sure-footed, thorough way, and I can tell you that the merits, the grounds and the arguments have been put together by way of a team involving constitutional law, family law and the policy people. So it is not a time for merely expedient and ill-considered argument, so the department

was very diligent in ensuring that the best arguments are brought to this case.

**Mr. Hawranik:** Last year in Winnipeg, 6611 vehicles were stolen, which is actually a jump of 6.7 percent from the previous year, and in 2003, the worst month for auto theft was in March of last year. We saw a 46% increase from the year before, and we certainly would not want to see that continue for too long.

A spike in car thefts for this year—there was a similar jump last year—indicates that car thieves appear to be paying really no attention to the increased penalties that were brought into the province a couple of years ago or even efforts by the police service to catch them. Can the minister give some comment to those statistics?

**Mr. Mackintosh:** Well, the problem of auto theft is one that has been a continuing epidemic in this province since 1993, and certainly we are not seeing the spikes that we saw during the mid-nineties. We are having though some fluctuations, sometimes providing some hope, and unfortunately in 2002, there was an increase, although the number was still below 2001 levels, showing a two-year improvement.

But, that, Mr. Chair, is continuing to be a very serious matter for police and MPI and the department and community organizations, but we do now have in place an auto theft reduction strategy that is both oriented to prevention and to suppression, and changes continue to develop with regard to that initiative. So we have an interest in seeing how we can further improve the strategy to deal with auto theft, which is why we have an auto theft task force which is chaired by criminologist Rick Linden from the University of Manitoba, and they are developing other strategies that can work in Manitoba.

I might add, that I am also very concerned about the slowness with which immobilizers are required to be installed in new vehicles from the factory. I think we will have to further pressure Ottawa and Transportation people there. I just most recently heard that they may be looking at slowing down what was a proposal to have mandatory installation of immobilizers by 2005. But I want to clarify that information because, clearly, if the immobilizers, which are the approved immobilizers, are installed at factory, there is a very nominal cost and yet there is virtually a

guarantee against auto theft by way of using the wiring system.

As well, more recently, MPI introduced a payment plan so that Manitobans could purchase an immobilizer without any upfront costs and pay it off over the course of their monthly or other payment period plans.

As well, we have an auto theft prosecutions team which I know is looking at other strategies. We now have prosecutors that are dedicated full time to the prosecution of auto theft cases in order to strengthen the results, to rally all the latest case law and make sure that there is an indication to the court of the seriousness of auto theft. But I have indications that they are looking at other techniques. And, as well, there have been ongoing discussions with Winnipeg police, in particular, around other techniques.

I might add that the citizen patrol movement in Manitoba continues to hold out great potential for reducing auto theft. The number of volunteers is tremendous. The new training initiative and recruitment strategies that are being shared among citizen patrols will hopefully help to strengthen that citizen grassroots initiative for eyes and ears for police. In fact, just this weekend, I understand that the citizen on patrol groups are meeting and sharing ideas and becoming stronger.

But those are some of the responses I have to the member's issue regarding auto theft.

**Mr. Hawranik:** Yes, the minister had mentioned the name Rick Linden, who is, of course, the chairman of the Auto Theft Task Force. One of his comments that he made was that Winnipeg has one of the highest per capita theft rates in Canada and has had so for the last decade. So even though some of the numbers may have come down over the last couple of years, we are talking about per capita rates, Winnipeg has fared poorly in spite of numbers that the minister was quoting. But he pointed in that article to a program that was run by the Regina Police Service and he states that there is a program in Regina that has reduced car thefts by about a third over a two-year period in the program. That program requires patrol officers and police officers to do curfew checks on those who are high-risk in terms of a high risk to re-offend and repeat car thieves and 24-hour supervision of some repeat thieves by authorities. He points to the fact that Saskatchewan

has seen car thefts drop by some 33 percent, a third since 2001. While I know that some of that is happening in Winnipeg, I am wondering whether the minister is considering to expand the program and provide a more extensive program such as exists in Regina.

\* (16:10)

**Mr. Mackintosh:** The views of the auto theft task force and its chair are important to take into consideration. The representatives of the task force have been looking at the Regina experience. There are pluses and minuses. There are some concerns. The other consideration of course has to be whether what might work on the face of it in Regina would work in Winnipeg. So I am sure that that is under consideration. I also note that Mr. Linden has noted the need for positive partnerships with the City, that no one organization or even a couple of organizations alone can successfully tackle this challenge. In Regina, I am advised that the mayor and the chief of police made auto theft a priority in their city.

I know that the issue of auto theft in Winnipeg is a concern to the police. They are on the task force and they bring some wonderful ideas and some real energy. I just think that it is important to recognize that the partnership with the City will be important as we proceed in terms of putting together a made-in-Winnipeg or made-in-Manitoba strategy that is different than what currently is in place. But, focussing on curfews is not something new. That has been part of the initiative that has been used in Winnipeg, but what is being considered, I understand, is how that can be enhanced. We will look forward to strengthening that relationship with Winnipeg police and the City of Winnipeg, recognizing that the City and Winnipeg police have a range of priorities.

**Mr. Hawranik:** There was an article in the *Free Press* with respect to auto thefts on April 1. One of the comments by the police in that article was that they wanted to use the bait cars that they use in trying to combat auto theft. They wanted to use the bait cars as part of a public awareness campaign on auto theft in shopping malls, but they state that they lack the financial resources to produce signage and other materials. Now, signage and other materials seems like a pretty small budgetary item. They feel that this public awareness campaign will in fact pay dividends. Since the police have stated that they do

not have the resources, will the minister consider prioritizing some of his funds for this kind of program, which seems to be very minimal, yet perhaps would produce big results?

**Mr. Mackintosh:** All options, indeed including the one the member notes, I understand, are under consideration by the task force, but I should remind the member that MPI has funded the "Bait Car" Program, a program which has seen its challenges with the technology, the GPS technology, but I know that MPI remains committed to helping wherever it can in any way that can be effective.

**Mr. Hawranik:** Mr. Chairperson, the minister promised a comprehensive bail review on June 10, 2003, and I do have a copy of that comprehensive bail review. It is only two and a half pages long, and I understand, as well, he presented that comprehensive bail review to a federal-provincial Justice ministers' summit in September of '03. Does the minister consider a two-and-a-half page report a comprehensive bail review?

**Mr. Mackintosh:** I will have to look back at the document to the FPT, but that comprised the analysis of how the federal bail laws might be enhanced to better put the onus on the party that has the most information and ensure that the procedures at bail are made stronger.

**Mr. Hawranik:** Just to make a comment with respect to that bail review document, on one of the pages it recommends that there should be a presumption against releases in two instances, one where you are charged with an indictable offence if you have also been recently convicted with another indictable offence, and of course indictable offences are the most serious criminal charges in the Criminal Code.

Secondly, when charged with an indictable offence while on probation and parole, I mean, I was quite surprised in terms of that is all. Maybe that is a very narrow presumption. I do not think it takes a rocket scientist to realize that this document really is not very comprehensive. I believe it just merely stated the obvious.

I cannot think of a single case where anyone was granted bail in either of these circumstances anyway. I think they are meaningless recommendations. I do not know of anyone that was ever granted bail for an

indictable offence after recently committing another one. Nor am I aware of anyone who was ever granted bail for an indictable offence committed while on probation or parole.

My comment is that they are meaningless, and I would like to hear the minister's comments with respect to those two recommendations.

**Mr. Mackintosh:** Well, really, the criticism of the member is about the existing Criminal Code then because the suggested changes I think are well founded. I can also tell the member though that counterparts across Canada expressed some concern that this would increase the remand populations in Canada, but nonetheless we are prepared to have some review of that proposal. Certainly, the view of Attorneys General in other jurisdictions, including some from the member's own party was that the proposal would result in some population changes.

It really remains our view that the proposal was more about where the onus should rest, where the proof should lie rather than numbers per se, but there are different views about that obviously, as I have just expressed, by ministers of Justice.

**Mr. Hawranik:** The minister promised in the fall of 2002 to implement a monitoring system, a GPS or ankle bracelet system to monitor criminals. At that time, he announced that he was meeting with equipment suppliers. Can the minister tell me what the results of those meetings were with those equipment suppliers?

\* (16:20)

**Mr. Mackintosh:** The commitment made was to very seriously consider the technology of GPS. That is what the department embarked on. I had a discussion about this, I believe, in the standing committee not long ago. The former government had rejected calls for this kind of technology. I think it is important that we keep the door open. We began to look at the system. I met with a supplier to have the technology explained, but there certainly are concerns.

First of all, Mr. Chair, does it even work, is the first question that has to be answered. I just got some further information coming in on concerns about that in terms of whether it works in transit, whether it is interrupted depending on where a person is. Indeed,



the Winnipeg bait vehicles that we just spoke about did have concerns, did have technical difficulties. So that is the first step. The experience in other jurisdictions is unfolding as we speak. This is not a concluded chapter at all. It would be unfortunate to invest in technology that in fact may have significant shortcomings and provide a false sense of security at the same time.

I guess another question that has to be addressed is if it is appropriate to take police off other priority calls because an offender has perhaps gone to the grocery store with an ankle bracelet. There are questions about how to service or how to monitor this kind of technology.

As I said, Mr. Chair, what really was of concern was a recent Saskatchewan case that came to my attention just a few months ago where a judge released an individual who for the third time was being convicted of sexual assaults against a child. The reason, I understand, for the release was the availability of ankle bracelets. In other words, would this be a reason on the part of court or used as a reason on the part of the court to release someone that indeed is a danger and should be incarcerated?

There are cost and benefit issues. It does not make us safer. So we have other jurisdictions that are moving away from this technology that have gone there and have expressed concerns and are reducing their commitment to this and are looking at other downsizing or rejigging or cancelling arrangements for this technology.

That is why we are going to be very cautious. That is why, if we do move with this technology, it is going to be in a very studied and focussed and limited pilot project. Right now we are waiting for information on some population groups that might best be suited for this technology and what are the legalities of having that equipment attached to a person. That is the status of that.

**Mr. Hawranik:** I believe, Mr. Minister, the issue is not whether in fact you introduce the GPS or ankle bracelet system, because I believe that you have an obligation to do that. The issue really is: When is it applied? Who is it given to and on what conditions is it used? That is the issue. If it is applied appropriately I believe that it does have a place for monitoring criminals. It is not whether you do it or not that is the issue.

In fact, in the fall of 2002, you promised that you would be looking at it. It was further stated in the newspaper that you were even meeting with equipment suppliers which really brings the expectation to Manitobans that you are taking action, and you have approved the GPS, you approved of ankle bracelets, you approved of some kind of monitoring system. All it would take is for you to purchase the system.

In the meantime, I have had one constituent, Cheryl Zechel in Lac du Bonnet, just last fall died at the hands of her former common-law husband who was out on bail. He had a no-contact order against him, and had this promise been fulfilled and had the technology been used, there is a possibility that, in fact, this may not have happened. She left four young children behind.

I think that is just one example, Mr. Chair. I have given other examples in this House, like Joel Geddes, who is in a similar situation, Thanh Phan. I have four examples where that type of technology, if it had been used in that particular case, may have, in fact, made a difference to the lives of those who were taken by people who were either on no-contact orders or were on probation. I am not saying that they would be alive today, Mr. Minister, but I am saying that had that technology been used, who knows what would have happened. Maybe all of them would still be alive today.

My question, still, to you is what are your plans with respect to the implementation. I have heard you state that you are going to embark on a pilot project. My question is when are you going to do that. How many systems are you going to purchase, and in what circumstances are you going to be recommending their use?

**Mr. Mackintosh:** Well, the member should know that, indeed, I am interested in the technology. I have looked at it, as I committed to, and I am continuing to look at it, but when there are some shortcomings, if it is a danger to the community because people are being let out of prison on the understanding that there is an ankle bracelet, those are concerns that, I think, Manitobans would have. Those are concerns that I have and the decision will be made balancing all of the different considerations.

So it is our hope, Mr. Chair, that, over the next several weeks, we can have some further advice then

on a target group and legalities. That is my hope and expectation that we can have that further information. But until we have it and until we have looked at the safety aspects, I can tell the member that I am not interested in endangering the safety of Manitobans and will proceed if it makes us safer, if it does not provide a false sense of security, if it works, and if it can legally be employed.

**Mr. Hawranik:** There seems to be not a week that goes by when we see another ad the Winnipeg Police Service or the RCMP place in the newspaper that we have a high-risk sexual offender being released into the community, perhaps on conditions. Every week, it seems there is someone like that being released into the community. We have no way of monitoring them effectively.

Just a case in point, Elvis Hastings, who is a high-risk sexual offender was released on April 13. He was released after having served his time of incarceration, but he was still under supervised probation. The police service stated that, while he was in jail, he refused to participate in any sexual offender program. The detective in the Winnipeg Police stated that he is violent, kids are at risk. Brent Froese, who is with the Winnipeg Police High Risk Offender Unit, stated, "For a person who is this high-risk, it is important to know where they are at all times." Bob Johnson of the Winnipeg Police stated that police fear he may strike again, especially against children. Police do not have all the resources to track these people constantly for a six-month period or for a year period while they are on supervised probation. There are many areas that they have to deal with. There are other issues they have to deal with. They cannot track individuals like this on a 24-hour basis for six months or a year. Certainly, in these kinds of cases, these are exactly the kinds of cases where a GPS system or an ankle-monitoring system could be used.

Time and time, again, Mr. Chair, we see these people breaching their conditions of probation, going where they ought not to go. They are at a very high risk; children are at risk, and there is no real effective way of monitoring them. Would the minister consider, when he does this pilot project, to, in fact, use that kind of technology for these kinds of offenders who are released into the community?

\* (16:30)

**Mr. Mackintosh:** Well, Mr. Chair, those are all considerations. I can assure the member there is also a consideration that we do not want more of those high-risk sex offenders, even with notification, being released because of the allure to the court of GPS or a monitoring system. That, I think, very briefly describes what the dilemma is.

**Mr. Hawranik:** The minister has been on record that, in fact, conditional sentences ought not to be handed down in certain types of cases, depending on the facts and circumstances, and I am, too. I share that concern. Conditional sentencing is something that was legislated by the federal government, by Parliament, and, in that respect, we do not really have a lot of input other than to talk to the federal Minister of Justice in trying to deal with some type of resolution to this issue.

Can the minister tell me what he has done and what he has said to the federal Minister of Justice with respect to conditional sentences?

**Mr. Mackintosh:** I do not think there is a current federal-provincial-territorial issue that has been given as much attention recently as conditional sentences for serious crimes. Manitoba, particularly, along with Alberta, has been providing leadership on this issue with the support, I would say, of almost every jurisdiction in Canada, if not every jurisdiction. I think, notably, about a year ago, a paper was put together. Alberta did the drafting in consultation and co-operation with four other provinces for a five-province submission. As I recall, it was Alberta, Manitoba, Nova Scotia, Ontario, and British Columbia that contributed to that paper.

The purpose of the paper was this, Mr. Chair. It was in response to a challenge from then-Justice Minister McLellan to enumerate appeal decisions which granted conditional sentences for very serious crimes. In other words, she challenged the factual basis of our concern. Here, across the country, AGs were dealing in the hallways with cameras and microphones on a regular basis. Every few weeks, there is a conditional sentence handed down in this country that enrages populations, and provincial AGs are left to deal with ensuring continued public confidence in the justice system as a result of those decisions.

So we took up the challenge. That paper most notably contained a list of appellate decisions in

different categories of crime so that the federal government knew what the experience of conditional sentences was in Canada. I do not think ever before, to my knowledge, in the recent history of federal-provincial-territorial relations in the area of justice has this kind of co-operative effort unfolded. The conclusion of that work was that the only remedy, the only way to rectify this threat to public confidence in the justice system was in federal hands and in the hands of Parliament. So that report was provided to the standing committee that had been asked to look at conditional sentencing and was provided to the Minister of Justice and was backed up—[interjection]

**An Honourable Member:** We are here to help.

**Mr. Mackintosh:** It was backed up like I am being backed up now, Mr. Chair. Indeed, this is a tripartisan effort on conditional sentences, and I am pleased for the support from members opposite as I see here expressed physically today.

So, as I was saying, this paper was completed by five jurisdictions representing three different political parties, and the only conclusion available here is that there has to be a change to the Criminal Code. The change has to come from on high. It cannot come from down below, from fighting appeal decisions and even going to the Supreme Court of Canada, which was attempted, including by Manitoba.

Now, I know the member opposite has said, "Well, all you do is you issue an edict or a policy." You know, if provincial ministers could overcome the conditional sentencing regime, the Criminal Code provision and how it has been interpreted most notably by courts of appeal and the Supreme Court of Canada, it would have been done. Prosecutors are bound to apply and to have plea negotiations based on the law, the evidence and, yes, prosecution policy. But to undermine the credibility of Crown prosecutors in court when the case law is there and is applicable is to undermine the credibility not just on that case but on other cases.

There is a remedy, and it is not a difficult remedy. There are different options. The paper proposes different options as to how the law can be tightened. I see over and over again there is some pattern that is clearly evident now, and that is conditional sentences now have become the law in Canada for first-time impaired driving causing death.

I am being too general there, but that appears to be an outcome that is becoming evident and where there are no aggravating circumstances as defined by the court. We are seeing it in some historical abuse cases involving children. We are seeing it in some fraud cases, too, but we are seeing it in several other kinds of offences. That report is available to the member. If he does not have it I would be pleased to provide that to him, but that report outlines those circumstances.

Now, what have we done on top of that? Well, last fall when we went there with this new joint initiative, we had tremendous support around the table. Minister Cauchon, at the time, expressed some sympathy with our concerns. He said he would ask the federal committee that had been asked to look at conditional sentencing to expedite its agenda. Now, I understand that happened, but, you know, that is not enough. This has been going on for so long.

\* (16:40)

Let us not forget that conditional sentences started in the mid-nineties. Manitoba's first real high profile, most regrettable experience with conditional sentences was in 1997 in the Bauder case, a nine-month conditional sentence handed down by the Manitoba Court of Appeal in the rape of a 12-year-old babysitter. Now everyone remembers that when I raise it. I mean, there were demonstrations in front of the courthouse. If there was a one-line answer and a simple policy could have done something, well, it would have been done, I am sure, at that time by the former administration, but that starts to develop the case law. It is right across this country, Mr. Chair. The sentencing parameters have been put in place by appellate courts which provide parameters then for the prosecutors and indeed does set out what the law is.

Making policy arguments to the court rather than legal arguments is a very dangerous endeavour, Mr. Chair. The change has to be made in Parliament. There are options for change proposed. I can tell the member that the advocacy of Manitoba on conditional sentences has been absolutely relentless. When Mr. Cotler, a fine, fine individual and minister, was sworn in, I can tell the member, if my memory serves me right, I said it was the prime consideration as he came to my office. I also say that cybertip.ca was also a prime concern, that it be funded as a national tip line. But I believe I started out by saying the issue of conditional sentences has been on the table far too long. It is time to fix it up.

With the federal election coming, I cannot believe they would not make this a commitment. I cannot believe they would not make it a priority on a justice platform. I would be most disappointed if they did not. That will be a concern that will resound from every Attorney General in this country basically if there is not a new commitment to changing the conditional sentencing regime.

#### Point of Order

**Mr. Chairperson:** The honourable Minister of Justice, on a point of order.

**Mr. Mackintosh:** On a point of order, would you canvass the committee, this place of the committee, to see if there is agreement to temporarily interrupt the proceedings of the committee to ask the Speaker to take the Chair to deal with an Estimates sequence change?

**Mr. Chairperson:** Is there an agreement that the committee agrees to temporarily interrupt the proceedings to enable the House to change the sequence? *[Agreed]*

Call in the Speaker.

#### IN SESSION

#### House Business

**Hon. Gord Mackintosh (Government House Leader):** Mr. Speaker, would you please canvass the House to see if there is an agreement to change the Estimates sequence such that for the rest of this afternoon the Estimates of the Department of Transportation and Government Services will be considered in Room 255 in place of Water Stewardship, and that is for this afternoon only?

**Mr. Speaker:** Is there agreement to change the Estimates sequence such that, for the rest of this afternoon, the Estimates of the Department of Transportation and Government Services will be considered in Room 255 in place of Water Stewardship for this afternoon only? Is there agreement? *[Agreed]*.

There is agreement, so Government Services will be considered in Room 255 in place of Water Stewardship for this afternoon only, Department of Transportation and Government Services.

**Mr. Mackintosh:** Mr. Speaker, would you please call Supply again?

**Mr. Speaker:** We will now resolve into Committee of Supply.

#### COMMITTEE OF SUPPLY

#### JUSTICE (Continued)

**Mr. Chairperson (Conrad Santos):** The committee will now resume its proceedings.

**Hon Gord Mackintosh (Minister of Justice):** The department now has adopted as practice a consultation with senior Crowns on serious cases where conditional sentencing is being contemplated. For some check and balance, I understand that Alberta has something similar in place. I think that those are my remarks in answer to the member's question.

**Mr. Hawranik:** Mr. Speaker, can I advise the minister that, with respect to conditional sentences, I am certainly not in favour of conditional sentences with respect to violent crimes or sexual crimes, particularly against children, and for indictable offences? Can the minister advise, other than what he just related to me a couple of minutes ago with respect to a directive, has he ever established any policy with his Crown prosecutors with respect to conditional sentences?

**Mr. Mackintosh:** Well as I just said, the new practice is now for this consultation to take place, and that can be described as a policy. I might just clarify for the member, the policy directives for Crown prosecutors are usually issued through the assistant deputy minister or the assistant deputy attorney general's office. They may or may not be in response to a request from the minister or the deputy's office, but in terms of conditional sentences, I think that answers that question.

\* (16:50)

**Mr. Hawranik:** The minister made a comment just before the break that in fact if you established a policy you would be undermining prosecutors. I think those were the words that he used. I would wholly disagree with that, because, certainly, Crown prosecutors are his employees, and I think he is entitled to establish some underlying policies for

them to follow. I am not saying that you in fact are having any influence on a judicial decision, because a judge is independent from the Legislature, but prosecutors are not. I am not sure why he would state that establishing policies for prosecutors who are his employees in terms of the submissions that they may want to make, in terms of minimum standards, that he may have really would be, in his view, undermining prosecutors and their authority.

I point to, in fact, a real case in August 29, 2003: Ronald Powles, if the minister remembers. In fact, Mr. Chair, he got drunk while he was working at a government-run casino and then he drove home and ran over and killed an innocent pedestrian. He pled guilty to impaired driving causing death, and the Crown attorney recommended a conditional sentence. This was a recommendation from a Crown prosecutor of a conditional sentence in a case like that.

I am asking the minister do you believe that a conditional sentence is inappropriate in a case like this. I think it is. Do you think it is inappropriate for the minister to establish policy as to when they should be recommending or asking for conditional sentences? I think they should.

**Mr. Mackintosh:** Well, Mr. Chair, the member has to recognize that prosecutors are obliged ethically, professionally, to make decisions based on the law and the evidence. Part of the law of Canada is now conditional sentencing, including for some serious offences. Surely the member recognizes that, as part of the law of the land, it therefore in essence binds and ties the hands of prosecutors in their ability to apply a law to evidence in a particular case. The law is the law, and there is one way to change it in this case. It is not anymore through the Supreme Court of Canada. That has been tried, and it is not through appeal courts. It is through change to the Criminal Code. That is how to untie the hands of prosecutors.

But, when presented with the law, the prosecutor cannot ignore it. To take the prosecutor out of an argument in court because of a policy would leave the court to the arguments of the defence counsel. So that is the concern, that prosecution policy should not undermine the credibility of Crown prosecutors and remove them from the discussions as to what the appropriate sentence should be.

So that is the consideration, and that is taking place in every province. That concern, that debate,

the issue is an active one in Manitoba as it is, I trust, in other jurisdictions. But the conclusion is of all provinces that signed that document, that submission to federal government, the change has to come from Ottawa.

If it was simply by the signature of a provincial Attorney General, I can tell you that document would never have been required. Provincial AGs cannot get rid of the law of the land, cannot get rid of what the Supreme Court has directed, cannot get rid of the Criminal Code. It has to be changed at the top, at the parliamentary level.

I trust the member recognizes that because, certainly, people from all political parties that have studied this issue day in, day out and have dealt with the challenges of conditional sentencing for serious crimes, all recognize that in Canada. It is time for action. It is time for a response from the Parliament of Canada.

**Mr. Kevin Lamoureux (Inkster):** I thank the member from Lac du Bonnet for letting me take the floor to ask a series of what I think are relatively short questions in regard to justice-related issues.

The first is just to comment in terms of Bill 41, The Profits of Criminal Notoriety Act. I am wondering, Mr. Chair, if the minister can give any sort of indication as to, if that bill had been in effect for the last hundred years in Manitoba, how many people would have been able to be prosecuted under that legislation?

**Mr. Mackintosh:** As I said at the time the bill was introduced, Mr. Chair, I am not aware of a circumstance historically in Manitoba where that legislation would have redirected the profits, but we want to keep it that way. This legislation is put in place in order to guard against that perversion of the marketplace and free enterprise.

I can tell the member that there is an increased risk of profiting from the retelling of crimes here and everywhere because the hot genre both in print—and he just has to go to the local bookstore to see that—and in television is true crime. So it is timely that it be brought in. There is no magic to any particular date. It is just due diligence to cover off that gap. I can also remind the member that in the United States these laws have been used. This is not a type of law that sits dusty on the shelves of all state legislatures.

**Mr. Lamoureux:** Mr. Chair, I wonder if the minister can indicate if he has had any correspondence whatsoever from his department with officials in Ottawa prior to the introduction of this legislation where it would show that this Government was lobbying for change of this nature.

**Mr. Mackintosh:** This type of legislation, indeed one of the models for the bill that we brought in, was from the Uniform Law Conference of Canada, where it was concluded that this is legislation that is properly in civil rights within the jurisdiction of provinces, not the federal government, and that it had to be a provincial response. That is why Ontario was the first to move with this kind of legislation.

I just want to go back to the earlier point. The advent of the Internet as well, and such sites as eBay as well have increased the risk of people profiting not just from selling their stories of their horrid crimes but selling murderabilia, as it is called in some places. That is the unique aspect of the Manitoba laws compared to the Ontario laws, that we have added in there the memorabilia part.

Just getting back to the federal-provincial issue, Mr. Chair, I do not see how this would be federal legislation. This really requires an administrative, remedial approach within a provincial head of power. That is why Manitoba is the second jurisdiction to bring this in in this country and why the ULC had recommended a model for provincial legislation.

\* (17:00)

**Mr. Lamoureux:** So there would not have been any consultation done with representatives from Ottawa.

**Mr. Mackintosh:** The federal government is represented in the ULC process. That is where the consultation would have taken place. But as I said, if there is not any direct link between the objectives of the legislation and a federal area of jurisdiction except of course the crime itself, that is not a federal government issue.

So the answer is, yes, there would have been consultations with the ULC process when they looked at this model legislation.

**Mr. Lamoureux:** Is it fair to say that then this legislation would only apply to where an offence was

conducted in the province and the individual in question is detained in the province? Maybe the minister can explain that particular point to me.

**Mr. Chairperson:** Is there an agreement that we have a short recess? *[Agreed]*

*The committee recessed at 5:06 p.m.*

*The committee resumed at 5:08 p.m.*

**Mr. Chairperson:** The committee will now resume its proceedings.

**Mr. Mackintosh:** Actually, this legislation is before the House right now and I believe it is going to committee on Tuesday morning. Clause 4 of the bill says it applies to a contract for the recollection of a crime that was committed in Manitoba or it was committed outside Manitoba, if the payment is to a Manitoban, a resident of Manitoba or a person serving time here.

What this also speaks to is the need to have this kind of legislation in every province. We said this at the outset, when we introduced this, that is why we have largely built the first part of this legislation on the Ontario model because we hope that this is going to be model legislation in every jurisdiction. I can also tell the member that we are going to be noting for the other ministers and having some discussion around this when the ministers for Justice in Canada get together so that we can encourage our counterparts to grow this kind of legislation, because if it is going to be effective we have to fill in the holes on the map.

**Mr. Lamoureux:** I guess, Mr. Chairperson, that that is the point. When I am referring to have you work with bureaucrats in Ottawa, what sort of work was done with other jurisdictions? It seems to me the effect of this legislation is not necessarily going to produce the results that the minister is really talking about when he has his press conference in regard to it.

I guess a very specific question is has the Minister of Justice had any correspondence with other provincial jurisdictions prior to the introduction of this bill in regard to them proposing legislation of the same manner.

**Mr. Mackintosh:** Mr. Chair, there have been ongoing discussions with Ontario in particular but, as well, all the jurisdictions in Canada are aware of the ULC process and the issues that are decided there. There should be no province that has been left out of the loop in terms of the development of this kind of legislation in North America, let alone Canada. The next step now is if the legislation passes the House and, depending on how it looks, that will be shared with the other jurisdictions. As I said, and I made a point of this when we introduced the legislation, we need a web of this kind of law across the country.

\* (17:10)

**Mr. Lamoureux:** The minister, when talking about conditional sentences, had indicated that it is virtually unanimous, if not unanimous, amongst all provincial jurisdictions, that this has proven to be a failure in terms of legal policy, if I can put it that way, the conditional sentences.

There is, obviously, a great deal of dialogue on that issue when the minister meets with his counterparts. But what we hear is that on this particular issue that same sort of dialogue has not been the case or there has not been any really formal dialogue, having that web across the country of legislation that would deal with this as a bigger package.

Having said that, we gave third reading and Royal Assent to The Criminal Property Forfeiture Act. The minister had indicated that he wants to make this the law. I am asking the minister in terms of when can we anticipate that it will be proclaimed.

**Mr. Mackintosh:** Just on the first point, Mr. Chair, other jurisdictions, through the staff, the justice officials working group, have been informed of our criminal notoriety legislation, but the difference between that legislation and conditional sentencing legislation is that the FPT process is based on consultation around in no small part the Criminal Code. There are demands on the federal government to change the Criminal Code, to enhance it, which is quite different of course than a province showing leadership and a province sharing ideas with other jurisdictions in Canada.

One province cannot make demands on another province, but they can certainly show leadership and make urgings, if you will. That is what we will do

once the legislation is passed. They know about it already, but we will certainly do our part to spread the word and to try and make sure that there is indeed a national, not a federal, because it cannot be, but a national approach.

In terms of The Criminal Property Forfeiture Act, I am advised that considering the work that is to be done, we are only looking at a few months before proclamation.

**Mr. Lamoureux:** I was listening closely when the Member for Lac du Bonnet (Mr. Hawranik) was asking questions in regard to the GPS ankle bracelet, if we can call it that. I for one feel very strongly that this is technology that can and should be used within the department. It is disappointing in the sense that the Government does not give it the type of priority that I think Manitobans would like to see in regard to this particular issue. They have been in government now since 1999. As the member from Lac du Bonnet has pointed out, you were inquiring into prices and so forth two years ago. I have a difficult time buying into the rationale that the minister is using for not moving ahead on this technology.

I guess a very concise question would be does the minister believe that we will in fact have GPS ankle bracelets, that it is only a question of time.

**Mr. Mackintosh:** My understanding from the department is that they are focussing on a specific targeted proposal, but it is based on a consideration that there have been problems identified with a lot of the technology, but some form of electronic monitoring, I understand, may suit Manitoba. But again, there is a legal analysis as well in terms of how it can be ordered, how it can be legally used. But the member should be aware that there are jurisdictions in Canada that have experienced even just basic difficulties with the technology, and there might be nothing more threatening to public safety than relying on a technology that is not in fact reliable. So something that might sound good at first is not the reason to invest in that development. We know, when we have other jurisdictions that have moved away from this, whether it is Ontario or British Columbia most recently, there is cause for concern. Manitoba jumps in when other provinces are leaving.

The member should be asking that question if we made an announcement prematurely based on recent concerns in other jurisdictions, but that is

something that we will consider carefully. We are not just going to do something because it might sound good at first glance.

**Mr. Lamoureux:** You do not have to worry about jumping prematurely; you have been in government for four and a half years. That is not premature. You can see a lot in terms of priority of government. You know, on the one hand we have legislation in which the Province wants to lead the way, and then, on the other hand, we have a potential program that could really make a huge difference in terms of that street-level justice. It says a lot in terms of priorities. I would suggest to you that is something in which we will continue to monitor in terms of what the Government is doing in regard to this because ultimately I think that it is a program that could be made to work in the province of Manitoba. The Government just has to get behind the initiative.

I wanted to ask some specific questions in regard to the Turnabout program, Mr. Chair. The Turnabout program was another program that came out with quite a significant amount of fanfare. I want to know in terms of how many cases the minister has been advised as to youth under the age of 12 that have been in essence brought to their parents.

**Mr. Mackintosh:** We will have to obtain the answer to that specific question from the department. It is my understanding that the statistics are available. I just have to get them here to the committee.

\* (17:20)

**Mr. Lamoureux:** Mr. Chair, it would be most beneficial if we could get those stats. I would be very much interested in knowing, when we have that stat, there is a question of how many children under the age of 12 have been identified and there is a number, what percentage and even if I can get some sort of an estimate, an unquotable estimate even, from the minister as to what percentages are actually participating that in fact have been given attention to this particular program, because I understand that it is not compulsory. They do not have to comply with the program itself.

Would the minister have any sense of—and I will just hypothetically take a number—if you get a hundred youth, out of that hundred youth, how many are complying with the request that they take some form of alternative measure, whatever it might be?

**Mr. Mackintosh:** Turnabout, actually, I do not think it was a program that has a lot of public attention and perhaps it deserves that, because it does provide an answer to public concern about very youthful offenders, Mr. Chair. But the program, as a result of the Budget, is being made a permanent part of the Manitoba justice system after being piloted with the financial help of the federal government and the indication is that virtually every parent has been co-operative. I think there was an instance where there was not co-operation. That because there was intervention by Child and Family Services ongoing. So I think it shows that parents do seek answers and, of course, where a parent is unco-operative—

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

**Mr. Mackintosh:** Where a parent is unco-operative, Mr. Chair, it may be a factor to be considered, then, by Turnabout as to whether the child or the family should be referred to Child and Family Services. In other words, is this a situation where there should a child in care? So there are ways to, certainly, get the attention of families to the possibilities of Turnabout. I just wish I had the numbers here. I even had them earlier today, but we will provide those to the member.

**Mr. Lamoureux:** It would be nice if I could get those sometime in the next day or two. I would appreciate it.

I am wondering if the minister can indicate, in terms of the alternative types of measures, because I am going to, ultimately, suggest to you that justice committees could be playing a role in this area—can the minister indicate how these cases would be dealt with? I understand, for example, Johnny is taken home by the police officer, and then what would typically happen from there in terms of ensuring that there is a consequence to Johnny?

**Mr. Mackintosh:** I believe I have the answer here, Mr. Chair. I had it in my House book. I am advised that Turnabout has received more than 430 referrals from the police and community. According to these figures, 42 percent of the referrals were classified as moderate, 36 percent as minor, 6 percent as serious, 6 percent did not meet criteria. Most common are fire-setting, acting out at school, shoplifting, and stealing. So those are some indications there, perhaps, that answer the member's earlier question.



In terms of the role of youth justice committees, Mr. Chair, there has been correspondence sent and communications with the youth justice committees in terms of their interest in helping to provide the consequences side. Turnabout can arrange for apologies and restitution and so on. In certain circumstances, it can be very useful, as the member knows firsthand, for justice committees to be the oversight, the facilitating and supervision body. So we do see that role developing.

**Mr. Lamoureux:** I do appreciate the numbers and the disposition of the cases that are received is something which I have a personal interest in also. I happen to chair one of the justice committees, the Keewatin Justice Committee. I would suggest to the minister that I would be interested in hearing how most of those cases, and not all cases in a general way, are disposed of. To what degree the minister, I know offhand, I have one member on our committee, Janice Toledo [*phonetic*], who has expressed an interest in dealing with youth under the age of 12. To what degree is the minister open to youth justice committees dealing with young offenders under the age of 12?

**Mr. Mackintosh:** As I say, I am more than open to it. We are actually encouraging it and doing what we can to facilitate it. I am also open to the idea of youth justice committees dealing with young adults, whether they are 18 or 19 years old. I do not think there are hugely different dynamics although there is some different law with youth criminal justice act. That is where I see further development. Right now there are some reduced volumes in youth justice committees because the police are dealing with more matters up front. I think it is a good time now to work with committees and help them if there are any training needs to empower them and urge them to expand the range of cases that come their way.

Another statistic here about Turnabout is the 430 referrals involved 361 children. In other words, there are two different numbers there, and the member can understand why.

**Mr. Lamoureux:** Does the department track in terms of ultimately the disposition of those 361? How would the matters have been put to rest is what I am looking for?

**Mr. Mackintosh:** I am advised that there were 13 reports about suspected child abuse or neglect to child welfare agencies. There have been referrals.

While they can range, and I will see how these statistics document this, but the typical referral is to a recreation program, counselling program or another prevention program like Fire Stop. It would depend on the nature of the offence.

I think what I will do is ask the department for further information for the member.

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

Call in the Speaker.

## IN SESSION

### House Business

**Hon. Gord Mackintosh (Government House Leader):** Mr. Speaker, would you canvass the House to see if there is agreement that, during Orders of the Day tomorrow, one section of the Committee of Supply will meet in 255 to consider the Estimates of the Department of Transportation and Government Services while the House meets in the Chamber to consider legislation, with the understanding that there are to be no votes or quorum required for Committee of Supply tomorrow only?

**Mr. Speaker:** Is there agreement that, during Orders of the Day tomorrow, one section of the Committee of Supply will meet in Room 255 to consider the Estimates of the Department of Transportation and Government Services while the House meets in the Chamber to consider legislation, with the understanding that there are to be no votes or a quorum required for Committee of Supply tomorrow only? [*Agreed*]

The hour being 5:30 p.m. this House is adjourned and stands adjourned until 1:30 p.m. tomorrow (Wednesday).

## CORRIGENDUM

Vol. LV No. 28 - 1:30 p.m., Thursday, May 6, 2004, page 1710, in Mr. Reid's Member's Statement, the second paragraph inadvertently reads:

The cast of *Anything Goes* was comprised of Senior 2 to Senior 4 students who are a part of the Transcona Collegiate Musical Theatre Chorus.

The paragraph should read:

The cast of *Anything Goes* was comprised of Senior 2 to Senior 4 students who are a part of the Transcona Collegiate Musical Theatre course.

# LEGISLATIVE ASSEMBLY OF MANITOBA

Tuesday, May 11, 2004

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