



Third Session - Thirty-Seventh Legislature

of the

Legislative Assembly of Manitoba

**DEBATES
and
PROCEEDINGS**

**Official Report
(Hansard)**

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The Honourable George Hickes
Speaker*



MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Seventh Legislature

Member	Constituency	Political Affiliation
AGLUGUB, Cris	The Maples	N.D.P.
ALLAN, Nancy	St. Vital	N.D.P.
ASHTON, Steve, Hon.	Thompson	N.D.P.
ASPER, Linda	Riel	N.D.P.
BARRETT, Becky, Hon.	Inkster	N.D.P.
CALDWELL, Drew, Hon.	Brandon East	N.D.P.
CERILLI, Marianne	Radisson	N.D.P.
CHOMIAK, Dave, Hon.	Kildonan	N.D.P.
CUMMINGS, Glen	Ste. Rose	P.C.
DACQUAY, Louise	Seine River	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.
ENNS, Harry	Lakeside	P.C.
FAURSCHOU, David	Portage la Prairie	P.C.
FRIESEN, Jean, Hon.	Wolseley	N.D.P.
GERRARD, Jon, Hon.	River Heights	Lib.
GILLESHAMMER, Harold	Minnedosa	P.C.
HELWER, Edward	Gimli	P.C.
HICKES, George	Point Douglas	N.D.P.
JENNISSEN, Gerard	Flin Flon	N.D.P.
KORZENIOWSKI, Bonnie	St. James	N.D.P.
LATHLIN, Oscar, Hon.	The Pas	N.D.P.
LAURENDEAU, Marcel	St. Norbert	P.C.
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.
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.
PENNER, Jack	Emerson	P.C.
PENNER, Jim	Steinbach	P.C.
PITURA, Frank	Morris	P.C.
PRAZNIK, Darren	Lac du Bonnet	P.C.
REID, Daryl	Transcona	N.D.P.
REIMER, Jack	Southdale	P.C.
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SANTOS, Conrad	Wellington	N.D.P.
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SCHULER, Ron	Springfield	P.C.
SELINGER, Greg, Hon.	St. Boniface	N.D.P.
SMITH, Joy	Fort Garry	P.C.
SMITH, Scott, Hon.	Brandon West	N.D.P.
STEFANSON, Heather	Tuxedo	P.C.
STRUTHERS, Stan	Dauphin-Roblin	N.D.P.
TWEED, Mervin	Turtle Mountain	P.C.
WOWCHUK, Rosann, Hon.	Swan River	N.D.P.

LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, November 28, 2001

The House met at 1:30 p.m.

PRAYERS

ROUTINE PROCEEDINGS

TABLING OF REPORTS

Hon. Rosann Wowchuk (Minister of Agriculture and Food): Mr. Speaker, I am pleased to table the following 2000-2001 annual reports: the Department of Agriculture and Food; Manitoba Farm Mediation Board; the Manitoba Agricultural Credit Corporation; Manitoba Crop Insurance Corporation; the Food Development Centre; and Prairie Agriculture Machinery Institute. Copies of these reports have been previously distributed.

Introduction of Guests

Mr. Speaker: Prior to Oral Questions, I would like to draw the attention of all honourable members to the public gallery where we have with us from F. W. Gilbert School 13 Grade 5 students under the direction of Mrs. Chris Reimer. This school is located in the constituency of the honourable Member for Lac du Bonnet (Mr. Praznik).

Also we have in the public gallery from Minnetonka School 21 Grade 9 students under the direction of Mr. Larry Patrick. This school is located in the constituency of the honourable Member for Riel (Ms. Asper).

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

ORAL QUESTION PERIOD

HOPE Learning Centre Provincial Audit

Mr. Stuart Murray (Leader of the Official Opposition): Mr. Speaker, a funny thing happened on Monday. I was asking the Premier (Mr. Doer) a question on the audit report,

specifically on the adult learning centre operated by the Orlikows called HOPE Inc. The Premier responded about the Auditor's report on Morris-Macdonald School Division.

I hold in my hand a copy of the Auditor's report. It is an investigation, on the front page titled: Investigation of an Adult Learning Centre. That is what is stated on the front. In the executive summary, it says on page 7: "On March 29, 2001, the Office of the Provincial Auditor (PAO) was requested by the Deputy Minister, Manitoba Education, Training and Youth to investigate allegations regarding an Adult Learning Centre . . . known as Classroom 56."

My question is to the Acting Minister of Education: Will the minister clarify to this House that the audit was called into one specific adult learning centre, that being HOPE, operated by the Orlikows?

Hon. Dave Chomiak (Minister of Health): The facts, for a change, as stated by the Leader of the Opposition in terms of his factual statement are correct. An executive summary goes on, and I will quote: As a result of the information we obtained during the course of the investigation, we amended the scope of our examination to include a general review of the establishment of ALCs in Morris-Macdonald School Division and a review of Manitoba Education, Training and Youth's role in the evolution of ALCs in Manitoba.

*(13:35)

It is very clear in the executive summary, as the member suggested, and it has been written. It has been provided to the public for all to see, as opposed to a rejection by members opposite when they were government to conduct an audit into these very same programs.

Mr. Murray: Speaking of factual information, again I refer to the Auditor's report that is an investigation of an adult learning centre. I

wonder if the Acting Minister of Education can confirm that the dates of the audit investigating the adult learning centre HOPE, operated by the Orlikows, was from July 2000 to June 2001.

Mr. Chomiak: As both the Premier and the Minister of Education, Mr. Speaker, the Leader of the Opposition I think in his first question indicated there was an investigation that was undertaken at the request of this Government, at the request of the Deputy Minister of Education. It was provided, made public, provided to members opposite, provided to members of the public. Actions were implemented, additional actions are forthcoming.

The issue here is: Why did members opposite when they were government refuse, despite repeated advice, to conduct an audit? Why did they refuse both leading up to and during the provincial election?

Adult Learning Centres Responsibility

Mr. Stuart Murray (Leader of the Official Opposition): My final supplementary to the Acting Minister of Education is: Can the acting minister confirm that Pat MacDonald was the superintendent responsible for the adult learning centre program during the 2000-2001 school year?

Hon. Dave Chomiak (Minister of Health): I believe that information has already been provided to the members of the Opposition with respect to that particular matter.

Public Schools Act Legal Opinion—Tabling Request

Mr. Mervin Tweed (Turtle Mountain): The last several days we have been quoting section 28(3) to the Government where it states: "Upon the appointment of an official trustee under this section for any school division or school district, all other trustees and officials of the school division or school district, if any, shall cease to hold office."

The Minister of Education (Mr. Caldwell) yesterday stated that he had sought a legal

opinion, and I would ask today if he is prepared to table that opinion.

Hon. Dave Chomiak (Minister of Health): Mr. Speaker, for several days now members of the Opposition have been discussing their legal interpretation and their legal opinion of a particular provision 28(3), I believe, of The Public Schools Act and providing their view and interpretation of that particular section. The Government, of course, as its duty and its responsibility, sought legal opinion with respect to the interpretation of that particular section, and we acted accordingly.

Mr. Tweed: Is it not ironic that today the Government takes motions or steps forward to shield the Minister of Education?

I would like to table a copy of a legal opinion that this Government asked for and tabled in the affairs of the Minister of Consumer and Corporate Affairs. Let me just put a date on that. That date was July 27. I would like to refer to the news release that the Government put out on August 2 in reference to that, where the Premier (Mr. Doer) is quoted as saying: This legal opinion vindicates the Government's position.

Mr. Speaker, in light that there has been a precedent set by this Government, I would ask the minister again today to table the legal opinion that he refers to.

Mr. Chomiak: Mr. Speaker, I appreciate that the member has brought that question again to this House, because when the member brought that question to the Chamber several days ago I read that section of the act. I reviewed that section of the act, and—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

* (13:40)

Mr. Chomiak: Mr. Speaker, not only did the Government seek a legal opinion in this regard and act accordingly, but in my view the member's interpretation of that section is wrong.

**Morris-Macdonald School Division
Superintendent Resignation**

Mr. Mervin Tweed (Turtle Mountain): Mr. Speaker, the member opposite continues to shield the Minister of Education (Mr. Caldwell). Earlier this day, Ms. Pat MacDonald resigned from the school board.

Mr. Speaker: Order.

Point of Order

Hon. Steve Ashton (Deputy Government House Leader): Mr. Speaker, a supplementary question requires no preamble.

Mr. Speaker: The honourable Member for Turtle Mountain, on the same point of order.

Mr. Tweed: Mr. Speaker, I think it is important to note that Ms. Pat MacDonald, after reviewing the legislation, agreed that we were right on this issue.

Mr. Speaker: Order. On the point of order raised by the honourable Minister of Transportation, he does have a point of order. *Beauchesne's* Citation 409(2) advises that a supplementary question should not require a preamble.

I would ask the honourable member to please put his question.

* * *

Mr. Tweed: Will the minister confirm that Pat MacDonald, after reviewing the legislation, section 28(3), made the right decision this morning and resigned?

Hon. Dave Chomiak (Minister of Health): Mr. Speaker, I think it is incredible the accusations and distortions that have been put on the floor of this House and the privileges that they have taken with the truth in this House. They were wrong about the Provincial Auditor, and they still have not apologized. They were wrong about the use of the term "fraudulent transactions," which they used 10 times, and they refused to apologize. They were wrong when they said two senior deputy ministers were

ordered to visit the Provincial Auditor, and they did not renege on that, and they were wrong when they said the Premier (Mr. Doer) ordered that.

Constantly, members on that side of the House are putting inaccurate information on the record in one of the most incredible fishing expeditions I have seen in this Chamber since the Member for Lac du Bonnet (Mr. Praznik) put the fraudulent photos out in the hallway dealing with the fishing expedition.

**Morris-Macdonald School Division
Hiring Practices**

Mr. Leonard Derkach (Russell): Mr. Speaker, what is truly amazing is the lack of truth that we seem to be getting from the Government on this issue. Yesterday I asked the question of both the Minister of Finance (Mr. Selinger) and the Minister of Education (Mr. Caldwell) regarding the hiring of an individual by the now-resigned superintendent of Morris-Macdonald School Division of one individual who had been fired by the Orlikows, had met with the Minister of Finance, and then was rehired by the superintendent of Morris-Macdonald School Division to do the very thing that she had been fired for.

Mr. Speaker, my question to the Acting Minister of Education is whether or not this Government finds it acceptable for their representatives to be hiring individuals who had been fired for fudging enrolments under the Orlikows.

Hon. Dave Chomiak (Minister of Health): Mr. Speaker, the members opposite have developed more conspiracy theories in this Chamber than I have seen since the 1963 Kennedy assassination. It is conspiracy theory, allegation after allegation. If the member wants to ask a specific question on a specific matter, to the effect to the ability that we can answer that question, we, of course, are prepared to do that.

Mr. Derkach: Mr. Speaker, then I ask the Acting Minister of Education whether he can explain why this individual was hired, when I can quote from a CJOB transcript here that says Mr. Alex Krawec, who is now the acting trustee for that division, when asked why this individual was hired, was at a loss as to explain why that

individual was hired. Can the acting minister explain why that individual was hired?

* (13:45)

Mr. Chomiak: Mr. Speaker, I am not certain to what reference and to what point the member is referring with respect to a hiring with respect to the matter that he is raising, because it is very clear. One notes that not only are there many factual inaccuracies, but it is not very clear.

In regard to the official trustee, Mr. Speaker, Mr. Krawec has a long-standing reputation of fairness. He has a long-standing reputation of trust in the community, and he has been appointed a trustee to operate the affairs of that particular school division.

Mr. Derkach: Mr. Speaker, then I want to ask the acting minister whether he feels, on behalf of this Government, that it is appropriate for a deputy minister to be writing to an administrator of a HOPE program recommending the hiring of an individual that he has some knowledge about. Does he think that is appropriate?

I will table that letter that was written to Ms. Antoinette Sequeira by the deputy minister, Ben Levin.

Mr. Chomiak: Mr. Speaker, what is entirely appropriate is that this Government, upon learning of difficulties with respect to adult learning in the province, called in the Provincial Auditor, an independent arm's-length body, to examine the situation, to make recommendations, unlike members opposite when they were government and had written suggestions to do so, failed to do so.

Morris-Macdonald School Division Enrolment Figures—Responsibility

Mrs. Bonnie Mitchelson (River East): Mr. Speaker, the Minister of Education (Mr. Caldwell) kept only one individual from the Morris-Macdonald School Division and that was Pat MacDonald when everyone was fired. I would like to ask the Acting Minister of Education whether Pat MacDonald, the person that his Minister of Education kept, was the person that signed and confirmed the documents

that were sent to the Department of Education with overinflated enrolment numbers.

Hon. Dave Chomiak (Minister of Health): Mr. Speaker, I believe that information has been canvassed with respect to the Provincial Auditor, who went in to look at the situation in Morris-Macdonald and look at the situation across the field with respect to adult learning, did a comprehensive report. A series of recommendations came to the Government, which we have acted upon and additional recommendations which we are continuing to act upon.

HOPE Learning Centre Funding—Investigation

Mrs. Bonnie Mitchelson (River East): I would like to ask the Acting Minister of Education: Has there been an investigation done by the Minister of Education (Mr. Caldwell) to determine whether Lionel Orlikow, through the HOPE program, submitted inflated enrolment numbers to Morris-Macdonald and received payment for students that did not exist?

Hon. Dave Chomiak (Minister of Health): Mr. Speaker, as has been stated in this House now for the past, I would say, week to 10 days, the Auditor's report, the entire Auditor's report that was ordered and directed by members on this side of the House, contrary to decisions made when that member was sitting around the Cabinet table, that entire report has been referred to the RCMP.

Funding Repayment

Mrs. Bonnie Mitchelson (River East): I would like to ask the Acting Minister of Education, since the Minister of Education (Mr. Caldwell) is now running Morris-Macdonald School Division, will he—

* (13:50)

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Mrs. Mitchelson: Thank you, Mr. Speaker. I am wondering if I might start over again, given that

I was rudely interrupted by members of the Government.

Given that the Minister of Education is now directly in charge of Morris-Macdonald School Division, because he has fired the board, will he be investigating on behalf of the taxpayers of Morris-Macdonald to ensure that any money that was overpaid to Lionel Orlikow is paid back to the taxpayers of Morris-Macdonald School Division and the taxpayers of Manitoba?

Hon. Dave Chomiak (Minister of Health): Mr. Speaker, there are unfortunately some factual inaccuracies in the statement of the member opposite. First off, the official trustee, Mr. Krawec, is responsible for running and sits in place of the school board. Members opposite who review The Public Schools Act ought to review that section and will be able to clarify that.

Secondly—

Mr. Speaker: Order.

Point of Order

Mr. Mervin Tweed (Turtle Mountain): Mr. Speaker, the member opposite referred to The Public Schools Act, and we have been referring to it all week where it says that under the appointment of an official trustee, all trustees shall cease to hold office.

Mr. Speaker: Order. On the point of order raised by the honourable Member for Turtle Mountain, he does not have a point of order.

I would like to take this opportunity to remind all members in the House, when rising on a point of order, it is to show the breach of a rule or the use of unparliamentary language. I would ask the co-operation of all honourable members, please.

* * *

Mr. Tweed: Mr. Speaker, with all due respect, I challenge your ruling.

Mr. Speaker: Order. Could I have the co-operation of the honourable Minister of Labour (Ms. Barrett) and the honourable Member for

Russell (Mr. Derkach), please? A point of order is a very serious matter.

The ruling of the Chair has been challenged.

Voice Vote

Mr. Speaker: All those in favour of sustaining the ruling of the Chair, please say yea.

Some Honourable Members: Yea.

Mr. Speaker: All those opposed to sustaining the ruling of the Chair, please say nay.

Some Honourable Members: Nay.

Mr. Speaker: In my opinion, the Yeas have it.

Formal Vote

Mr. Marcel Laurendeau (Opposition House Leader): Yeas and Nays, Mr. Speaker.

* (13:55)

Mr. Speaker: A recorded vote having been requested, call in the members.

The question before the House is: Shall the ruling of the Chair be sustained?

Division

A RECORDED VOTE was taken, the result being as follows:

Yeas

Aglugub, Allan, Ashton, Asper, Barrett, Cerilli, Chomiak, Dewar, Gerrard, Jennissen, Korzeniowski, Lathlin, Lemieux, Maloway, Martindale, McGifford, Mihychuk, Nevakshonoff, Reid, Robinson, Rondeau, Santos, Schellenberg, Selinger, Smith (Brandon West).

Nays

Cummings, Dacquay, Derkach, Driedger, Dyck, Enns, Faurschou, Gilleshammer, Helwer, Laurendeau, Loewen, Mitchelson, Murray, Penner (Steinbach), Pitura, Reimer, Schuler, Smith (Fort Garry), Tweed.

Madam Clerk (Patricia Chaychuk): Yeas 25, Nays 19

Mr. Speaker: The ruling of the Chair has been sustained.

* * *

Hon. Rosann Wowchuk (Swan River): Mr. Speaker, I want the House to know that I did not vote on this motion because I was paired, but had I voted, I would have voted to sustain the Chair.

HOPE Learning Centre Funding Repayment

Mr. Harold Gilleshammer (Minnedosa): The Provincial Auditor's report has indicated that between \$2.5 million and \$4 million was flowed as an overpayment to Morris-Macdonald School Division and subsequently the money was paid out to HOPE, Anokiiwin and others.

What process will the Minister of Education (Mr. Caldwell) use to refine the exact amount that has to be repaid? Is it \$2.5 million or is it \$4 million?

Hon. Dave Chomiak (Minister of Health): Mr. Speaker, as was indicated earlier, the Provincial Auditor undertook a thorough review of the situation in Morris-Macdonald and in Agassiz and related areas with respect to adult learning centres, made a number of recommendations, the report of which the Government is following up on.

The member may be aware that an official trustee has been appointed to manage the affairs of Morris-Macdonald School Division, an individual who is well respected, I believe, by all members of this House, including members on that side of the House and who is charged with the responsibility of running in place of, in lieu of the trustees in Morris-Macdonald School Division.

Mr. Gilleshammer: The acting minister has clearly stated that Mr. Krawec will make that determination.

*(14:10)

Given that 10 percent of this was an administration fee for the school division and

90 percent of it flowed through to HOPE and Anokiiwin, will they be responsible, will these people who ran the adult learning centres be responsible for repaying 90 percent of the money that was flowed?

Mr. Chomiak: Mr. Speaker, as the member opposite knows, the Provincial Auditor made a number of recommendations in terms of tightening up the situation. In fact, this session we are going to be bringing forward legislation.

I look forward to the support of members opposite regarding their newfound concerns for adult learning centres, something they did not exhibit the last several years when they were in power.

Mr. Gilleshammer: Mr. Speaker, given that 90 percent of that money flowed to an organization called HOPE, will they be responsible? Will the Orlikows be responsible for paying back 90 percent of the money that they received inappropriately?

Mr. Chomiak: Mr. Speaker, throughout this sordid, sordid mess, there are a number of individuals, organizations and others who have been cited, who have been noted, who have been outlined in terms of the Auditor's report. One by one, members opposite have thrown out attacks on group organizations, individuals, one by one, and in most cases they have been proved wrong and false.

The item is in the hands of an official trustee. There are officials and controls now put in place with respect to adult learning centres by the Department of Education. Legislation is coming and the RCMP, whom we have faith in, and I have yet to hear members opposite express that same faith, are examining the situation.

Doctor Del Rizzo Employment Status

Hon. Jon Gerrard (River Heights): Mr. Speaker, earlier this week I received a letter from a woman, who is in the gallery today, who speaks glowingly of her doctor. He had compassion and empathy. Doctor Del Rizzo changed my life. Doctor Del Rizzo has a unique ability to connect with patients, regardless of who they

are. He gives everyone whatever time they require. While waiting to see him all I ever heard was praise from other people he treated, comments like he is the best, he is one of the top surgeons in Manitoba, we are lucky to have someone like him were not infrequent.

My question to the Minister of Health: Why is it when Doctor Del Rizzo would like to stay and work in Manitoba, when we hear that there is a crisis in doctors in this province, why does the health care system the Minister of Health is running seem to be doing everything possible to chase Doctor Del Rizzo out of the province?

Hon. Dave Chomiak (Minister of Health): Mr. Speaker, first off, I want to indicate that the recent CIHI report that did a comparison and evaluation across the country showed that Manitoba had gained 5.8 physicians in this province and in the last two years has reversed the trend of doctor losses over the '90s.

Secondly, I do not believe it is appropriate for the member, or for me, to discuss in this Chamber specific personnel issues that relate to individuals. I do not think it serves anyone's interest. I am prepared, and in fact I mentioned to the member opposite that he should talk to the hiring authority with respect to this matter when he raised it. As I indicated, I mentioned to him that he ought to talk to the Winnipeg Regional Health Authority, and I think that is the appropriate course of action he should follow.

Mr. Gerrard: Mr. Speaker, my supplementary to the Minister of Health. I would like the minister to explain to the people of Manitoba and to the patients of Doctor Del Rizzo who are here, who would like to continue to be served by Doctor Del Rizzo and who have heard when they have called Dr. Brock Wright that Doctor Wright has the highest respect for Doctor Del Rizzo's work, why is Doctor Del Rizzo not being allowed to continue to serve Manitobans like Mrs. Durria Tasse who is here in the gallery today?

She would like an answer.

Mr. Chomiak: Mr. Speaker, I rely on the medical advice of members and individuals in the medical community and otherwise to make determinations about particular individuals and about their qualifications and their abilities.

I am not competent to determine, Mr. Speaker, as an individual whether or not a particular surgeon has particular better skills than others. I leave that up to the advice of those who are the employing authorities.

Mr. Speaker, if the member had stood up during the Sinclair inquiry and said why are you letting Doctor Odim go, he would have been wrong then.

Mr. Gerrard: Mr. Speaker, my supplementary to the Minister of Health: I ask again why, since Doctor Del Rizzo has a lower mortality rate for people he has operated on, for isolated coronary by-pass than the average of the other surgeons in this province and the average of surgeons elsewhere in North America, why are you not looking at these statistics and trying to make an effort to keep Doctor Del Rizzo here?

Mr. Chomiak: Mr. Speaker, I have looked at the statistics that have been provided to me by Doctor Del Rizzo and by the member opposite in terms of his statements in regard to the surgery performed and his tenure here in Winnipeg.

I have no reason to doubt that Doctor Del Rizzo is a very competent individual. However, decisions about hiring or otherwise with respect to health and medical-related matters, I rely on the advice of health and medical-related experts, and I follow their advice. I would suggest that no Health Minister that I recall ever in this Chamber has done otherwise.

HOPE Learning Centre Funding Overpayment

Mr. John Loewen (Fort Whyte): On page 40 of his report, the Auditor has investigated Classroom 56 operated by the Orlikows, and the Auditor identifies during the period July 1, 2000, to April 30, 2001, that because of inflated enrolment figures, the HOPE program operated with a surplus of almost \$200,000. This is just but one of 10 programs operated by the Orlikows.

My question to the Minister of Education (Mr. Caldwell) is: Can he advise how much profit was paid to HOPE and to the Orlikows as

a result of inflated enrolments? Is it 10 times \$200,000?

Hon. Dave Chomiak (Minister of Health): Mr. Speaker, one of the reasons the Auditor was engaged, an independent third party brought in to examine the situation, is that members opposite had memos from officials in the Department of Education with concerns about those very agencies when they were in government and did not act upon them.

When the Minister of Education came to power, we put in place some measures, and we brought in the Provincial Auditor to get to the bottom of it.

Funding Repayment

Mr. John Loewen (Fort Whyte): Mr. Speaker, this agency was not started until 2000.

I would ask the Minister of Finance if he believes that it is fair for the ratepayers of the Morris-Macdonald School Division to be responsible for repaying monies that quite likely were pocketed by the Orlikows?

Hon. Greg Selinger (Minister of Finance): Once again, the odious tradition of Senator Joe McCarthy rears its ugly head in the House through the comments of the member opposite jumping to conclusions and making character assassinations.

We have said this entire report prepared by the Auditor, a report that was supposed to be prepared by the former government and ignored, has been put in the hands of the RCMP. They will do a thorough investigation. If there is any wrongdoing, they will proceed accordingly.

Morris-Macdonald School Division Legal Advice

Mr. John Loewen (Fort Whyte): Mr. Speaker, I would ask the Minister of Finance, who has assured this House on many occasions that all of the recommendations in the audit will be followed, will he ensure that the Minister of Education (Mr. Caldwell) will do exactly what the Auditor has recommended, which is to seek legal advice on the appropriateness of

Morris-Macdonald School Division's administrators and/or administrators of Classroom 56 providing Morris-Macdonald with enrolment figures that they knew or should have known were overstated? Will he provide that to the people of Manitoba?

* (14:20)

Hon. Dave Chomiak (Minister of Health): Mr. Speaker, I noticed in the last three, four, five, perhaps six questions and supplementaries by members opposite, they refer to the Orlikows. Let me quote from a quotation from the Orlikows that appeared in the *Winnipeg Free Press*. The Orlikows said: When the Tories were still in power, John Orlikow said, they treated us as an independent contractor, a business that was providing a service.

Mr. Speaker, when we came to office, when we recognized there were difficulties, we acted upon it and we are following up, the Minister of Education. In fact, there is going to be legislation brought forward this session to help deal with these matters.

HOPE Learning Centre Locations

Mr. Frank Pitura (Morris): In the Auditor's report on page 19, I will quote, and it says: The program commenced operation, the program referring to Classroom 56, on September, 2000, as an ALC, adult learning centre, operated by Higher Opportunities for People through Education Inc. or known as HOPE, incorporated July 27, 2000, as a for-profit entity. The Morris-Macdonald School Division partnered with HOPE under a private-public partnership contract to deliver adult learning programs at various locations in Winnipeg. Mr. Speaker, the program is one of 10 ALCs operated by HOPE in Manitoba in the 2000-2001 school year, of which 8 were partnered with Morris-Macdonald School Division.

My question is to the Acting Minister of Education: Where were the other two ALCs partnered?

Hon. Dave Chomiak (Minister of Health): Mr. Speaker, I am very pleased that members

opposite are now starting to actually deal with some of the issues that are raised in the Auditor's report. We look forward to continued support by members opposite when we bring in legislation. With regard to the specifics of that question, I will take that as notice.

Adult Learning Centres Funding Repayment

Mr. Frank Pitura (Morris): I quote from page 100 of the Provincial Auditor's report: Due to the lack of monitoring, it is likely that the full-time equivalent funding for other ALCs, adult learning centres, was—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Point of Order

Hon. Steve Ashton (Deputy Government House Leader): Mr. Speaker, *Beauchesne* Citation 410(8) indicates that preambles to questions are not necessary on a supplementary. The member had not indicated it was a new question. It was clearly a supplementary. There should have been no preamble. I know he knows that.

Mr. Speaker: The honourable Opposition House Leader, on the same point of order.

Mr. Marcel Laurendeau (Opposition House Leader): Mr. Speaker, the citation which the honourable member has quoted is correct, but the honourable member was starting a new question.

Mr. Speaker: On the point of order raised by the honourable—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. On the point of order raised by the honourable Minister of Transportation, he does have a point of order. *Beauchesne's* Citation 409(2) advises that a supplementary question should not require a preamble.

I would ask all honourable members when raising a new question to please inform right off the top so that way Hansard would know and I would know that it is a new question. So I would ask the co-operation of all honourable members.

The honourable member, to put his question. I had recognized the honourable member for a supplementary question, and I ask the honourable member now to please put his question.

Mr. Pitura: My question is to the Acting Minister of Education, Mr. Speaker. If the Auditor identified that full-time equivalent funding for other ALCs was at excess, is the Acting Minister of Education going to take steps to ensure that other partners with ALCs in the province who are overfunded are going to be repaying their overfunding?

Hon. Dave Chomiak (Minister of Health): Mr. Speaker, as the Minister of Education (Mr. Caldwell) and the Premier (Mr. Doer) have indicated on many occasions in this House, there were numerous recommendations that were provided in the Auditor's report. A number of them have been followed up on; a number of them are being followed up on as we speak.

One of the two most significant issues, firstly, is we are bringing forward legislation this session to deal with recommendations of the Auditor; and secondly, any other matters relating to a number of allegations made by members opposite. A number of matters have been referred, the entire report, in fact, has been referred to the RCMP, in whom we have a good deal of faith.

Enrolment Figures

Mr. Frank Pitura (Morris): Mr. Speaker, on a new question. I would like to ask the Acting Minister of Education if he can share with this House today what the actual enrolment numbers are in the adult learning centres as of today.

Hon. Dave Chomiak (Minister of Health): Mr. Speaker, the specific question that has been raised by the member, I will take that as notice.

Mr. Pitura: My supplementary to the Acting Minister of Education is: Will the minister be prepared to table those numbers in this House?

Mr. Chomiak: Mr. Speaker, I have already indicated that we have taken that question as notice.

**Deputy Minister of Education
Letter of Reference**

Mr. Leonard Derkach (Russell): Mr. Speaker, this Government is bobbing and dodging every question that is asked by the Opposition without providing any answers, but I want to ask this question very clearly. I have tabled a letter today, a letter from Ben Levin, who is the Deputy Minister of Education, to Ms. Antoinette Sequeira, who was hired at that time by HOPE. In his letter he is providing a letter of reference for Ms. Esther Tago to HOPE, to Ms. Antoinette Sequeira. It is important to understand that Mr. Ben Levin represents the funder; Ms. Antoinette Sequeira represents the people receiving the funding.

I want to ask the minister whether he finds it appropriate that this last sentence should have been included in the letter, which says, and I quote this: I believe that you would make a wise choice in hiring her. I want to ask the minister whether or not he believes that is an appropriate way to write a reference letter from a Deputy Minister of Education.

Hon. Dave Chomiak (Minister of Health): Mr. Speaker, I have no idea where the member is going with respect to this particular question, but given the track record, I can indicate, first off, as I understand it, the Government has already tabled this letter in the House, firstly, from information I understand. Secondly, I believe the letter, if one reads it, it says: I am writing to you who has applied for a job. Please note that I am writing entirely in a personal capacity and not in my role as a Deputy Minister of Education.

The member opposite is a very, very experienced member of this Legislature. I am certain that in his lifetime he has done dozens if not hundreds of letters of reference with respect to hiring of individuals. It is something that many of us are asked to do on a regular basis.

Mr. Derkach: Mr. Speaker, on a new question. I want the minister to understand where I am coming from and where we are coming from on this question. Nobody is suggesting that Mr. Ben Levin should not be writing letters of reference for individuals, but the relationship here is very clear. The Department of Education is the

funder. HOPE are the recipients of the funding. Ms. Antoinette Sequeira is the administrator of the HOPE program. Mr. Ben Levin, deputy minister, is writing to her to hire an individual, and the sentence that is, I think, offensive is the last one here where I quote: I believe that you would make a wise choice in hiring her.

I want to ask this acting minister whether he believes that is an appropriate action on behalf of a Deputy Minister of Education to take.

Mr. Chomiak: Mr. Speaker, if the member is to look at the entire letter, I think it would be indicated that judgment was exercised in the sense that there was a personal letter written on personal letterhead.

It appears to me, and I think it is fairly certain, that there is no conflict of interest and no guidelines that have been violated in this regard.

**HOPE Learning Centre
Funding Repayment**

Mr. Harold Gilleshammer (Minnedosa): I would like to ask the Minister of Finance: Given that 90 percent of the funding that was flowed inappropriately went to third parties like HOPE, would he commit to recovering that money from organizations like HOPE if 90 percent of that money was inappropriately funded to them?

* (14:30)

Hon. Greg Selinger (Minister of Finance): Mr. Speaker, the conception of this program was entirely created by the members opposite without controls or accountability. What we have done is we have—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Point of Order

Mr. Leonard Derkach (Russell): Mr. Speaker, I would have thought that the Minister of Finance would want to be factual in what he puts on the record. It is clear on page 7 of the Auditor's report that the program—and I quote from the Auditor's report: "The program

commenced operation in September 2000 as an ALC operated by Higher Opportunities for People through Education Inc. (HOPE)."

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

Hon. Steve Ashton (Deputy Government House Leader): Mr. Speaker, that was clearly not a point of order. In fact, if the member opposite had been listening, the Minister of Finance was dealing with the fact—in fact, it was ironic the question being asked by the former Minister of Finance. I wish I could ask him the question what he did when he was Minister of Finance, because this program, the adult learning program, was that not started by the Tories, that minister when he was in power?

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. I would like to once again remind all honourable members when rising on a point of order to point out to the Speaker the breach of the rule or the use of unparliamentary language. That is the use of points of order.

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

The honourable Member for Fort Whyte, on the same point of order.

Mr. John Loewen (Fort Whyte): Mr. Speaker, on the same point of order, with new information. A search from the Manitoba Companies Office clearly indicates that HOPE was incorporated July 27, 2000—incorporated July 27, 2000—under their watch.

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. I will listen to one more member if the honourable member has new information. I do not want this to turn into a debate. That is not the use of points of order.

The honourable Minister of Health, if you have new information.

Hon. Dave Chomiak (Minister of Health): Mr. Speaker, I suggest, with all due respect, that it is not a point of order. I can indicate that it began operating under ALC under the name Upward Bound in '96-97, began a partnership

with Morris-Macdonald School Division in '98-99, and then operated as HOPE beginning in 2000.

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

* * *

Mr. Gilleshammer: I would like to ask the Minister of Finance if he is going to retrieve the money from HOPE; 90 percent of the money that was funded through Morris-Macdonald School Division went to HOPE. If it was inappropriate, will he make efforts to retrieve that money from that organization?

Mr. Selinger: I would like to thank the Acting Minister of Education for setting the record straight when this program started. We have taken the entire Auditor's report, referred it to the RCMP. We will follow their recommendations and advice as to the appropriate courses to follow in terms of properly administering the laws of this province of Manitoba.

Mr. Speaker: Time for Oral Questions has expired.

MEMBERS' STATEMENTS

Portage Collegiate Institute

Mr. David Faurshou (Portage la Prairie): Mr. Speaker, I rise today to congratulate the students and staff of the Portage Collegiate Institute in Portage la Prairie for their efforts to create a school archive.

Twelve members of the 2002 graduating class, under the direction of history teacher James Kostuchuk, are working on a project. Participant Chris Rennie noted that the initiative may be the first archiving project of its kind undertaken by a public school in Canada. He explained that the project will serve as a prototype for other schools seeking to preserve their past for decades to come.

The Portage Collegiate Institute is one of the oldest high schools in the province. It is celebrating its 110th anniversary in 2004.

As teacher James Kostuchuk has pointed out, when you are looking at 100-plus years of history you really need one room where people can come home and reflect on the past and step back in time for a while.

It takes a tremendous deal of effort to begin a project as involved as archiving more than 100 years of a school's history. The students and staff have not only invested a considerable amount of creativity and energy into getting this project off the ground, but they are also mentoring younger students to ensure the project continues in years to come.

Once again, Mr. Speaker, my congratulations to the students and staff of the Portage Collegiate Institute in Portage la Prairie for having the foresight to undertake this most important project. Thank you.

World AIDS Day

Ms. Nancy Allan (St. Vital): Mr. Speaker, this coming Saturday, December 1, is World AIDS Day. I would like to take this opportunity to ask this Assembly to formally recognize this day and wear the red ribbons on your desks in recognition of the millions of people worldwide who are living with HIV-AIDS and as a symbol of remembrance to those we have lost to this disease.

Approximately 8000 people die worldwide from AIDS every day and every minute five young people are infected with HIV.

Mr. Speaker, I would also like to take this opportunity to recognize the hard work of the many community-based agencies, public health units, volunteers, families and friends that provide ongoing support to Manitobans who are living with HIV-AIDS and who work diligently to try to prevent the spread of this disease.

Nine Circles opened December 1, 1999, bringing together four community organizations serving the HIV-AIDS population: Village Clinic, Kali Shiva, AIDS Shelter Coalition and the Manitoba Aboriginal AIDS Task Force. This move brought a wide range of services under one umbrella organization and resulted in improved delivery and range of services available

to Manitobans to help prevent HIV-AIDS and improve the condition of people affected by this disease.

To continue to improve and expand services this year, there were significant increases in funding to Nine Circles, \$189,000 in medical staff increases and \$41,000 in nonmedical services. To further address the needs of these clients, the WRHAs are providing a psychiatrist at Nine Circles for three hours every two weeks to consult with clients and other doctors.

World AIDS Day 2001 has three broad goals: To raise awareness of the relationship between men's behaviour and HIV, encourage men and adolescent boys to make a strong commitment to prevent the spread of HIV and care for those infected and promote programs that respond to the needs of both men and women.

* (14:40)

PC Party-Voting System

Mr. Frank Pitura (Morris): Mr. Speaker, on November 17 of this year, the Progressive Conservative Party of Manitoba at their annual general meeting in Brandon, Manitoba, overwhelmingly approved the one member one vote system in choosing a party leader.

On November 5, 1985, the Morris constituency that I currently represent became the first English-speaking constituency in the British Commonwealth to adopt the one-member one-vote principle. It has spread all over the world, leading to the election of Alberta Premier Ralph Klein, Alliance Leader Stockwell Day, federal Conservative Leader Joe Clark and British Prime Minister Tony Blair. It is a sign of things to come.

This, Mr. Speaker, was advocated by one gentleman, Mr. Vaughan Baird, who lives in the constituency near the town of Ste. Agathe, and he has trumpeted this since 1985. I bestow to him my gratitude for him not relinquishing his tenacity and aggressiveness on this issue.

Thus far, Mr. Speaker, the Progressive Conservative Party of Manitoba is the first party

in the province to implement this system. Previous elections in other jurisdictions have also seen a rapid increase in party membership upon amending the leadership selection process in the most inclusive manner. Now all members have a right to cast a vote in the election of the leader of their party. The result is a more empowered membership base which will undoubtedly strengthen the party overall, and I strongly urge other parties in the province to adopt this process and national parties to adopt the principle of one member one vote.

So I want to congratulate all the people in the constituency of Morris who supported this initiative and have supported us in bringing it forward and finally getting it adopted. Thank you very much.

Sing for Peace Rally

Mr. Gerard Jennissen (Flin Flon): I had the privilege yesterday to attend a rally on the steps of this Legislature. I was pleased to note that other members of this Legislature were also present, including the members for Rossmere, Steinbach and River Heights.

Mr. Speaker, this rally was called Sing for Peace, a public witness for peace through song and prayer. This event was organized with the assistance of the Mennonite Central Committee. People from different denominations were present, but the Mennonite churches and Brethren in Christ churches were particularly well represented. After all, these are among the best known of the historic peace churches in Canada.

On November 27, the Mennonites across Canada gathered in Ottawa, Saskatoon, Edmonton, Abbotsford and Winnipeg for this public witness for peace through song and prayer. Mr. Speaker, is it not wonderful to know that we live in a society where open discussions on current government, ethical and spiritual issues are not only permitted in public but welcome on the steps of this Legislature itself?

People's political and religious beliefs can be shared openly and without fear or reprisal from the government of the day. The message that the rally participants shared on November 27 was that the Creator's love embraces all the people of the world and that we should strive

towards making peace on earth a reality. This means building a better world. Many of the rally participants offered their own views on current events and shared with us what they hope can one day become a reality.

I would like to mention that the Mennonite Central Committee has 1500 personnel serving around the world. MCC is involved in a major relief response for Afghanistan. The committee is shipping locally purchased food, including Canadian wheat and lentils to that country, also practical items like comforters and blankets are being sent.

I thank the Mennonite Central Committee for organizing this event. I particularly want to thank Esther Epp-Tiessen, MCC peace co-ordinator for Canada, and Eleanor Epp-Stobbe, Manitoba peace co-ordinator. I am proud to have participated in this important public witness for peace. Thank you, Mr. Speaker.

Emergency Management

Hon. Jon Gerrard (River Heights): Mr. Speaker, every once in a while a significant event occurs which demonstrates who is moving up and who is moving down in the provincial Cabinet. It is particularly interesting when this occurs when the Premier (Mr. Doer) is away because it demonstrates which Cabinet ministers have mastered those subtle skills involved in political empire building.

The NDP's Bill 2 is a very interesting piece of legislation in this respect because it provides for a major shift in emergency management in Manitoba with an apparent marginalization of the role of the Minister of Transportation (Mr. Ashton) and the Manitoba Emergency Management Organization under his responsibility. At the same time, Bill 2 provides for the primary role of the Fire Commissioner and the Minister of Labour and Immigration (Ms. Barrett), to whom he is responsible. This morning the Fire Commissioner, speaking at the AMM meeting in Brandon, made the switch very clear. Listening to the Fire Commissioner, he spoke very clearly that, under the new legislation, it is he who has primary responsibility for emergency management in Manitoba under Bill 2.

Mr. Speaker, I have a great deal of respect for the Fire Commissioner and his abilities, but the overall responsibility for emergency management in Manitoba should remain with the Manitoba Emergency Management Organization and the minister who is responsible for it. Today we learned why the Minister of Labour and Immigration is sitting on the front bench and Minister of Transportation on the second tier.

I say to the Premier, if your Minister of Transportation is not strong enough or alert enough to stop the Minister of Labour and Immigration and her Fire Commissioner from taking effective control of emergency management in Manitoba, then the Manitoba Emergency Management Organization should be put under the Premier's office to ensure Manitobans that emergency management is handled properly and that when we are fighting an emergency in Manitoba, we are addressing the emergency itself rather than being tied up in turf wars between Cabinet—

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

ORDERS OF THE DAY

House Business

Hon. Steve Ashton (Deputy Government House Leader): Mr. Speaker, I would first like to advise that the Standing Committee on Economic Development will meet on Monday, December 3, 2001, at 10 a.m., to deal with the following annual reports: the March 31, 2000, and March 31, 2001, annual reports of the Manitoba Lotteries Corporation.

Mr. Speaker: It has been advised that the Standing Committee on Economic Development will meet on Monday, December 3, 2001, at 10 a.m., to deal with the following annual reports: the March 31, 2000, and the March 31, 2001, annual reports of the Manitoba Lotteries Corporation.

* * *

Hon. Steve Ashton (Deputy Government House Leader): Could you please call the bills in order, Mr. Speaker, for second reading.

SECOND READINGS

Bill 2—The Security Management (Various Acts Amended) Act

Mr. Speaker: To resume debate on Bill 2, The Security Management (Various Acts Amended) Act, standing in the name of the honourable Member for Fort Garry (Mrs. Smith).

An Honourable Member: Stand.

Mr. Speaker: Is it the will of the House for the bill to remain standing in the name of the honourable Member for Fort Garry? [*Agreed*]

Bill 3—The Highway Traffic Amendment and Summary Convictions Amendment Act

Mr. Speaker: Bill 3, The Highway Traffic Amendment and Summary Convictions Amendment Act, standing in the name of the honourable Member for Gimli (Mr. Helwer).

An Honourable Member: Stand.

Mr. Speaker: Is it the will of the House for the bill to remain standing in the name of the honourable Member for Gimli? [*Agreed*]

House Business

Mr. Marcel Laurendeau (Opposition House Leader): On House business, Mr. Speaker, just to clarify, did we not agree that we would be rising at three o'clock today in accordance because of the AMM?

Mr. Speaker: Order. It has been agreed upon that the House will adjourn at 3 p.m., on previous agreement.

Mr. Laurendeau: We will stand everything then. Three o'clock, Mr. Speaker.

Mr. Speaker: Is it the will of the House to call it three o'clock? Finish the bills? Finish the bills. There is no agreement to call it three o'clock at this time, so I will continue with the bills.

Bill 3, The Highway Traffic Amendment and Summary Convictions Amendment Act, standing in the name of the honourable Member

for Gimli. *[interjection]* Okay, we have already done that. Very good.

Bill 6—The Fortified Buildings Act

Mr. Speaker: Bill 6, The Fortified Buildings Act, standing in the name of the honourable Member for Pembina (Mr. Dyck).

Some Honourable Members: Stand.

Mr. Speaker: Is there will of the House for the bill to remain standing in the name of the honourable Member for Pembina? *[Agreed]*

* (14:50)

Bill 7—The Local Authorities Election Amendment Act

Mr. Speaker: Bill 7, The Local Authorities Election Amendment Act, standing in the name of the honourable Member for Gimli (Mr. Helwer).

Some Honourable Members: Stand.

Mr. Speaker: Is there agreement for the bill to remain standing in the name of the honourable Member for Gimli? *[Agreed]*

Bill 8—The Limitation of Actions Amendment Act

Mr. Speaker: Bill 8, The Limitation of Actions Amendment Act, standing in the name of the honourable Member for Arthur-Virden (Mr. Maguire).

Some Honourable Members: Stand.

Mr. Speaker: Is there agreement for the bill to remain standing in the name of the honourable Member for Arthur-Virden? *[Agreed]*

Hon. Steve Ashton (Deputy Government House Leader): Seeing there is no further debate or items to deal with, Mr. Speaker, perhaps at this time we could adjourn the House.

Mr. Speaker: Is it the will of the House to call it three o'clock?

Some Honourable Members: No.

Mr. Speaker: There is no agreement.

Mr. Ashton: Mr. Speaker, we called the five bills that were in place. We ran through. We are at the point where the Order Paper has been exhausted. At that point in time it is normal procedure; it is not a question of calling it three o'clock. It is called the fact that we had an opportunity to deal with items and we have an agreement to adjourn at three. We can either adjourn now or we can wait until three o'clock. It is up to the Opposition.

Mr. Marcel Laurendeau (Opposition House Leader): The Government House Leader is correct. We did have an agreement to rise at three o'clock. That is why we chose not to speak today on these important matters. We thought it was important that we go out and meet with the people at AMM and have a discussion about some of these bills that are before the House. So our job has been done. We are out there working, making sure we are communicating these bills with the community, and that is exactly what we will continue to do over the next weeks and months, Mr. Speaker.

Mr. Speaker: The hour being 3 p.m., as previously agreed, this House is adjourned and stands adjourned until 1:30 p.m. on Monday.

LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, November 28, 2001

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