



Third Session - Thirty-Seventh Legislature

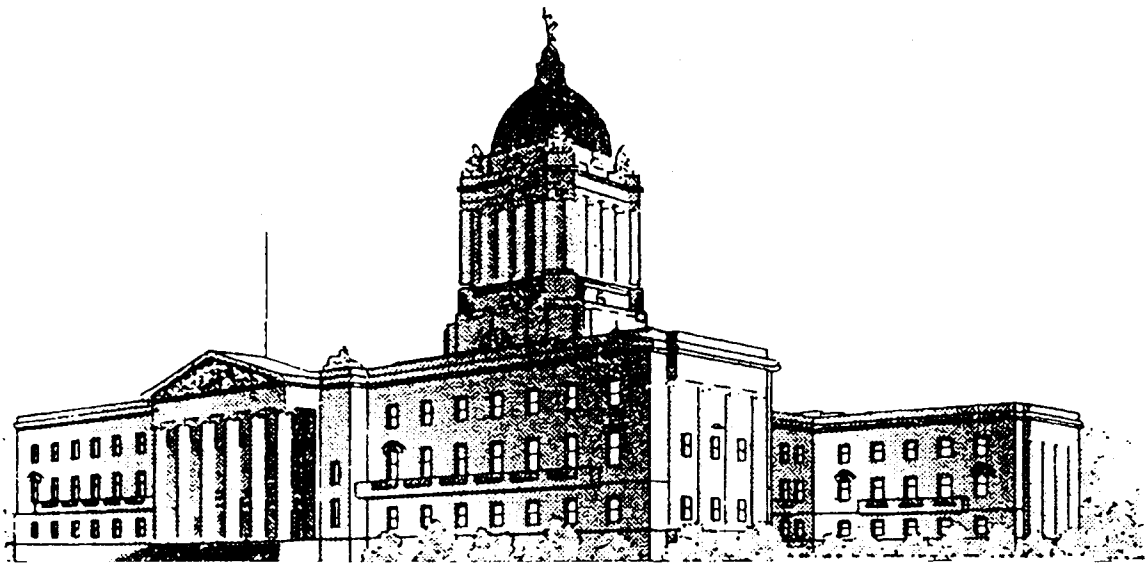
of the

Legislative Assembly of Manitoba

**DEBATES
and
PROCEEDINGS**

**Official Report
(Hansard)**

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The Honourable George Hickes
Speaker*



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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.
HAWRANIK, Gerald	Lac du Bonnet	P.C.
HELWER, Edward	Gimli	P.C.
HICKES, George	Point Douglas	N.D.P.
JENNISSSEN, 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.
REID, Daryl	Transcona	N.D.P.
REIMER, Jack	Southdale	P.C.
ROBINSON, Eric, Hon.	Rupertsland	N.D.P.
ROCAN, Denis	Carman	P.C.
RONDEAU, Jim	Assiniboia	N.D.P.
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, 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, May 29, 2002

The House met at 1:30 p.m.

PRAYERS

ROUTINE PROCEEDINGS

TABLING OF REPORTS

Hon. Oscar Lathlin (Minister of Conservation): I am pleased to table the Supplementary Estimates Information for the Manitoba Sustainable Development Innovations Fund for the year 2002-2003.

As well, Mr. Speaker, I am pleased to table the 2001 Annual Report for the Manitoba Association for Resource Recovery Corporation.

INTRODUCTION OF BILLS

Bill 25—The Hearing Aid Amendment Act

Hon. Dave Chomiak (Minister of Health): Mr. Speaker, I move, seconded by the Member for Fort Rouge (Mr. Sale), that leave be given to introduce a bill, The Hearing Aid Amendment Act; Loi modifiant la Loi sur les appareils auditifs, and that the same be now received and read a first time.

Motion presented.

Mr. Chomiak: The Hearing Aid Amendment Act increases the number of members of the hearing aid board by raising the number of ministerial appointments from two to four. This will improve representation and will facilitate the administration of The Hearing Aid Act.

Motion agreed to.

Bill 11—The Animal Diseases Amendment Act

Hon. Rosann Wowchuk (Minister of Agriculture and Food): Mr. Speaker, I move, seconded by the Minister—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. I cannot hear the honourable minister.

Ms. Wowchuk: Thank you, Mr. Speaker. I move, seconded by the Minister of Conservation (Mr. Lathlin), that leave be given to introduce Bill 11, The Animal Diseases Amendment Act, and that the same be now received and read a first time.

I would like to inform the House that Royal Recommendation for this bill is not required, although it did appear so on the Order Paper.

Motion presented.

Ms. Wowchuk: Mr. Speaker, the proposed amendments to The Animal Diseases Act will allow the Province to improve responses to new and emerging issues in animal diseases and will allow us the legal certainty to act quickly in instituting animal movement controls and quarantines to reduce the spread of disease in the province.

Motion agreed to.

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 from Lord Roberts Community School 25 Grade 5 students under the direction of Ms. Lindsay Blaney. This school is located in the constituency of the honourable Minister of Advanced Education (Ms. McGifford).

Also in the public gallery we have from Maples Collegiate Institute 9 Grade 9 students under the direction of Ms. Roberta Garton and Mr. Doug Smith. This school is located in the constituency of the honourable Member for The Maples (Mr. Aglughub).

* (13:35)

Also in the public gallery we have from Parkland Christian School 21 Grades 7 to 9 students under the direction of Mr. Lloyd Bronson. This school is located in the constituency of the honourable Member for Dauphin-Roblin (Mr. Struthers).

Also in the public gallery we have from Van Wallegham School 21 Grade 7 students under the direction of Mr. Dave Poersch. This school is located in the constituency of the honourable Member for Fort Whyte (Mr. Loewen).

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

ORAL QUESTION PERIOD

Chiropractic Care Coverage Reinstatement

Mr. Stuart Murray (Leader of the Official Opposition): Mr. Speaker, last week we called for the Province to enter into binding arbitration with the Manitoba doctors, but at that time the Premier and the Health Minister refused.

Today, apparently, and thank goodness, they have seen the light. We applaud them for ensuring they are putting Manitoba patients first. We applaud the fact they have asked for binding arbitration.

Mr. Speaker, I would ask the Premier: Will he now do the right thing for the chiropractors of Manitoba and reverse his decision to cut services?

Hon. Gary Doer (Premier): I do not recall the Leader of the Opposition asking me a question on doctors last week, but I will go back and search the record.

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Mr. Doer: Secondly, Mr. Speaker, I understand, if I recall correctly, the Minister of Health (Mr. Chomiak) repeatedly stated he was not going to negotiate in public. The member opposite seems to think that everything is resolved in the

doctors' negotiations and, quite frankly, we are still negotiating.

Mr. Murray: Mr. Speaker, we know that well over 30 000 Manitobans have expressed their concerns with this Government's decision to cut chiropractic services in Manitoba. That is a decision they have made.

As the Government has done today, correctly so, by going to binding arbitration with Manitoba doctors, will he ensure there is not a double standard, that he will do the right thing and reverse his decision to cut chiropractic services for Manitobans?

Mr. Doer: Mr. Speaker, we are still negotiating the contract with the doctors. The member opposite is assuming, and I do not want him to create false impressions in the public. There are still serious negotiations going on between the doctors and the provincial government. We are trying to negotiate in a way that deals with the unstructured arbitrations of the past that produced some 40% increases that were not budgeted by members opposite in settlements. We are trying to deal with a more structured environment. We do not have an agreement on that. So for the member to say we have peace in our time is a touch premature.

Mr. Murray: I know the Premier loves to answer in circles. The question is about chiropractors. I heard the Minister of Health (Mr. Chomiak) spinning on CJOB this morning trying to talk about their decision to cut 30 percent of the chiropractic services here in Manitoba. Mr. Speaker, the cuts in chiropractic services the Government is forcing on Manitobans are not to take effect until July 1. The Premier knows that, so he has a chance.

I ask him today: Will he not do the right thing, reverse the decision he has made and ensure that chiropractic services are not cut to Manitobans?

Mr. Doer: Mr. Speaker, the first two questions the Leader of the Opposition asked talked about the doctors and then talked about chiropractors, so if he is going to ask a circuitous question he will get a full response from members on this side.

* (13:40)

Secondly, the chiropractic services are not covered under the Canada Health Act. Members opposite, when they were in government, cut the number of visits from 15 to 12. This is a private system that has a co-payment from the Government. If anybody is going to reverse their position, it should be the Leader of the Conservatives and the Leader of the Liberal Party who voted against profit health care, now that we have a study that shows private profit hospitals like the U.S. system would kill, or 2000 more Canadians would die if we went to that system. The only reversal that should take place is that reversal from the Leader of the Opposition.

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. I would like to remind all honourable members that the clock is running and we only have 40 minutes for Question Period. We want to try and get as many questions as we can in. I would ask the co-operation of all honourable members.

Emergency Physicians Arbitrated Agreement

Mrs. Myrna Driedger (Charleswood): Mr. Speaker, we were pleased to hear today on the radio at noon that the Government agreed to our position to stand up for Manitoba patients and offer binding arbitration to doctors, just as they did three months ago when they offered binding arbitration to ER physicians in Manitoba.

I would like to ask the minister on what date he signed that contract with the ER doctors. It was settled three months ago, and we would just like to know the date of the signing of that document.

Hon. Dave Chomiak (Minister of Health): Mr. Speaker, I am surprised the Member for Charleswood actually raises issues concerning dates in this Legislature, considering the recent experience we have had with confusion about dates from the member opposite.

As I have said consistently in this Chamber, with respect to the negotiations with the Manitoba Medical Association, we are still in

negotiations. The member indicated we adopted somehow the member's position. I thought the member's position was to get rid of doctors and nurses.

Nonetheless, the member asked with respect to we are in negotiations with the MMA, and those negotiations continue.

Mrs. Driedger: I am not sure why the minister is refusing to give us a detail on this.

I would like to ask the minister when he signed that agreement with the ER positions that they negotiated three months ago, or is he going to force me into a position which he does not like, and that is to FIPPA it?

Mr. Chomiak: Mr. Speaker, first off with regard to FIPPA, I do not think there is anything left that the member has not FIPPA'd. More trees have been destroyed as a result of FIPPA requests than imaginable. Unfortunately—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Point of Order

Mr. Speaker: The honourable Member for River East, on a point of order.

Mrs. Bonnie Mitchelson (River East): Mr. Speaker, maybe if the Minister of Health was honest with Manitobans and answered a question for a change we would not have to request information through Freedom of Information, because that information should be forthcoming by the minister if he was standing up for Manitobans and Manitoba patients.

* (13:45)

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

Hon. Gord Mackintosh (Government House Leader): Aside from the fact that this Government extended FIPPA to hospitals, I believe, I ask for your ruling, Mr. Speaker, that the remarks made by the acting Opposition House Leader were unparliamentary in reflecting

on the honourable Member for Kildonan and Minister of Health (Mr. Chomiak).

Mr. Speaker: Order. Before I recognize the honourable Official Opposition House Leader, I would just like to ask the co-operation of the honourable Government House Leader. I can only deal with one point of order at a time. If you are raising that as a point of order on the words used by the honourable Member for River East, after we deal with this point of order you can rise to raise a point of order.

The honourable Official Opposition House Leader, on the point of order.

Mr. Marcel Laurendeau (Official Opposition House Leader): Mr. Speaker, *Beauchesne* 417: Answers to questions should be as brief as possible, deal with the matter raised and not provoke debate.

As you can see from the response from this side, the minister was provoking debate.

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

Mr. Chomiak: Mr. Speaker, on the same point of order. The member asked two questions. Specifically, the member asked about the question of an ER contract, and the member asked whether or not she had to FIPPA the information.

I want to indicate, Mr. Speaker, I was answering those questions, and indicate that, unlike the previous government, we extended FIPPA to include hospitals and all the organizations. We are happy to provide that information and we are doing it for the first time in the history of this province.

Mr. Speaker: Order. On the point of order raised by the honourable Member for River East (Mrs. Mitchelson), I would like to ask the co-operation of all honourable members. When asking a question, when giving an answer, please be mindful and respectful of all honourable members.

On the point of order raised by the honourable Member for River East, I would like to remind all honourable ministers, when dealing

with the questions, 417: To deal with the matter that is raised and to not provoke debate.

Point of Order

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

Mr. Mackintosh: Mr. Speaker, on a point of order. In the remarks of the Member for River East, there was a reflection on the integrity of the Health Minister. One cannot have that reflection while being an honourable member.

Beauchesne Citation 489 lists the word "dishonest." The word was a reflection on honesty. Would you please ask the member to withdraw, or else the member can volunteer to apologize and withdraw her remark?

Mrs. Mitchelson: Mr. Speaker, if I said anything that was offensive to the Minister of Health or any member of this House, I would like to withdraw that statement.

It would be nice if the Minister of Health told the truth once in a while.

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

Mr. Chomiak: No, Mr. Speaker. I am attempting to answer the question, but I am not sure if members opposite—

Mr. Speaker: The point of order first. On the point of order raised by the honourable Government House Leader, I would like to remind all honourable members if you are withdrawing a word that seems to be offensive to another honourable member, if you are withdrawing it, please leave it at that. When you repeat it again, I think we are back to square one.

Mrs. Mitchelson: Mr. Speaker, I will withdraw comments unequivocally.

Mr. Speaker: I thank the honourable member, and I think that should deal with the matter.

* * *

Mr. Chomiak: Mr. Speaker, to respond to the two questions raised by the member, I am very

pleased that we have allowed FIPPA to extend to hospitals and other institutions, which is the first time that has happened.

Mr. Speaker, in respect to the ER—

* (13:50)

An Honourable Member: There he goes again.

An Honourable Member: Why is he lying?

An Honourable Member: Why do you often lie?

An Honourable Member: A point of order, Mr. Speaker.

Mr. Speaker: Order.

Point of Order

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

Mr. Mackintosh: Well, regretfully, Mr. Speaker, I have to stand up with members of the public watching this and listening to this. I think this is just so regrettable.

Mr. Speaker, there were statements made by the—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. May I remind all honourable members a point of order is a very serious matter. I would ask the co-operation of all honourable members so I can hear the point of order that is being raised.

The honourable Government House Leader, on a point of order.

Mr. Mackintosh: Well, Mr. Speaker, if there is one word that has always attracted the intervention of the Speaker and the condemnation of Legislatures and Parliament, it is the use of the word "lie" or "lying." I refer to 489, of course. That is the longest list of citations for any unparliamentary word. I heard from the seat of the honourable Member for Emerson (Mr. Jack Penner), the word "lying" attributed to the

minister. I ask that you ask him to withdraw, or else I call on him to withdraw and apologize to the House.

I think it is very important, Mr. Speaker, that we get to the substantive issues that are facing Manitobans in this Legislature without engaging in this unparliamentary conduct.

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

Mr. Laurendeau: Mr. Speaker, the Government House Leader is correct. If anyone is to use the word "lie," it would be unparliamentary, but there is one thing that has to be understood in this Chamber, and we hear it from both sides of the House at different times. There are words being thrown across; sometimes they are unparliamentary, sometimes they are picked up by Hansard, and sometimes they are not.

Mr. Speaker, it is terrible when people use the word such as the Premier (Mr. Doer) used earlier and threw it across at a member on this side, but it was not on the record so we did not stand and challenge it. So, if it was picked up by Hansard, you should choose to review the Hansard and see if it was.

Mr. Speaker: Order. I want to thank the House leaders for their advice. I will take the matter under advisement to peruse Hansard and to consult the procedural authorities, and I will report back to the House.

Mr. Chomiak: Mr. Speaker, in order to try to complete my answer, we are in negotiations with the MMA about a new collective agreement, and we are in negotiations with the MMA about some outstanding items reflecting the other collective agreement. I do not want to put our negotiations in a position, as members opposite seem to want to do, where we are negotiating in public. I do not think that is appropriate, and I have not followed that pattern during the course of our tenure with regard to negotiations.

Mrs. Driedger: Mr. Speaker, is the reason the minister cannot give us an answer as to when he signed the agreement with the emergency

doctors, which is what this is all about, that was an agreement, it was settled, and he has not signed it. Is the reason he cannot give us a date because he has not signed it? An emergency doctor phoned me today, very frustrated, wondering why this Minister of Health is dragging his heels on signing that arbitrated settlement.

Mr. Chomiak: Mr. Speaker, I will repeat my response to the second question. If the member is truly interested in a resolution to the MMA dispute, she will perhaps listen to my response. We are negotiating a new collective agreement with the MMA as we speak. We are also negotiating outstanding items with respect to the previous collective agreement, of which there are several outstanding items.

I do not want to prejudice any of our discussions for some political purposes, otherwise members who often get it wrong try to bring matters up that are not part of the actual issue. With regard to this, I will not negotiate this in public, particularly with a member with her track record of inaccuracies.

Emergency Physicians Arbitrated Agreement

Mr. Mervin Tweed (Turtle Mountain): It is pretty obvious that the Minister of Health refuses to negotiate in public and lately, this week, we have been finding out he has been refusing to negotiate in private. The question, very simply, and it is believed by the ER doctors in this province that they have an arbitrated agreement with the Government, my question to the minister is: Has he signed that agreement?

* (13:55)

Hon. Dave Chomiak (Minister of Health): Mr. Speaker, as I indicated in my previous two responses, we are presently negotiating with the MMA. We are negotiating a new collective agreement, and there are a number of outstanding issues with respect to the previous collective agreement that are subject to discussions.

Mr. Tweed: My question for the Minister of Health is: Is he renegotiating the arbitrated settlement with the emergency room doctors in Manitoba?

Mr. Chomiak: Mr. Speaker, I am confident-

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Mr. Chomiak: Thank you, Mr. Speaker. I am confident that as we continue negotiations with the MMA, which are continuing today and will continue tomorrow, we will be able to resolve all outstanding issues.

Mr. Tweed: Mr. Speaker, then my question for the Minister of Health is: Is the announcement today that the Government is prepared to go to binding arbitration with the doctors, does it mean that if the doctors agree to that and there is an agreement signed that the minister will want to renegotiate that contract too?

Mr. Chomiak: Mr. Speaker, we are negotiating with the MMA. We are negotiating a new collective agreement. We are negotiating a number of outstanding items. We continue those negotiations.

Adult Learning Centres Funding Overpayment—Legal Action

Mr. Harold Gilleshammer (Minnedosa): In April of this year the Minister of Education stated that ratepayers in Morris-Macdonald School Division should sue the division's former partners in adult education for retribution. Is it this Government's policy that individual ratepayers must go to court because the minister fired the board and there is no one else in place to recover these funds?

Hon. Drew Caldwell (Minister of Education, Training and Youth): No, Mr. Speaker, that is not our policy.

Mr. Gilleshammer: The minister publicly stated that candidates for school board and other ratepayers should go to court if they wish to recover those funds. Is the minister not concerned that these partners had 90 percent of some of the money flowed to them? Is he not concerned about recovering that money?

Mr. Caldwell: Mr. Speaker, of course we are very concerned about recovering millions of dollars of taxpayer resources which was directed into the Morris-Macdonald School Division. I

think all of us in this House should be concerned with the millions of dollars from every constituency in this House that flowed into that school division over the course of the history of the adult learning centres as established by members opposite.

The provincial auditor's report is very instructive in this regard. The provincial auditor's report states there is no evidence at all that ALCs developed as a result of a considered policy by the government of the day, the members who are now sitting on the opposite side of this House.

There is an RCMP investigation in this matter, which is appropriate. We on this side of the House support the RCMP in their investigation. We also support good management practice, something that was woefully missing from members opposite on this issue.

Mr. Gilleshammer: I would ask the minister to confirm that he made that statement that ratepayers or potential school board trustees should go to court to recover this money. Did he say that?

* (14:00)

Mr. Caldwell: I am not going to confirm any statement put into my mouth by the Member for Minnedosa. I will confirm that this Government believes people in this province should be concerned about the public education system, should be concerned about the investment record of this Government in the public education system, because this Government believes in building the public education system in this province. We believe in supporting trustees. We believe in supporting teachers. We believe, first and foremost, in supporting students.

Point of Order

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

Mr. Marcel Laurendeau (Official Opposition House Leader): Mr. Speaker, *Beauchesne* 417: Answers to questions should be as brief as possible, deal with the matter raised and not

provoke debate. All the minister has to say is yes or no if that was his statement.

Mr. Speaker: On the point of order raised by the honourable Official Opposition House Leader, he does have a point of order. *Beauchesne* 417: Answers to questions should deal with the matter that is raised.

* * *

Mr. Caldwell: I am not going to confirm words put in my mouth by the Member for Minnedosa.

Adult Learning Centres Funding Overpayment—Legal Action

Mr. Leonard Derkach (Russell): What this Government really believes in is protecting its friends and going to extreme lengths to do so.

The minister said that individuals from the Morris-Macdonald School Division should take action against third parties to recover the money. The Government has put in place a representative of a school board whose responsibility it is to ensure that those funds are recovered. As a matter of fact, page 97 of the Auditor's report says: The accountability framework for adult learning centres 2001-2002, Mr. Speaker, implies shared accountability between ALCs and the school division.

My question to the minister is: Will he now direct Mr. Alex Krawec, who is the official trustee and representative for people for Morris-Macdonald School Division, to indeed launch an action against ALCs who inflated enrolments for adult learning centres?

Hon. Drew Caldwell (Minister of Education, Training and Youth): I am not in the practice of instructing school trustees, official trustees—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Mr. Caldwell: I am not sure what sort of hierarchical top-down politics members opposite practised during their time here but we are not in the practice in this House of directing anyone.

Mr. Derkach: I say shame on you, Mr. Minister, for that answer.

Mr. Speaker, I want to ask the Minister of Education whether he will follow the recommendation of the Auditor, who says on page 97: The accountability framework for adult learning centres 2001-2002 implies shared accountability between ALCs and school divisions.

On that basis, will he instruct his representative of the Morris-Macdonald School Division, Mr. Alex Krawec, to now take action against the ALCs who inflated enrolment numbers?

Mr. Caldwell: I find it astonishing that members opposite still do not have it through their heads that there is an RCMP investigation into this matter. As I said, I do not know what sort of practices members opposite had when they were in government, but it is certainly not our practice to see no evil, hear no evil, speak no evil. It is not in our practice to question the integrity of the RCMP in their investigation. It is not our practice to allow tens of millions of dollars to go out the door without a legislative framework in adult learning centres.

Now, Mr. Speaker, the fact that every single—

Mr. Speaker: Order.

Point of Order

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

Mr. Marcel Laurendeau (Official Opposition House Leader): On a point of order, Mr. Speaker, *Beauchesne's* 417: Answers to questions should be as brief as possible, deal with the matter raised and not provoke debate.

I do not know how this minister fits his ego into that MG Midget.

Mr. Speaker: The honourable Minister of Education, Training and Youth, on the same point of order.

Mr. Caldwell: Well, Mr. Speaker, I have had a couple of members opposite offer to buy that car.

My answer was, Mr. Speaker, we are not going to be directing people.

Mr. Speaker: On the point of order raised by the honourable Official Opposition House Leader, it is a dispute over the facts.

* * *

Mr. Speaker: The honourable minister, you concluded your comments?

Mr. Derkach: The minister is losing all his credibility on this issue, Mr. Speaker, and very quickly. I want to ask the minister why he will not instruct the official trustee, Mr. Alex Krawec, to take action against the ALC's Classroom 56, specifically the Orlikows and others who inflated enrolment numbers, when in fact he has instructed that there will be a recoup of funding from the Morris-Macdonald School Division of \$2.5 million.

Mr. Caldwell: Well, of course, as almost every Manitoban knows, perhaps with the exception of members opposite, there is an RCMP investigation into this matter.

Hecla Area Land Expropriation Conduct of Civil Servants

Hon. Jon Gerrard (River Heights): In December of 1999 when concerns were raised by Stuart and Allan Jones regarding Hecla Island land allocation issues to the Minister of Conservation, Mr. Prouse and Mr. Fitzjohn were asked to conduct an investigation for a briefing paper for the department.

I ask the Minister of Conservation (Mr. Lathlin) why the individuals who are the very subject of the concerns were asked to do the investigation; that is, to investigate themselves. Would the minister, who, I know, is responsible for wildlife, if someone wrote to him with concerns about a fox raiding a chicken house, then ask the fox to do the investigation?

Mr. Speaker: Order.

Point of Order

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

Hon. Gord Mackintosh (Government House Leader): Mr. Speaker, the point of Question Period of course is to seek information, not to seek opinions. Particularly, I do not think it is the practice to seek opinions about foxes and so on.

I refer to *Beauchesne* where that is set out very clearly. I refer to *Beauchesne's* Citation 410(12): "Questions should not be hypothetical."

Mr. Speaker: The honourable Member for River Heights, on the same point of order.

Mr. Gerrard: Mr. Speaker, on the same point of order. The minister clearly is responsible for foxes in this province as the Minister of Conservation. I do not think there is any issue here, but the question was quite clear. I asked the minister why was it that he asked the very people who were the subject of concerns to do the investigation into themselves.

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. On the point of order raised by the honourable Government House Leader, I was listening very carefully to the question, and the question the member had asked was in order. He used the fox thing as a comparison. So the question is in order and the honourable minister can choose to answer it if he chooses.

* * *

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Hon. Oscar Lathlin (Minister of Conservation): I can advise the member that since we have come into office there is a new deputy minister who has been put in place. That deputy minister initiated the handling of this complaint.

I want to advise the member, as well, I believe the department has treated the Jones' complaint with seriousness, going so far as to request the Ombudsman to look at all aspects of the complaint. Our department has been instructed to fully co-operate with his investigation.

I also want to say, Mr. Speaker, since the Ombudsman has subsequently requested the assistance of the provincial auditor, he found this complaint a very complex issue. That is why we have asked to have it looked at by an arm's-length organization.

Mr. Gerrard: My supplementary to the Minister of Conservation. I ask the minister to admit to this House, in being responsible for his department as minister for this type of investigation, that he clearly did not take the matter very seriously when the accused were in fact then asked to investigate themselves.

* (14:10)

Mr. Lathlin: Once again, Mr. Speaker, I want to advise the member there is a process that is in place. If he is unaware of that process, I would suggest to him that he familiarize himself with it. That is if there are problems that come about, there is a disagreement between the Ombudsman and the administration of the department, then the minister can clearly ask to meet with the Ombudsman to discuss further the issues of the complaint.

The other day, I offered to the member that I would be more than willing to meet with the Ombudsman's office to see if anything further can be done to fulfil recommendations he has given us.

Mr. Gerrard: Mr. Speaker, my second supplementary to the Minister of Conservation. I ask the minister: Was Mr. Gordon Prouse, who was then the director of Parks Administration, that is in 1999, was he relieved of his duties subsequently because of the way he handled things for the minister?

Mr. Lathlin: Mr. Speaker, the member has talked about that issue, again, here for three or four Question Periods. Until this matter is fully concluded with the Ombudsman as well as with the provincial auditor, I think it would be premature for us to say as to what will happen, to decide what we are going to do before the investigation is completed. I am going to wait for the report to be presented to my office, after which I will act accordingly.

Emergency Physicians Arbitrated Agreement

Mrs. Myrna Driedger (Charleswood): Mr. Speaker, I am very concerned with the minister's lack of answers today regarding the arbitrated agreement with the ER physicians, which was settled three months ago. I would like to ask the Minister of Health: Is it his intention to honour that agreement?

Hon. Dave Chomiak (Minister of Health): Mr. Speaker, I understand the member's desperation to try to get into the story with respect to the negotiations, but I will return to the issue that I have consistently stated, despite the members opposite.

First off, we are continuing negotiations with the MMA. We are negotiating a new collective agreement. We are also looking at outstanding items that are left as a result of, quote from the president of the MMA: The dark ages of the 1990s that occurred when those members opposite and when that member opposite was the legislative assistant to the Minister of Health.

Mrs. Driedger: On a new question.

Mr. Speaker: The honourable Member for Charleswood, on a new question.

Mrs. Driedger: The arbitrated settlement with the ER physicians occurred three months ago under this Minister of Health, and a frustrated ER physician phoned me today and indicated that it has not been signed by the Government.

I would like to ask the Minister of Health if it is his intention to honour that agreement made with the ER physicians three months ago.

Mr. Chomiak: You know, Mr. Speaker, the—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. The honourable Member for Charleswood asked a question, and I hope that honourable members will give her the courtesy to be able to hear the answer, because it is very difficult to hear when there is debating going back and forth.

Mr. Chomiak: Mr. Speaker, I do not know if the member is aware, but there are hundreds of agreements that were negotiated and dealt with. For example, one of the agreements that was settled with a small group of physicians, they did not feel was sufficient. So we said, yes, we will go back to arbitration with the physicians to provide for what they said was an increase.

So that is why we are negotiating not just a new collective agreement, Mr. Speaker, but outstanding issues with relation to a variety of issues with the MMA. We continue to do that, and we are hopeful that we will be able to conclude all of that for the citizens of Manitoba and avoid job action.

Mrs. Driedger: Mr. Speaker, on a new question.

Mr. Speaker: The honourable Member for Charleswood, on a new question.

Mrs. Driedger: The frustrated ER physician who called me today indicated that they have been without a contract for nine months.

I would like to ask this Minister of Health: Is it his intent to honour the agreement he settled with the ER physicians three months ago?

Mr. Chomiak: Mr. Speaker, first off, it is not our intention to go back to what the MMA president said, which was the Dark Ages of the 1990s under members opposite.

Secondly, all of the outstanding issues are being dealt with at the bargaining table. I do not know if members opposite or the member opposite understands in terms of negotiations, but we are negotiating with the MMA to conclude a collective agreement, both in the future and to deal with outstanding items.

We are at the bargaining table, Mr. Speaker. We were at the bargaining table this morning. We were at the bargaining table yesterday. We are going to be at the bargaining table tomorrow. We are working with our negotiators and with the MMA to do the goal that all Manitobans want, and that is to achieve a successful resolution so that we can put patient care as the No. 1 priority across the province.

Emergency Physicians Arbitrated Agreement

Mrs. Bonnie Mitchelson (River East): Mr. Speaker, emergency room doctors believed that they had an arbitrated settlement with this Government that they signed three months ago.

Is the minister today saying that emergency room physicians are wrong, that there was no arbitrated settlement three months ago with this Government?

Hon. Dave Chomiak (Minister of Health): No, Mr. Speaker.

Mrs. Mitchelson: On a new question, Mr. Speaker.

Mr. Speaker: The honourable Member for River East, on a new question.

Mrs. Mitchelson: The minister has just indicated that there was an arbitrated settlement three months ago with emergency room physicians.

Has he signed that agreement?

Mr. Chomiak: Mr. Speaker, first off, the member's statement regarding my response, I think she inaccurately reflected what I said.

Secondly, Mr. Speaker, let me repeat—*[interjection]* I have consistently said we are negotiating with the MMA. We are negotiating a new collective agreement, and we are negotiating outstanding issues. Those are the subject of an arbitration. Those are subject to arbitration. They remain subject to arbitration. We are also negotiating.

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Mr. Chomiak: As I indicated, we are at the bargaining table as we speak with the doctors and will continue to be at the bargaining table in the interests of all Manitobans in order to ensure the patients' safety. I know the doctors are working towards that end, and we are working

towards that end to ensure that patients' safety is at the top of all their agendas.

Mrs. Mitchelson: Is the Minister of Health telling emergency room doctors today there is no arbitrated agreement with them?

* (14:20)

Mr. Chomiak: Mr. Speaker, I answered that in my previous response.

Auto Theft Reduction Strategy

Mr. Ron Schuler (Springfield): According to Manitoba Public Insurance Corporation, auto thefts are up a whopping 61 percent over last year in Selkirk. I ask the minister where his plan to combat auto theft in Selkirk is because the citizens of Selkirk are saying: Enough of the fluff, where is the beef?

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Hon. Gord Mackintosh (Minister of Justice and Attorney General): Talk about new catchy slogans, Mr. Speaker. We are at the cutting edge over there.

I do not understand why the member did not cite other parts of what MPI has been reporting. I am very cautiously optimistic, but I am concerned that the member put information forward which was not complete. He did not report that auto thefts, I understand, are down in Winnipeg 14 percent and down 11 percent across the province.

Mr. Schuler: The only thing weaker than this minister is the Member for Selkirk (Mr. Dewar).

On a new question, Mr. Speaker.

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. I would like to remind all honourable members, when you rise on a question you state first that it is a new question before stating anything else. That way we all

know it is a new question. I have to take this question as a supplementary question.

Mr. Schuler: My question to the minister: Is he aware that in October two officers in Springfield were injured due to a stolen car that they had stopped? That is how they got injured. Where is the minister's plan to reduce car thefts in rural Manitoba, or does he have no interest there?

Mr. Mackintosh: First of all, when it comes to the local responses to auto theft, the question actually, I think, reflects negatively on the hard work not only of the RCMP detachments and the work of citizen patrols, the work of Neighbourhood Watch, the work of other community justice initiatives.

I can say, for example, in the city of Selkirk there have been just tremendous, outstanding efforts by the local detachment, the local citizen patrol headed by Mr. Jim McIntosh and so many other people that have taken a real interest in taking innovative approaches to dealing with auto theft.

I remind the members opposite that it was this Government that brought in the strongest laws in Canada, under The Highway Traffic Act, for auto theft. If the member did not see the public relations on that, I do not know where the member has been for the last number of months.

Gang Activity Rural Manitoba

Mrs. Joy Smith (Fort Garry): Regarding rural Manitoba, there is an unusual rash of car thefts, suspicious fires and vandalism, as we have heard this past week, in Portage, and again we heard it in Plumias, Manitoba, and once again we hear about Westbourne, Manitoba, where crime has been rising. Community members in those areas are fearful for their safety, fearful for their property. Has the Justice Minister become aware of any movement of gangs outside of the city limits spilling over into rural areas for their initiations?

Hon. Gord Mackintosh (Minister of Justice and Attorney General): Mr. Speaker, we are hearing questions from the party that oversaw the rise of criminal street gangs in this province. They reared their ugly head in the early nineties,

and while members on that side of the House then were calling for action, substantive action, co-ordinated and multifaceted action, the members on this side put in place a gang hotline, as it was called, that they did not answer for up to five months at a time. That was their response to gangs.

I leave with the members opposite a reminder that if they are concerned about specific incidents of crime, it is important that, if people call them, they ensure that is referred to the police for the appropriate investigation. It will then fall to the Department of Justice to ensure that there is a prosecution of those charges.

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

MEMBERS' STATEMENTS

Chris Summerville

Mr. Jim Penner (Steinbach): A Steinbach man has received a provincial award for his work in the field of mental illness. Chris Summerville, last week, received the Special Recognition Award from the College of Registered Psychiatric Nurses Association of Manitoba for his advocacy for families living with mental illness and for a mental health services delivery system across the province.

Summerville, a former church pastor in Steinbach, who holds a doctorate from Dallas Theological Seminary, is recognized as a leading community mental health advocate in the province. He is a trainer with the Calgary ASIST Suicide Intervention Program and recently was chosen as a trainer of trainers for the Co-Occurring Mental Health and Substance Use Disorders Program with the Winnipeg Regional Health Authority. He also serves on the executive of Seneca House and the Manitoba chapter of the International Association of Psychosocial Rehabilitation Services. He has been reappointed to the Provincial Advisory Council on Mental Health and is a director of the newly formed National Mood Disorders Society of Canada.

Summerville notes one in five people will experience a serious mental health problem at

some point in their life such as depression, manic depression, psychosis, schizophrenia, debilitating phobias, anxiety and eating disorders and severe personality disorders. In fact, one in seventeen people have thought of suicide each year.

Summerville strongly believes that people can recover from mental illness with early intervention, adequate treatment with the new medications, psychosocial rehabilitation, community supports and services and a strong commitment to hope. The secret lies in developing a top-rated mental health system with a commitment to a recovery-focussed philosophy that provides co-ordinated care both in the hospital and proper supports and services needed to live successfully in the community for those with mental illness.

Chris, his wife Carolyn and his daughter Lydia have lived in Steinbach for nine years. He is a member of the Central District Health Advisory Council for southeastern Manitoba. We congratulate him on his achievement.

Unity Day

Mr. Cris Aglugub (The Maples): This morning I had the great pleasure of participating in the sixth annual Unity Day March. This was my third opportunity to take part in this worthwhile event. Unity Day is a school-wide event put on by the Maples Collegiate to raise awareness of racial discrimination in our community. It is held annually in conjunction with the International Day for the Elimination of Racial Discrimination. Today the march ended at the steps of the Legislature where I was happy to make short remarks to the students assembled. I was also happy to see the honourable Minister of Education (Mr. Caldwell), who was also there to address and meet the students upon their arrival at the Legislature.

Since the tragedies of September 11, we have seen how racism is still present in our society. This is why events such as Unity Day are so important. As well, The Maples is a very racially diverse community. There are many in my constituency who benefit from this event as do all Manitobans. Events like the march show a

sense of solidarity among all members of our province regardless of their racial heritage.

* (14:30)

As always, Mr. Speaker, I am very proud of the hard work done by students to raise awareness of racism and to celebrate our cultural diversity. I would like to thank all the students as well as the teachers of Maples Collegiate for their work in addressing the challenges of racism and discrimination.

The leadership shown by these young people involved in this march is an inspiring example for all Manitobans. Thank you, Mr. Speaker.

Beausejour-Brokenhead Sportsplex

Mr. Gerald Hawranik (Lac du Bonnet): Mr. Speaker, just last weekend, I had the privilege of speaking at the sod-turning ceremony for the new Beausejour-Brokenhead sportsplex known as Sungro Centre. This \$2.1-million project is the result of a great deal of effort and work by many volunteers in the Beausejour, Brokenhead, Garson and Tyndall areas. The volunteer Sportsplex Committee has worked on this project for the last five years, and all the pieces of this puzzle are finally in place. Congratulations to Don Mazur, who has been the chair of the Sportsplex Committee throughout the five-year term, and congratulations to all past and present members of the Sportsplex Committee for their perseverance and their dedicated service to their community.

Mr. Speaker, the construction of the Sungro Centre comes as a result of the efforts of many volunteers in the community whom I have not named, and they are to be congratulated and commended for their efforts and their community mindedness.

I also congratulate and commend the councils of the town of Beausejour, the Rural Municipality of Brokenhead, the L.U.D. of Tyndall, and the village of Garson for the unanimous support of a resolution to fund a major portion of the cost of the Sungro Centre. It was only possible because of their forward and progressive thinking.

One of the major employers in our area, Sungro, a company that harvests peat moss in the constituency, purchased the naming rights to the sportsplex. I was particularly pleased, Mr. Speaker, that a good friend and high school classmate of mine from Whitemouth, Walter Van Nieuw Amerongen, who is the general manager of the Sungro operation in Manitoba, promoted the sportsplex project.

I believe that improvements to the recreational facilities in the Beausejour, Brokenhead, Tyndall and Garson areas is important to ensure the continued growth of that area. I note that the town of Beausejour is already the third fastest growing town in eastern Manitoba, and this recreational facility will only enhance the growth of the Beausejour, Brokenhead, Tyndall and Garson areas. Growth is essential to retain and to enhance services such as health care services, education services, agricultural services and all other government services.

I again congratulate the Beausejour, Brokenhead, Tyndall and Garson areas and their councils for their progressive attitude.

Jack King and Bob Davies

Hon. Tim Sale (Minister of Family Services and Housing): Mr. Speaker, I am rising today to recognize two members of the Fort Rouge community whose contribution has gone above and beyond the call of duty.

Jack King, a teacher and guidance counsellor at Fort Rouge School, and Bob Davies, the principal of the same school, are retiring at the end of this year. They will be missed and fondly remembered.

Mr. King has served the students and families at Fort Rouge School for nine years. Additionally, Mr. King has embraced the community members and residents in Fort Rouge, particularly in the Mayfair neighbourhood. He has been an advocate for those still seeking their own voice, an energetic lobbyist for the residents, a source of information and resource referral, and an outlet for both grief and joy.

Two years ago, I had the pleasure of speaking in this House about the book *Three*

Stars and a Wish. This was a project initiated and encouraged by Mr. King, with help from education students at the University of Winnipeg. Kids and parents came together to share childhood memories and wishes for the future.

Bob Davies is leaving his position as principal at Fort Rouge School. He has been a true leader and innovator in the Mayfair community. He is the kind of principal that knows the name of every student, of every brother and sister, of every mom and dad. Where others see problems, Mr. Davies sees opportunities. He has been the driving force behind the formation of the Mayfair Resource Group, has brought programs like Families and Schools Together and Hoops into the school, and helped organize last summer's community celebrations. In my tenure as an MLA for Fort Rouge, he has been an inspiration, a friend and a mentor.

Even as Mr. King and Mr. Davies eye imminent retirement, they remain passionately committed to the students and families in Mayfair.

On behalf of the community of Fort Rouge, we wish Jack King and Bob Davies all the best in the coming years. Thank you, Mr. Speaker.

Hecla Area Land Expropriation Conduct of Civil Servants

Hon. Jon Gerrard (River Heights): Mr. Speaker, when concerns are raised to a minister in a confidential fashion, as were the concerns of Stuart and Allan Jones in December '99, then there must be an approach to investigate these concerns which does not put individuals within the public service in charge of investigating themselves. There is a clear conflict of interest if individuals are asked to conduct a serious investigation of affairs for which they themselves have had primary responsibility.

It is quite disappointing that the Minister of Conservation (Mr. Lathlin) and his department who received a report from the Ombudsman on October 11, 2001, now, some many months later, have failed to put in place already the response to the recommendations that the Minister of Conservation apologize for the breach of privacy which was committed clearly by his department and that the Minister of

Conservation put in place procedures for conducting internal reviews and complaints which would be much better than he has had in the past.

There needs to be considerable improvement. It is not enough to wait for the Auditor General to make his report because these matters with which we are concerned and upon which I was asking questions today have been adequately dealt with in the Ombudsman's report. There should be action, and given that it is many months after the fact, there is no excuse for the minister to delay any further.

ORDERS OF THE DAY

GOVERNMENT BUSINESS

House Business

Hon. Gord Mackintosh (Government House Leader): Would you please call second readings in the order they appear in the Order Paper, and then under debate on second readings, Bill 14.

SECOND READINGS

Bill 23—The Pesticides and Fertilizers Control Amendment Act

Hon. Rosann Wowchuk (Minister of Agriculture and Food): Mr. Speaker, I move, seconded by the Minister of Labour and Immigration (Ms. Barrett), that Bill 23, The Pesticides and Fertilizers Control Amendment Act, be now read a second time, and be referred to a committee of this House.

Some Honourable Members: Oh, oh.

Mr. Speaker: It has been moved by the honourable Minister of Agriculture and Food (Ms. Wowchuk), seconded by the honourable Minister of Labour and Immigration (Ms. Barrett) that Bill 23, The—

Order. It is really, really difficult to hear. Could I have the co-operation of all honourable members please.

It has been moved by the honourable Minister of Agriculture and Food, seconded by the honourable Minister of Labour and Immi-

gration, that Bill 23, The Pesticides and Fertilizers Control Amendment Act, be now read a second time, and be referred to a committee of this House.

Ms. Wowchuk: Mr. Speaker, in recent years Manitoba has experienced a dramatic growth in the livestock industry, and this growth provides an important economic benefit for Manitoba's farm families and for the provincial economy. If we look at the statistics, for the first time in Manitoba history, the value of the livestock industry exceeds the value of the grains industry in this province.

When we took office, we recognized that, with this growth, we had to address planning as well as monitoring of the livestock industry. So, in March 2000, I announced the creation of the Livestock Stewardship Initiative and the steps that we were going to take. The Livestock Stewardship Panel was appointed in 2000, and the objective of this panel was to obtain the public's input on the expansion of the livestock industry in Manitoba. The panel held six public meetings, and heard from more than 225 presentations from a wide cross section of Manitobans. After having received an additional 150 submissions, the panel conducted follow-up meetings with industry, with research groups, and the public.

Mr. Speaker, I want to let the Chamber know that we acted on many of these issues raised by presenters prior to receiving the report. Since receiving the report we have also acted on many of their recommendations. There are some that we are dealing with in this legislation.

* (14:40)

The panel report entitled *Finding Common Ground* recommends that the provincial government, in co-operation with the industry and educational institutes, should reassess the training requirements for professionals and technicians in the manure management field. They also recommend that the provincial government should move forward with formal certification of commercial manure applicators.

In order to address these recommendations, proposed changes to The Pesticides and Fertilizers Control Act are being undertaken to

ensure that manure management planners and custom manure applicators are qualified individuals trained in accordance with the principles of sustainable development.

The procedure for the certification and licensing of manure applicators will be similar to those currently required under The Pesticides and Fertilizers Control Act for commercial pesticide applicators. Currently, Mr. Speaker, all commercial pesticide applicators must complete a recognized course and pass an exam delivered by Assiniboine Community College. The proposed amendments apply to commercial manure applicators, employees of large livestock operations who are engaged in manure application to land that they do not own or lease, and the manure management planners. The course will also be available on a volunteer basis for all producers in this province.

Specifically, the proposed amendments would provide the following: all commercial manure applicators will be formerly certified and licensed; applicators will be required to undertake training related to manure nutrient management planning, equipment calibration, dealing with spills and liability issues associated with manure management, handling, transportation and application; the authority for inspectors to conduct inspections and access pertinent records and documents and ensure co-operation and assistance for proprietors; the authority for inspectors to stop and inspect vehicles in which manure is being transported; manure applicators to carry insurance defined by regulation.

There is also a regulation to outline the qualifications required by professional manure management planners. As well, there will be a regulation that describes the composition and responsibilities of an advisory committee that will advise the minister on pertinent issues related to the administration of the act and regulations.

I want to tell this House, Mr. Speaker, that we have consulted with the industry. Very early on Manitoba Pork indicated that they had no problems with this issue and indeed support the issue. We will continue to consult with industry groups and government departments during the development of regulations in support of these

amendments. We are confident that these proposed amendments will support the Manitoba livestock industry as a responsible and important part of the agriculture community in this province.

Mr. Jack Penner (Emerson): Mr. Speaker, I move, seconded by the honourable Member for Seine River (Mrs. Dacquay), that debate be now adjourned.

Motion agreed to.

Bill 24—The Securities Amendment Act

Hon. Scott Smith (Minister of Consumer and Corporate Affairs): Mr. Speaker, I move, seconded by the Minister of Agriculture and Food (Ms. Wowchuk), that Bill 24, The Securities Amendment Act, be now read a second time and referred to a committee of this House.

Motion presented.

Mr. Smith: Mr. Speaker, for years now there has been an established trend for average Manitobans who used to be primarily savers to enter the investment market, often for the purpose of planning for retirement. It has also become obvious that, in the case of a financial dispute between the average retailer and the average dealer, the investors are at a disadvantage. Court proceedings and arbitration are adversarial processes that must be funded by an investor seeking compensation for losses. Often, the investor, who may be a senior or a person of limited financial means, cannot afford to seek financial redress. Sometimes the loss, although real, is simply too small to warrant the expensive recovery proceedings.

This bill allows the Manitoba Securities Commission at its regular hearings to assist those average investors to recover financial losses caused by the negligent or improper conduct of market intermediaries without cost to the investor. The bill puts a cap of \$100,000 on a claim. It is felt that this amount will be sufficient to cover the losses experienced by most Manitoba investors. While requiring large losses by institutions or sophisticated investors to be recovered through the traditional avenue, court

proceedings will still be available. The bill will make an order of repayment made by the commission in favour of an investor registerable as a judgment in the Court of Queen's Bench. This judgment will be obtained at no cost to the investor.

In the event there is an appeal of an order of the repayment to the Court of Appeal, commission legal staff will argue the appeal on behalf of the investor, again, at no cost to the investor. While collection on the judgment is the responsibility of the investor, the proposed amendments contemplate the making of a payment order not only against an individual adviser but also against the firm employing that particular adviser. It is anticipated this process will not only make collection more likely but will underline the responsibility of an employer to properly supervise employees dealing with the money of Manitobans.

The additional authority given the Manitoba Securities Commission will represent another tool for the investor protection in this type of hearings held by the commission where there is clear, regulatory breach. This initiative is not intended to—and will not affect—the right of investors who choose to sue, go to arbitration where available or to take advantage of the soon-to-be unveiled national Ombudsman service. This initiative will not displace any of the industry-based services developed, but will simply allow an aggrieved investor, who will have to testify at the commission hearing at any rate to obtain financial relief at that hearing instead of being required to start additional proceedings in another venue.

The commission has some experience in determining reimbursement claims as it administers The Real Estate Brokers Act, which is set up in a reimbursement fund paid for by the real estate practitioners. In addition, the proposed amendments will also enable the commission, where it is deemed necessary, to add the commissioners with specialized expertise for the specific hearings.

In developing this legislation, consideration was given to the establishment of an industry reimbursement fund. However, it was decided that this was not going to take place and was

unnecessary to penalize the entire industry as opposed to those few who are the subject of the commission hearings. No assessment against the industry is contemplated and no additional level of compliance, governance or reporting will be required from securities firms.

Mr. Speaker, in conferring this authority to the Manitoba Securities Commission, it is not intended that the commission become a collection agency for investors whose portfolios have devalued. We are all now acutely aware that markets go up and markets come down and most often no one is to blame. The Securities Commission opens files where there have been breaches of conduct or service by an intermediary that call an individual firm's right to be licensed into question. The commission will continue to open hearing files based on these criteria and where the breach can on evidence be connected to the loss the commission will be in a position to make an order requiring payment of the loss to the investor along with any other sanctions the Commission is authorized to impose.

This is not a new line of work for the commission. It is simply an additional arrow in the quiver. This bill represents a level of protection for the average Manitoba investor that will be unique in Canada at this time. It is, I submit, an idea whose time has come.

Mr. John Loewen (Fort Whyte): I move, seconded by the Member for Minnedosa (Mr. Gilleshammer), that debate be adjourned.

Motion agreed to.

* (14:50)

Bill 29—The Engineering and Geoscientific Professions Amendment Act

Hon. Becky Barrett (Minister of Labour and Immigration): Mr. Speaker, I move, seconded by the Minister of Agriculture and Food (Ms. Wowchuk), that Bill 29, The Engineering and Geoscientific Professions Amendment Act, be now read a second time and be referred to a committee of this House.

Motion presented.

Ms. Barrett: Bill 29, The Engineering and Geoscientific Professions Amendment Act, proposes to amend the act so as to provide greater flexibility with respect to the requirement for corporations and other legal entities to obtain professional liability insurance coverage in order to practise professional engineering or geoscience in their own name.

When the act was last amended in 1998, a provision was added that allowed corporations, partnerships or other legal entities to obtain a certificate of authorization to practise professional engineering or professional geoscience in its own name, provided that certain requirements were complied with. One of those requirements was that the corporation or partnership obtain professional liability insurance coverage.

Since that time, the Association of Professional Engineers and Geoscientists of Manitoba has found that this requirement is not sufficiently flexible to accommodate the circumstances of some firms engaged in the practice of engineering or geoscience. While professional liability insurance may be readily available, at a reasonable cost, to companies that provide professional engineering and geoscience services in the traditional consulting sector of the industry, the association has found that this is not always the case in other sectors, such as the manufacturing sector, where companies provide engineering or geoscientific services to clients or customers along with the product.

In these situations, the association has found that professional liability insurance is either unavailable to the company or only available at a prohibitive cost. To address this problem, Mr. Speaker, the associations recommended that the act be amended by providing for greater flexibility. More specifically, it is proposed that a corporation or other legal entity that does not have professional liability insurance coverage be eligible for a certificate of authorization if it has other insurance coverage that is substantially the same or greater than the coverage that would be provided by professional liability insurance. The association has indicated that this would generally consist of professional liability insurance for the individual engineers employed by the company plus evidence of commercial general liability insurance covering the company's products and operations.

In all cases, the counsel of the association will have to take the public interest into account prior to issuing a certificate of authorization under this alternative insurance provision. A further amendment also proposed by the association would authorize the counsel of the association to waive the requirement to maintain professional liability insurance coverage for corporations or other legal entities that restrict their practice to providing professional geoscience services to the mining exploration industry. The association has indicated that, in most situations, Mr. Speaker, it is unnecessary for companies in this sector of the industry to maintain professional liability insurance coverage. Waivers would be granted on a case-by-case basis and only after the public interest has been taken into account.

These proposed amendments have been closely reviewed by the Government's legal services personnel and have the general support of stakeholders such as the Canadian Manufacturers and Exporters, the Winnipeg Construction Association, the Consulting Engineers of Manitoba, the Manitoba Securities Commission, the Certified Technicians and Technologists of Manitoba, the Manitoba Land Surveyors and various insurance brokers.

In our view, the amendments set out in this bill have the full support of the stakeholders and take into account the public interest, and I therefore commend it for approval of the Assembly. Thank you.

Mr. Ron Schuler (Springfield): I move, seconded by the Member for Arthur-Virden (Mr. Maguire), that debate be now adjourned.

Motion agreed to.

DEBATE ON SECOND READINGS

Bill 14—The Public Schools Modernization Act (Public Schools Act Amended)

Mr. Speaker: Resume debate on Bill 14, The Public Schools Modernization Act (Public Schools Act Amended), standing in the name of the honourable Member for Minnedosa (Mr. Gilleshammer).

An Honourable Member: Stand.

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

Are there any members wishing to speak?
No.

* * *

Hon. Gord Mackintosh (Government House Leader): I move, seconded by the Minister of Labour (Ms. Barrett), that the House resolve into a Committee of Supply.

Motion agreed to.

COMMITTEE OF SUPPLY (Concurrent Sections)

CONSERVATION

* (15:10)

Mr. Chairperson (Harry Schellenberg): Good afternoon. Will the Committee of Supply please come to order. This afternoon, this section of the Committee of Supply meeting in Room 254 will resume consideration of the Estimates of the Department of Conservation.

We are on line 4. Conservation Programs (k) Lands (3) Remote Sensing (a) Salaries and Employee Benefits \$551,300 on page 50 of the main Estimates book. At the last sitting of this committee, there was agreement to revert to 4. Conservation Programs (f) Fisheries, which had previously been passed in order to allow the Member for Russell (Mr. Derkach) to ask questions. Is that still the will of the committee? *[Agreed]*

The Member for Russell, you have the floor.

Mr. Leonard Derkach (Russell): Through you to the minister, I think we ended the last day with an answer from the minister to a question I had posed about the penalties and the fines, or charges, that were laid on individuals whose nets had been left for extended periods of time in the lake. I respect the minister's long answer, his approach in trying to resolve the problem. I commend him for his attempt, but I would still like to get his answer to whether or not the charges have been levied against the individuals

who left their nets in the lake for extended periods of time, and where identification was able to be made.

Hon. Oscar Lathlin (Minister of Conservation): Perhaps I can respond to the member's question this way, and that is to talk about the enforcement activity, first for Lake of the Prairies and then for Dauphin Lake. I also want to talk a little bit about the abandoned nets that he was referencing at our last sitting.

For Lake of the Prairies, one charge has been laid for failure to mark nets. In Dauphin Lake, six charges were laid for selling fish taken in water without authority of a licence, and three charges for fishing without a licence. Thirty-two verbal warnings were given. Sixteen written warnings were given, and there was a total of thirteen nets that were seized.

As for Lake of the Prairies on Dauphin Lake, with respect to the abandoned nets on Lake of the Prairies, to date, and this was May 29, four abandoned nets have been found after ice-out, and this is as follows:

On May 17, there was one net found in the Saskatchewan portion of the lake; May 21, there were two nets found in the Saskatchewan portion of the lake; and then on May 28, there was one net found near Pyotts campground. No other net seems to have been reported by the anglers. All the nets were unmarked. It appears that the nets were tampered with, or improperly marked, and the owner was unable to find them. Eleven hundred pounds of walleye were in the nets, all badly decomposed; no live fish.

Mr. Derkach: Mr. Chair, the nets were marked. As a matter of fact, if the minister would check with his staff, I am sure he would find that the net that was pulled at Pyotts was marked. I would also put forth the fact that out of the four abandoned nets, and I think the minister and I are talking about the same nets—out of the four that were found, my information is that two had clear markings on them; one was questionable. So, therefore, there should be no question as to whether charges should be laid or should not.

I mean, 1100 pounds of fish is an enormous amount of fish that has just gone to waste. But,

having said that, I think that, you know, if anything else, we have to deter people from conducting this kind of activity, and no one claims that they lost their nets, because individuals along the lake knew where the nets were, and it was not a matter of the nets being lost. They were there, and there was knowledge about them. So I guess I would ask the minister whether or not he is prepared to check with his department as to the identification of these nets, and when it is made, whether charges, in fact, will be laid.

Mr. Lathlin: Mr. Chairperson, yes, we will check out the information that the member has given us. I am, unfortunately, not able to go out there myself to check personally. I can only go by the information that we are given, but we will get the details back to this session. If I do not get them by the time we are finished, then I will put them in writing and give them to the member.

I think also the member should know that the laying of the charges is really not a simple matter. The laying of the charges is obviously not done by the minister. This duty is performed by trained officers of the department.

Mr. Derkach: Well, Mr. Chair, but that is the point. I know that if I were caught on the lake with a net, or that if I were caught fishing at a time of the year when I should not be out there, the officer would have no difficulty in laying the charge immediately. My equipment would be confiscated, and the procedures would be followed that are laid out in the act. I would expect that that should be done.

In the case of the nets that were on Lake of the Prairies, and I speak specifically on Lake of the Prairies because that is what I am familiar with, I would have to say to the minister that there was almost an attempt, and I do not want to cast aspersions, to try to stay away from laying charges, because when the issues were raised with the department that nets had been abandoned, and those nets were identified as to where they were abandoned, officers, first of all, did not come out to check those immediately, and, secondly, no charges were laid after that extended period of time was given for those nets having been in the water.

So was there a directive from the minister's office or from, I guess, the upper levels of the

department that we should not lay charges? As a matter of fact, it was the member from Roblin-Swan River, who suggested that, well, we want to resolve this issue. It is not just as easy as laying the charges. We have to make sure that at the end of the day we find a solution to this, and it is just not a matter of laying charges, and so I guess my question to the minister is: Is this, indeed, the attitude that the department took with respect to this particular issue?

Mr. Lathlin: I want to say very clearly to the member, that there was no direction given to anybody to not lay charges. The peace officer has the discretion to lay the charges, and I am not about to go there and interfere with that function.

Mr. Derkach: So what the minister is telling me is that natural resource officers were given the authority to conduct their investigations and lay charges as they would in any other circumstance with respect to netting of fish, and with respect to breaking the law under the act?

Mr. Lathlin: These officers work for Conservation. They have the authority. They know they have the authority. I do not have to give them the authority to do anything. They know the law; they know how to apply the law; and they know when to lay the charges.

Mr. Derkach: Well, but the practice was not followed as it should have been, in my view, with respect to the way that officers normally conduct their procedures. Someone had to give the direction. I want to ask the minister where this direction came from, because there were obvious transgressions of the law. There were obvious, flagrant actions taken by individuals on the lake, but the charges were not laid. I want to ask the minister: Who gave the direction that we should back off on laying charges and on following the law as prescribed under the act?

* (15:20)

Mr. Lathlin: I want to reiterate my earlier position, and that is that I, as a minister, do not give, and I am sure the member is aware of this, because he has been in government for a long time and has been around this legislature for longer than I have; the minister does not give the

orders to do this or not to do that with respect to law enforcement. But I will say to him that these officers are not only familiar with the act that they are supposed to be enforcing, but they are also familiar with the treaty provisions that are there for domestic fishing. They are also aware that this is not the same law that applies to sports anglers.

Mr. Derkach: I know that First Nations people, First Nations Indian people, have rights under the treaty. We respect that. We endorse that. The minister knows that. He and I have had chats about that. But in the case where you have 1100 pounds of fish spoil, it has gone to waste, and you can identify who was responsible for that, why would we not have immediate charges being laid against those individuals as a deterrent so that it would never happen again?

Mr. Lathlin: I want to say to the member that we imposed closure in Lake Dauphin, for example, and, as I said I think earlier, if I remember correctly, yesterday, the closure that was imposed, we did not have to force the West Region Tribal Council to accept it. They readily accepted the closure because they are also concerned about sustaining fish populations, not just because of the sustainability aspect of it, but they are also concerned that, because they have a treaty right, they have to respect that treaty right that they have. That is the message that I know that they keep giving to their members.

The closure is still in effect. It expired May 11. The tribal council agreed that it would be in the best interests of the fish populations, environmental protection, conservation, and so forth to have that closure extended till the end of October. That is an indication to me that the tribal council representatives, representing, I believe, six or eight First Nations communities in that area, have a genuine concern just like the member does. We all do. We all have a concern. We are all genuinely interested in making sure that the fish populations are maintained, so that future generations can use them like we are using them today.

In addition to that, charges were laid. I want to say to the member, even though he is trying to suggest that officers of Conservation may have been reluctant to lay charges, charges were, in

fact, laid. A lot of negotiations at the same time were going on to try to convince the leadership of the First Nations communities to try to get their members to refrain from using nets and going fishing in Lake Dauphin and Lake of the Prairies.

The last thing I want to add is, before I came to this Legislature some 12 years ago, I used to be an avid hunter—big game, waterfowl. I want to say to the member that, on a regular basis, and this happened also after I became chief, band members would come to, or while we were out there hunting, on a regular basis, we would come upon carcasses of moose that were obviously harvested solely for a trophy. The carcass was left there. The trophy was taken. When I became chief, band members would also come to my office and say, look, you know, we found three carcasses; the trophies were taken.

So the point I am making here is: sure, the chiefs were having some problems in convincing everybody on the reserves to refrain from going to Lake Dauphin and Lake of the Prairies, but, on the other hand, there are always bad characters amongst the non-Aboriginal hunters and fishermen and so forth. Why would I have been finding carcasses of moose out in the bush with only the trophies taken? But that does not make it right here, so we are continuing to work very hard with the West Region Tribal Council.

As the member knows, we have also worked with the Lake of the Prairies representatives. They have agreed to establish, or to participate in, a committee or a board, a management board, for Lake of the Prairies. I understand that meetings have been held, and they are off to a good start. So I look forward to working with that group.

I think also, before I close, Mr. Chairperson, I want to tell the member that there is a burden of proof in laying charges that government must meet. The member knows that, as well. The member feels that it is clear to him that charges should have been laid in the case of abandoned nets, and I can only say that it must have been the judgment of the peace officers that the burden of proof could not be met in those particular cases.

Just like, again, I watched on TV, on national TV, CKY TV news, where they had a picture of people committing an offence. By that, I mean people were—what is the word I am looking for? They were stealing nets. They were stealing property. Right on TV, you could see it. But then, when it came to trying to make people accountable, it was difficult. Burning nets, you know, you talk to the RCMP, and they say: Well, you know, it is really hard to establish, to get the proof, that we cannot find the person; we do not know whether he is from Manitoba or Alberta or Saskatchewan. So it was difficult.

I think the member of Lakeside surely remembers how difficult the burden of proof is. After all, he set up a special sting unit to obtain charges, or at least his government did that. Why did he set up a sting operation? Because it is very difficult to just go out there and lay charges and make sure that you win your cases.

Mr. Derkach: Mr. Chair, I am not going to dispute with the minister the fact that it is not difficult to lay charges. I am not blaming Indian First Nations people here, because the vast majority of First Nations people probably would agree with the position that most of society is taking on issues like this, and that is that it is okay to take whatever you need to feed your family, but let us not waste the resource just for the sake of getting out there and participating in an activity.

With respect to the minister saying that there were nets burned; yes, I was present at the demonstration when the nets were burned. Although I did not see who lit the match, because I was not near enough to do that, I would say that, if someone had identified who lit the match, the charges should have been laid there, too. That was not an activity that was endorsed by the organizers of the demonstration. The people who organized the demonstration did it just to raise attention to the issue that was happening on the lake at the time.

I would have to say that everybody was taking a stand-off position in that instance, both natural resources personnel and RCMP, because I was there; but I think it was all in the spirit of trying to leave this matter in a way which would not result in any personal injuries to people. I

think that was the overriding concern of the officers that were in attendance, both from natural resources and the RCMP, and I would have to concur that the right thing was probably done in that instance on both sides. We did not raise the issue so that there was a confrontation between the individuals who were on the lake at the time.

* (15:30)

Mr. Chair, this goes beyond just a sustenance issue. We have a lake that is man-made, and is fairly sensitive to how fish can be taken out of there; because you can fish that lake out pretty quickly if, in fact, you wanted to do. Because it is narrow, it is long, you can string nets right across the lake, as had been done, and pretty soon you can deplete that lake of its resources. I am not suggesting that was done in this particular year. I think there has been some impact, but how much we will only know through the measurements that are done by natural resource people when they take their samples.

We have had a slot limit on that lake for a number of years, a slot limit that was agreed to by the fishers of that area, by natural resources. Basically, this slot limit was pushed by the individual who is from natural resources in Roblin, and that is Ken Kansas. I would have to say that, as a conservation-minded individual, he has probably led the charge in trying to ensure that lake is maintained and is sustainable for the long term. I have great respect and regard for Mr. Kansas, but, when you have individuals who are participating in a barbless fishing activity, they release fish that are of the slot size and only harvest the fish that are allowable, and then you have netters coming in, in the wintertime, and netting the large fish out, you have to ask yourself, what is the point of having a conservation approach to that lake if we are not going to identify it as a conservation lake?

If, indeed, we want to maintain that, and sustain that resource in that lake, why would we not together move to identify that lake as a conservation lake, where you can only fish with a fishing hook, rather than using nets on it? Because only in this way does it make any sense

to adhere to the slot limit policy that government has enforced on the lake.

Mr. Chair, I have to say I agree with the slot limit and the barbless hooks that are used on the lake. So I would like to hear the minister's response in terms of whether or not he is even prepared to look at perhaps identifying this lake as a conservation lake where only fishing can be done through the use of hooks and not nets.

Mr. Lathlin: Mr. Chairperson, I want to indicate to the member that issues like this can be best dealt with when all the stakeholders come to the table, including First Nations people. You see, this is what I have been saying all along. People just have not had the experience of working together on issues like that because everybody is so quick to point out, oh, you are the bad guy; no, you are the bad guys. Nothing ever gets resolved.

I was surprised even at the last meeting that I had here with the Lake of the Prairies representatives. At the end of the meeting, this one person asked me, well, can you arrange a meeting for us with West Region Tribal Council. Can you phone them and tell them to meet with us? I did not want to be disrespectful, but I said to the individual, well, what is wrong with you phoning them asking for a meeting. You see that is where we are coming from, and that is why we are having so many difficulties.

I also want to point out to the member that I have so many meetings with fishermen, sports anglers, anglers' management boards, commercial fishermen groups, sometimes individual commercial fishermen, but lately commercial fishermen groups have been telling me that sports angling fishing can also contribute even though it is a catch and release program. I do not have any scientific information to back this up, but I do not think they have either. I can only rely on their many years of experience in fishing. Just like the farmer who will tell you: I have 30 years of experience, and I know what I am talking about.

So, in any event, these commercial fishermen recently have been telling me that when you catch and release you catch a fish or a pickerel, you scoop it off the water and you handle it with

your hands and sometimes get a picture taken, and then, about two or three minutes later, you put it back in the water. Well, these commercial fishermen claim that after you release the fish about 40 percent of them end up dying. Now that is what the commercial fishermen are telling me.

So, I go back to Lake of the Prairies where, I understand, in the late 1980s it had been fished out; sports fishermen having taken quantities of fish that was much greater than last winter's net fishing. *[interjection]* I am not trying to justify anything, I just want to put things in perspective.

Mr. Derkach: Mr. Chair, yes, there was a time when I think I found it extremely offensive when I saw what was going on, when we had little fish being taken like this, bucketfuls and pailfuls out of the lake, and it was a time when I had recommended, as a matter of fact, to the minister of natural resources that something be done about this situation because it could not be sustained, and action was taken.

I think we all agreed that putting a stop limit was a good thing, having a limit of fish, of four pickerel, I think, you can take out of the lake today, which is agreeable to all fishermen.

I think everybody wants to see the resource sustained as well. I do not want to be identifying First Nations people as a separate group of fisher people, but they also, the people I have talked to from First Nations agree with that principle as well. I do not have any scientific information to say that, yes or no, fish die. I think the people who are in the fishing industry will tell you that they try to handle the fish as little as possible and release them, in these catch and release programs.

I think we all want to see the resource maintained for tourism in the area. It is very important to the communities surrounding that Lake of the Prairies, because as the minister knows, some 30 years ago, when the dam was created, there was a huge commitment made by government that there would be significant development. That development did not occur and in the nineties, when we were in government, we did allow for some development to try to live up to a commitment that was made by governments in the past and to at least ensure

that the area could benefit from some economic development.

Tourism has been identified as a very important issue in that area. So, if you deplete the resource, that has a very significant impact on people who have developed cottages in the area, people who have developed bed and breakfasts, people who have developed fish guiding on the lake.

I said to you, Mr. Minister, when we had our private meeting that I would far rather see First Nations people be encouraged and helped to develop things such as fishing lodges along that lake as much as the lake can sustain, but, also perhaps, encourage them to become fishing guides on that lake. I know that is almost a natural for First Nations people who have an ability to do that. If we have to, let us put some money into training and education programs that would help to educate young Aboriginal people who are interested in things like fish guiding and hunting guiding and so forth, and then they too can contribute and take from the benefits of tourism in the area.

I think, Mr. Minister, that if we started to embark on programs like that, where you bring First Nations, non-First Nations people together to develop resources like this, then we can accomplish a great deal together. I think there are benefits that can accrue to both.

As a matter of fact, when the ski hill was built, we were trying to encourage First Nations people to build a sweat lodge, because if you know the history of the Assiniboine and the Shell and the confluence of that river with the fur trading that used to take place there, there is a good reason to establish a historic, if you like, First Nations site there. Whether it is a sweat lodge, as was identified, or some other entity, there is no reason why First Nations people from the surrounding reserves could not participate fully in the economic benefits that could accrue to everybody within that area.

So, when I say that we should be identifying this lake as a conservation lake, it would be for the benefit of all, because I think we could go a lot further, Mr. Minister, in doing that and helping to develop different entities that could

take from that resource and benefit from it in the long term. In that spirit, I want to ask the minister a question that I asked him privately, and he was checking this out. Of course, I will make my plea for it, and that is this weekend we have a significant fish derby occurring at Lake of the Prairies. It is called the Lake of the Prairies Classic, which occurs annually. This is the 10th anniversary of this activity on the lake.

* (15:40)

The sponsors of this derby have repeatedly requested but not received permission to catch at least one fish in the slot within their catch of five or whatever number of fish that they catch per day. Because of the publicity on Lake of the Prairies this past winter, we have seen a significant drop in the number of entries in the derby. I think last year we had 240-some boats entered in the derby. This year we are down to 137, which is fairly significant. That is the difference between having a break-even or losing money in an event like this.

So the sponsors of the event approached me and asked whether or not the department and the minister would be amenable to having an allowable fish in the slot caught for each day, and because this is a catch-and-release program, those fish would not be harmed, would, in fact, be returned to the water. I think what would happen is you would have significant interest, and perhaps we could get back the number of participants that we had sort of targeted for the event this year.

Because this is kind of an eleventh-hour request, I am wondering whether the minister has any comments with regard to this issue.

Mr. Lathlin: Yes, I recall the request the member made to me yesterday afternoon, I believe it was.

Let me tell him, though, that I have inquired about that issue. I was going to phone the member this morning to advise him that I would either have a letter to him before the day is over or for sure by the morning. So that is what I would like to do. I would like to give him my answer in writing either late today or early in the morning.

I also want to comment a bit further on what he was saying about involving First Nations people in the development of the resource, the management of the resource, and so on and so forth. Again, that is exactly what I have been trying to do. I have been encouraging and advising groups to work together, because I think that is the only way that people will feel that they have a sense of ownership of the resource, that it does not belong to just one group so that, therefore, when conservation measures are devised, people do not have a sense of commitment because they were not involved right from day one.

In any development that takes place, whether it is hydro development up North, or some forestry complex being established, or any kind of development that comes into a community, the people in the community have always been relegated to what I have always said; being cheerleaders, standing on the periphery of this development, watching all these high-paying jobs come in, mostly being filled by people from outside.

So they stand on the periphery. Some of them get temporary labour jobs. When the plant has been installed and operationalized, of course they are told to go home and continue to live on welfare or whatever meagre living that they were relying on while others from the outside come in, and they have all these nice jobs. They get paid big money, and they make a good living.

Well, when you go to that same group and say here is what we want you to do in terms of fishing or hunting or trapping. We want you to stop it. That is how they perceive it. The co-management agreements that have been worked on, even the one that we negotiated in The Pas when I was still there, there was always the feeling of our people, well, what is in it for us? We agree to this co-management scheme, but, you know what? The only group that is going to benefit is government, because they have been able to achieve their goals and objectives of conservation, and so on and so forth.

So really, it was difficult to convince people to come on board on that basis. But since we have been able to give First Nations people some meaningful input, and I am not saying that it has

never been done before, but we have been trying to even set up our Government structure here in Conservation, Mr. Chair, where we established an Aboriginal resource council to provide a liaison, an interaction between government and First Nations communities. We established the Aboriginal Relations Branch in one of our divisions, headed up by a director, again, for the purpose of learning how to work with each other, how to interact with each other, how to, in the end, be able to trust each other. We are not out to take advantage of each other.

There are lots of ways that we can work together, and I believe that, by working together, for example, in conservation measures, the First Nations people, as I see it, will probably end up being the most aggressive conservationists once these regimes have been established; by-law development for conservation measures, environmental protection, so on and so forth. I really believe that their laws will be more stringent than the regular federal and provincial legislation. I could be wrong, but I see it that way. I see it unfolding that way.

As I said the other day here, of course, the legislative framework that they will be developing will not override provincial or federal law. They will just become part of the overall legislative scheme to protect the environment and also ensure that there is sustainability.

Mr. Derkach: Well, Mr. Chair, I am going to switch gears because I want to go to the issue of co-management. I listen to the minister about the fact that, yes, hydro development took place in the North and a lot of non-Aboriginals got jobs and Aboriginal people got jobs, too, but the issue is that some of these jobs require skills. You cannot expect companies and governments to hire individuals who are not skilled.

I think governments, not only governments of a particular stripe, in the past, have tried to encourage First Nations people to become more skilled, more educated. I think we all are working in that regard. As a matter of fact, it was a significant thrust by our government to ensure that First Nations people were encouraged to gain the skills and the knowledge that was needed, because we all know that, I think it is, after the year 2010, the labour force that is

going to be required in this province is going to demand a significant participation from First Nations people. So we have to ensure that these individuals who are going to be coming into the workforce indeed have the skills to be able to do the jobs that are out there.

Now, that does not have anything to say about individuals who are skilled and who are well educated, because I think they are getting good jobs and are participating in the economy fully. I think the minister is an example of that where, through his skill and his knowledge and his experience, he has achieved a significant amount of personal achievement in his life.

I want to go to the co-management agreements because those are fairly important. I have a very, I guess, personal view on this, and that is that, if you really want the participation of all people with respect to a lake like Lake of the Prairies, you cannot have the citizens of the community or of the area excluded from the participation in developing the co-management agreement.

I want to know from the minister whether, in fact, the talked-about agreement with the West Region Tribal Council is also going to involve the full participation of people who are stakeholders in the fishing industry, whether it is from the Dauphin area, the Swan River area or the Russell area. These people, whether it is through the fish enhancement programs or through municipal organizations or through citizens groups, do have a stake in this enterprise. I think they want to make sure that they understand how the process is going to be implemented in the future. The only way that they are going to buy into it is, as the minister has said, if we have a clear understanding of the rules of the game, and participation by all of the representatives that participate in these activities. I would like the minister's view on this.

* (15:50)

Mr. Lathlin: Mr. Chair, I am glad the member asked that question, even though I had covered it once already. I think it is important, because I think we need to get the message out, as I said earlier. I am not sure if it was yesterday that I said it or two weeks ago. First of all, let me start

off by saying, when you go in to work for a First Nations government, in whatever capacity it may be, part of the orientation and briefing usually comes in the form of reviewing the history of treaty making, the treaty provisions, how it came to be, First Nations government, provincial-federal relations, and so on and so forth. Not every job you have to do that, but in most cases, if you are going to be in the business of advocating for Indian rights, you have to learn a little bit about case law, you have to learn a little bit about the machinery of government and how it operates, the judicial system, the constitution, and so on and so forth. So that is what you have to do.

By the time you put in your five or ten years of employment with a First Nations organization, that information becomes sort of a second nature to you. On the other hand, if a person has never had to deal with that, there was never a need to be dealing with it—certainly in the school system nobody ever teaches that stuff, you know, about Indian-government relations, the treaty process, the relationship between First Nations and the Queen, and then subsequently the federal government. I am not really surprised that, for the most part, our citizenry is really not well-informed in that regard.

Therefore I think that is why we have to work very hard in this case to try to get people together, and, like I said, even to just get used to being with each other, sitting across the table from each other and not being afraid of each other or not wanting to attack each other all the time, to sit down with a cool head and talk about the issues.

I think it is up to the First Nations leadership and community to make sure that they go out there and they try to inform the non-First Nations community about what it is that they are doing; whether it is treaty rights, fishing, or whatever. I think West Region Tribal Council has made a good start. I wish the member would come with me sometime when I visit West Region Tribal Council, because I could ask the tribal council to do their presentation. I believe it takes about half an hour, audio-visual presentation. It gives a very good short, historical overview of the treaty process, right to the present day, you know, like, what drives

these Indians to ensure protection of their treaty rights. It is an excellent presentation.

They have made presentations, I know, to our staff in Dauphin. I believe they have made presentations to the sports enhancement group. They were even going to make the same kind of presentation to the Chamber of Commerce in Dauphin. I do not know if they did. I know they have made that presentation to all the First Nations communities in their jurisdiction, and, in fact, I was copied a letter one day that was written to the Leader of the Opposition, again, giving a short overview of the treaty process. I believe at the end an invitation was extended to the Leader of the Opposition to meet with the West Region Tribal Council so that the tribal council could make the presentation, and, perhaps, after doing that people would get a better understanding of where the tribal council was coming from.

* (16:00)

I do not know if that meeting has taken place. If it has not taken place, I would, in all sincerity, suggest, encourage, advise the Opposition people to maybe go in and observe the presentation, because I know they would learn a great deal from it. I think the tribal council is also interested in not just educating those kinds of groups, but they are also interested in approaching service clubs. I believe they were going to try and get a meeting going with the Lake of the Prairies people. They have already met with sports people, sport fishermen's groups in Dauphin. They have done considerable work already, but I know, as we are sitting here, people are still by and large not informed.

When you are not informed, of course, you do not understand. That is why we have the conflict, the discussions that we have been having with First Nations people, not just Dauphin, but other groups as well. It is not really the first time that we are doing it, this Government doing it. The previous government—the Member for Lakeside (Mr. Enns), Mr. Chair, will remember OCN negotiated a moose-management agreement. It has its ups and downs, but for the most part it seems to be working. The moose population seems to be stable. In fact, just recently, OCN signed a co-

management agreement with the government of Saskatchewan because the border is right there. So they signed a co-management agreement or a memorandum of understanding with the Saskatchewan government.

So we are committed to a transparent process to make sure that everybody knows what is going on. We want to keep all the stakeholders informed about the process and also to hear about their views, because, of course, government represents their views as well in the co-management discussions.

I think I want to close, Mr. Chairperson, by saying, again, and encouraging my colleagues in the Opposition as they meet with groups, that they also encourage them to meet with the West Region Tribal Council and view the presentation that the tribal council has.

Mr. Derkach: Well, Mr. Chair, I will not say that I am intimately familiar with all of the issues as they relate to First Nations people and the treaties, but I would have to say that I have worked with First Nations people for a number of years and have developed some lasting friendships on the basis of the work that I was involved in. I would have to say that, throughout the time that I have had a good working relationship with First Nations people, one of the things that I think I approached right from the very beginning was that I respected them and they respected me as individuals, and just because we had our cultural differences did not mean that we did not respect each other's views and rights and liberties.

When we talk about an issue like fishing, where we have, I guess, the issue of treaty rights and fishing. I think the area that we are talking about is covered by Treaty 4 if I am not mistaken. In Treaty 4, it specifically states that First Nations people do have the right to hunt and fish on all surrendered lands, but there is a caveat on that. The caveat does say that the government of the day can make regulations from time to time, and that would influence the activity on that surrendered land or on those lakes. It is in that spirit, I think, that we need to bring together, not only the First Nations and the Government, but I think we need to bring First Nations, the communities and the Government

together so that all stakeholders can understand what the treaty really means.

The minister is right that we have to start having a better understanding of this, but the only way we are ever going to get an understanding of this is if the Government becomes the honest broker in all of this and brings the groups together in a way in which there is non-confrontation, but rather an understanding.

I have to say to the minister I worked very hard to bring the Lake of the Prairies people in to meet with him, and I think progress was made because I think the minister did extend an openness to these people to be involved at some level. But I think what we need to have is an agreement where all parties can sit around, all stakeholders can sit around that table and look each other in the eye and get a better understanding of what it is that we are trying to achieve together, rather than separately. It is the minister who is responsible for doing this.

Mr. Lathlin: Mr. Chairperson, yes, I agree with the member wholeheartedly. I think in order for us to resolve such difficult issues as the fishing issue at the Lake of the Prairies, people have to get together, get to know each other, be honest with each other and give everybody a part to play so that, in the end, whatever arrangement is made, everybody has a sense of ownership, they have played a meaningful role. It was not just an exercise, you know, but that their views were important, and whatever arrangement was made would reflect whatever input that they had.

I want to, I guess, publicly thank the member because he, indeed, came to my office just before one meeting with the Lake of the Prairies people, and he assured me that he would do everything in his power to make sure that people are working together. So I have always appreciated that.

I think, on the other hand, I cannot say the same thing for one Inky Mark who has been going around just trying to inflame people more. Just when people are starting to settle down, this Mr. Mark seems to come up from somewhere and he wants to organize something. In spite of that, though, I think we have come a long way

since the end of December, early January, and I am quite hopeful that things will get resolved.

Mr. Derkach: Mr. Chair, I want to address one other issue, and that is the co-management versus bill management issue. I know, perhaps I need to elaborate on it a little bit. The minister, the member from Lakeside who is with us here this afternoon, is most familiar with the issues of co-management and establishing co-management agreements with First Nations peoples on, I think it was on hunting issues, though, if I am not mistaken. Then there was later in 1998, I think the member from Neepawa or Ste. Rose—

An Honourable Member: Ste. Rose.

Mr. Derkach: —developed a co-management agreement with the First Nations people on fishing in Lake Dauphin, I believe it was, but at no time did the department or the minister advocate any of his responsibilities as minister under the Manitoba laws or under federal law.

My question to the minister is whether or not this same spirit exists in the development of a co-management agreement or arrangement with the West Region Tribal Council.

Mr. Lathlin: Mr. Chairperson, if I understand the member correctly, I want to tell him, and I think I said it earlier, maybe three or four times by now, that, of course, whatever co-management agreements are worked out in the end, the ultimate responsibility will be the Government. I think I used the municipal government, like the other day when I was trying to describe to the Member for Ste. Rose (Mr. Cummings) as to how these arrangements could work, because he was, I think, suggesting that we would be giving too much responsibility to the First Nations signatory to the agreement. I pointed out to him very clearly that, no, because they would be developing by-laws that would not override any provincial or federal legislation, much like how First Nations operate today.

* (16:10)

When they develop a by-law, if they develop a by-law that goes against any federal legislation, for example, or tries to override it, well, then that by-law will not be approved by the

federal Minister of Indian Affairs. That by-law, whatever it is, has to fit in the overall scheme of the federal system and also along with the provincial system because, as the member knows, there is some devolution of powers from the federal to the provincial, even though it is a federal statute being administered by provincial governments. So the federal government is always careful that, when they receive a band by-law, they want to make sure that it complies with whatever existing legislation is there.

When you look at municipal governments, for example, and I said this earlier, really, the Indian Act is fashioned after the municipal system in that a band council, through its administration, provides public works, whatever municipal governments provide, policing, so on and so forth. So, when the municipal government develops a by-law, they do not go on their own and approve the by-law, and it becomes law. No, it has to go to a senior level of government, and band governments work the same way. So, ultimately, the responsibility is with the Minister of Conservation.

Mr. Derkach: Well, Mr. Chair, when the minister talks about by-laws and First Nations people creating by-laws, I can understand that First Nations people would create by-laws that have an effect on their people on their reserve, because municipal by-laws pertain to municipalities within municipal jurisdictions. So the by-laws would have no effect on lands outside of the reserve.

So can the minister explain to me, if, in fact, West Region Tribal Council, through their independent reserves, would be developing by-laws, would they pertain to their residents on their reserves, and how can that then be enforced on lands off the reserve?

Mr. Lathlin: Mr. Chairperson, I do not want to be too lengthy here. I get too lengthy in my responses, but the reason I do that is because I want to make sure I cover all the areas. Yes, the member is right when he says that band by-laws apply only to reserves, just like municipal by-laws apply only to municipalities.

But the member will remember because I reminded him earlier. The Member for Lakeside

(Mr. Enns) will surely remember that when the moose management agreement was negotiated in The Pas, although there are no by-laws yet. They are currently being developed right now, because the agreement only involved telling First Nations people from OCN to not hunt there for a period of time, there was no by-law required. There was just an agreement between the two, and the band had no problem in telling band members: you cannot go to area 8, because we are under an agreement with the provincial government that we do not hunt there anymore for however a length of a period of time.

But, down the road, once those by-laws are developed, there is no reason why agreements cannot be negotiated whereby the OCN, for example, could develop by-laws that would be applicable to their traditional territories because over and over again, governments have recognized traditional territories of First Nations people.

But if it was a negotiated agreement, then OCN could, in fact, develop by-laws that will be applicable to their traditional territory. For example, if they wanted to limit moose hunting—you will only hunt in the fall and you will only get one moose—well, in the reserve proper, there is no moose there because the land of the reserve right now is 15 000 acres. When TLE, of course, is completed, it will be, I believe, an additional 64 000 acres.

But, by and large, the hunting and the fishing is done on traditional territories, so there is no reason why the band could not develop by-laws, and they would have effect on traditional territories upon agreement between the provincial government and the band government and also the federal government. It would be covered by the co-management agreement.

Mr. Derkach: So is the minister saying that, for example, Dauphin Lake, Lake of the Prairies, Rossman Lake, that the West Region Tribal Council and the various Indian bands in that area would be allowed to develop by-laws which would be applicable on those lakes for First Nations people? Is that what he is saying?

Mr. Lathlin: On by-laws, we are looking into the future here, Mr. Chairperson. We are dealing

with hypothetical situations here, but I am just trying to impress upon the member that this is where the First Nations people see themselves going, and I, as a minister today, support that goal, because, in the end, it would mean that we no longer have to be meeting in highly confrontational situations wanting to conserve the resources.

So the band by-laws, again, in the co-management area negotiated by the Government with the band government, there is no reason why the band by-laws could not be applied to those traditional areas.

Mr. Derkach: Well, Mr. Chair, I guess this raises more questions than it gives answers, because if you have, for example, Lake of the Prairies, you cannot call that traditional lands. I mean, this is a lake that was established in 1967. I am not opposed necessarily to the by-laws, because I do not understand them, so I do not have a view on it at this time. I am asking the minister if in fact by-laws could be developed and situations change, could the minister override a by-law of a ban that has been established for a particular area? I would assume the by-law would have in it limits on the numbers of fish that could be taken out of that lake.

* (16:20)

Mr. Lathlin: Mr. Chairperson, well, yes, we have said all along, even the First Nations people are coming to us, saying to us: Look, when we get into the by-law development process, we want your assistance in some cases to help us draft the by-laws and in some cases, to our staff, to work in your office so that there is a cross-fertilization of knowledge. Our people could work in the band government office and also help them develop regulations. Those by-laws and regulations would very much, I think, mirror what is there in the provincial system. There would be limits, there would be seasons.

I think there would also be consideration for traditional activities. I know at OCN there is a care home, senior citizens place situated on the reserve, and every fall the chief will summon two or three guys to get a moose or to get some ducks or to get some fish, strictly for the elders.

I want to say, too, though, that the people have been telling us: Well, why do you not do

what Alberta did, or why do you not regulate domestic fishing? But I have been saying all along that it is very difficult to do that unless you go through a whole series of consultative processes that case law had developed.

So when we imposed a closure on Lake Dauphin, for example, we had to go through several steps before we could actually impose a closure, and those steps were taken in order to satisfy the requirements that were set by Supreme Court judges. I was frustrated with that myself, but in order for that closure to stick, we had to fulfil those requirements set out by the Supreme Court judges. Otherwise, if we had not, and if charges were laid, they would not have stood in court.

Now let us suppose West Region Tribal Council enters into this agreement and one of the things they do is develop regulations for domestic fishing. Well, they do not have to go to the Supreme Court. They do not have to fulfil the Supreme Court requirements because they would be doing it themselves as their treaty right, as far as I am given to understand anyway, I could be wrong, but that is the advice that I have been given. If the First Nations government want to regulate their own treaty rights, they could do so. So they could very well end up regulating domestic treaty fishing, and then we would not need Inky Mark coming around.

Mr. Derkach: Mr. Chair, I am not going to reflect on Inky Mark, because he is not even part of the provincial system. So I will let Mr. Inky Mark be where he is.

Let me just say that what worries me is the fact that you have a lake that is as sensitive as Lake of the Prairies. I mean, from the time of its inception, that lake has always been a high-management lake. It has never been taken off the high-management scale, if you like.

So I want to ask the minister whether or not he would be prepared to declare this lake either a high-management lake or a conservation lake, where netting would not be permitted, and then proceed to develop a co-management agreement with First Nations from that point. I know, by the way, Mr. Chair, just to add, I know that there are times when the chief of a band will give

instruction for residents from that band to go out and procure supplies, whether it is elk, moose, fish, ducks, whatever, and I have been witness to that at wakes and that sort of thing, and let us respect it. No one has an objection to that at all, but those are special events, special activities and I think that authorization from a chief can be in the pocket of those individuals who go out that they are under the authority of the chief to catch more than the prescribed limit because of a memo. I do not think that would be a problem, and I think that there are processes that could be put in place that would not be awkward, if you like, for the people who are doing those activities.

So I acknowledge that, but my specific question would be: In regular circumstances would the minister be prepared to declare a lake like Lake of the Prairies a conservation lake where netting would be eliminated?

*(16:30)

Mr. Lathlin: First of all, I want to say that—I know the Member for Lakeside (Mr. Enns) probably knows this—it is not as if a First Nation comes to government and says: By the way, Minister, these are traditional areas. Those traditional areas are usually negotiated. First Nations will come in and say: Here is the area that we wish to have declared as our traditional area. Because do not forget sometimes these traditional areas overlap.

I know at OCN, for example, Moose Lake, Grand Rapids, Easterville, Cormorant, where they were all in that same area, and sometimes it even takes some negotiations between the communities themselves to agree to boundaries and so forth. In any event, a First Nation comes to government and negotiates for those traditional areas. They are not just given to them by governments. Government, of course, also has to ensure that you are not going to declare a traditional area if you do not have to.

The reference to the chief, there again, the way I think it is going to work is the chief and council will have an entity that will be responsible for this function, and they will have rules and regulations. I suspect that for special events like wakes and elders' homes, weddings,

graduations, those will be clearly identified in the regulations. I believe it will also identify who can authorize such a harvest. So I think even the chief will not be playing a part in it. I think the chief will be involved in the approval of the by-law and then regulations that flow from that by-law, and then it will be not unlike what we do here now. We have staff that go and implement whatever legislation and regulations that we have. So I think the same thing will apply at the reserve level.

The conservation lake that the member is suggesting: again, with all sincerity I want to advise the member that the status of the lake should become a subject of discussion with everyone around the table. I think the process started in motion should deal with this and just to take unilateral action will only upset people, inflame the situation and perhaps not everybody would buy into the process in the end. It would become counter-productive, so for me to go and say I want to declare this lake a conservation lake without consulting anyone, I think, would be a mistake. Even in protected areas, you just do not declare an area protected. There is so much consultation that one has to go through in order for people to support that idea.

Mr. Derkach: I guess I am going to push the issue because the Premier (Mr. Doer) was in my community in February, I believe, or end of March and met with officials in the area and made a commitment on behalf of government that they would work very hard, or that we would not see the kind of activity on Lake of the Prairies that we saw in the last winter.

I want to know from the minister whether or not he is prepared to work with the stakeholders, West Region Tribal Council, to make sure that for the next winter we have in place restrictions on netting in the area because of the sensitivity of that lake. I guess there are two other lakes in the area that are very sensitive, that are stocked as a matter of fact. One of them is Rossman Lake, and the other one is Arrow Lake. My information is that little Arrow Lake, which is very small, is literally fished out. Yet it did provide for, especially seniors and elders, the opportunity to go from the community of Rossmore just a few miles to get some fish, but I think that resource has been largely depleted,

and I am hoping that the minister will have a restocking program for that. But, nevertheless, I want to deal with the first issue and see what the minister's response is to that.

Mr. Lathlin: Well, all along I have been saying, wherever I have had meetings with the different groups, whether it was at West Region Tribal Council, the sports fishing groups, the Lake of the Prairie's people and even our staff, that the last thing I wanted to see, as a Minister of Conservation, is to see the department managing resources, the environment in an unsustainable way, because I know very well what would happen if certain resources were extinct. The buffalo is a good example, although we are trying to bring it back by way of farms and so on, but nothing like what was there before. We always say, in the Aboriginal community, the seventh generation. So I am very mindful that I have a very important responsibility, and I take that responsibility very seriously. I agree with the Premier (Mr. Doer) when he made that statement, wherever he was. I mean, I heard about the meeting, and I want to assure the member that we will do everything on our part to not see a repeat of this past winter, come next winter.

Mr. Derkach: I appreciate that commitment from the minister because I do believe that this is a very critical area, and I have expressed why, because I think tourism is such an important area. I think there are other ways that we can engage First Nations people in a meaningful way in participating and benefiting from that potential in that area, but I need to ask the minister, as well, whether or not he can assure us, before any co-management agreement is signed, that indeed the results of that or at least the elements of that will be known and participated in by the stakeholder groups in those areas because, if we really want people to buy in, I think we have to not only educate but involve them in the process.

Mr. Lathlin: Again, earlier in one of my responses to the member, I used the word "transparency." I think it would be foolish on my part to go ahead and try to conclude an agreement with one group and not letting others know what was agreed upon. Otherwise, it would end up being a situation that I described before, where First Nations, you know, have

historically been on the periphery of development of any arrangements that are being made, and they are asked to only participate in a very small way. That is why they have never felt that they have been part of the process. That is why they have never felt, you know, to support such schemes, because it was not theirs.

* (16:40)

So, conversely, that is why I am saying, in order for people to buy into the process, it is important for us to bring people to the table, then once the agreement is operationalized there are no surprises. People have been made aware of what terms were agreed to and that people should not see any surprises.

But I think the more important thing is, we want people to feel that they have contributed to the process, and therefore they feel that they are responsible for whatever agreement will be worked out and also they will have a sense of ownership. When you have a sense of ownership on something, well, you feel like supporting it.

Mr. Derkach: Well, Mr. Chair, the minister is right. I think that if we had the stakeholders as part of the agreement and an understanding of the agreement, they would be the ambassadors that would inform citizens.

I go back to the slot limits that were established in the lake. The only reason that that became so effective and so successful was because there is a buy-in. There was a buy-in from the stakeholders, a buy-in from the fisher people who came, and they realized the benefits that accrued to the area by leaving the large fish in the lake to reproduce.

It has been a lake that is been a natural reproduction lake, and it has done extremely well. But if we do something about ensuring that these large fish are not taken out by nets in the winter, we will continue to have a healthy resource. If we allow for people to come in and net them in the wintertime, people will lose faith in the entire process and you will see large fish being caught, and the slot limit then means nothing.

I think in the spirit of good co-operation I am going to once again hope and ask for the

minister to very positively consider, and I think it would be a gesture on the department's part of good faith. I think the minister would get a lot of support for this if, in fact, he did allow for fish in the slot to be caught this year, because his natural resource people will be out there every single day of the derby. They will be supporting the derby. I think they could monitor it and then report back to the minister and we could take it from there.

Mr. Chairperson: Order, please. A recorded vote has been requested in another section. This section will recess for a recorded vote in the Chamber.

Would the committee want to rise? Okay, the committee rise. Thank you.

AGRICULTURE AND FOOD

* (15:10)

Madam Chairperson (Bonnie Korzeniowski): Good afternoon. Will the Committee of Supply please come to order. This afternoon this section of the Committee of Supply meeting in Room 255 will resume consideration of the Estimates for the Department of Agriculture.

Mr. Jack Penner (Emerson): The minister and I have had some discussion on procedure. I have agreed that we could start with Crop Insurance. However, there is one item that still remains to be agreed upon. I had requested that we proceed through the whole Estimates process without voting or proceeding on a line-by-line vote. I understand that the minister is not concurring with that. That simply would mean that we globally would keep the votes towards the end and we could pass them in a few minutes, all the votes at the same time. I think it would save some time and certainly would allow for, then, if we needed to, if we forgot something, to revert back to that without having already approved the Estimates for that section of the department.

I think it makes some logistical sense. I think it allows for some commonality to be maintained. I note that other departments are proceeding through their Estimates in that manner. All I would do is request that you give some serious consideration to what I consider a very orderly way in moving through Estimates

and concurring with the minister that we should bring the outside agencies in at an appropriate time, that we would not waste their travel time or time in here unnecessarily.

Hon. Rosann Wowchuk (Minister of Agriculture and Food): When we left yesterday, the member did indicate that he was prepared to do Crop Insurance, then the Agricultural Credit Corporation, and, I assume, then follow each of the departments in the numbered order that they are in the Estimates book.

I took the liberty of doing some checking last night as to what has happened under previous administrations. We have, in fact, moved the Credit Corporation and Crop Insurance ahead of schedule many times. When those lines were completed, we passed that line with the understanding that, should there be questions afterward, we would answer the questions. There was also the opportunity under concurrence. I agree with the member that we should move with Crop Insurance, and then, when we are completed with Crop Insurance, move to the Agricultural Credit Corporation and then move line by line. It is also my view that we would vote on each line as we are complete on them and then have the flexibility to revert back if there are questions that need to be answered. I think, to follow the rules and give some order to this whole process, that is my recommendation.

Mr. Jack Penner: Well, seeing that we are not going to agree around this table on the procedure, I would ask then that we have a recorded vote in the House on this matter.

Madam Chairperson: Yes, if the member from Emerson would like to have a recorded vote on this matter, he must put forth a motion with your request for procedure.

Mr. Jack Penner: I move then that in light of the fact that the minister is not willing to proceed forward on a global basis and delay the procedure of voting on line Estimates, line by line, to the end of the Estimates process, I would move that we confer back to the House on this matter and make the decision by a recorded vote in the House.

Madam Chairperson: The motion will need to be in writing.

Mr. Jack Penner: I move, Madam Chairperson, that the committee set aside the passing of the line items and resolutions for this department until all questioning has concluded.

* (15:20)

Madam Chairperson: Order, please. It has been moved by the honourable Member for Emerson (Mr. Jack Penner), that the committee set aside the passing of the line items and resolutions for this department until all questioning has concluded.

The motion as it stands requires some clarification. Is there leave of the committee for making this clarification? *[Agreed]*

It has been moved by the Member for Emerson (Mr. Jack Penner)

THAT this section of the Committee of Supply meeting in Room 255 set aside the passing of the line items in resolutions for this Department of Agriculture and Food until all questioning has been concluded.

I find the motion in order. Debate may proceed.

Ms. Wowchuk: I just have to speak to this motion here and just put on the record how concerned I am with the member implying that this is what is happening in all other departments, that it has not been the practice to pass lines and then revert back.

I think that the member has absolutely no consideration for the staff of this department. The staff of this department works very hard and does an excellent job with the agriculture community. People at the Crown corporations do a very good job and have an important job. We had these people here yesterday because I assumed that we were going to follow the tradition that we have in past years, where we bring the Crown corporations who are from out of town first to the table, have our debate and then proceed to the other sections of the department, and there is some organization to the whole process so people are not sitting here days on end waiting for when the member might decide he wants to talk about their section.

The member would not agree yesterday with the proposal that I put forward that we would have Crop Insurance come forward and then the Credit Corporation. Instead, he said he did not want that because they were not ready to debate the Manitoba crop insurance. They were not ready for it. So, if they were not ready for it, then I felt that we should proceed to the next section, which is Executive Support. The member indicated then, Madam Chair, I am not sure what he was prepared to debate, but he wanted a global debate where we could go anywhere in the department, I assume, and not pass any lines, and that would mean staff would have to be here for an undetermined length of time. I just do not feel that is the job or the way we should treat staff when they have a very important job to do.

I have to say that the member is contradicting what we have done in the past. I took the opportunity last night to look back at the time when we were in opposition, and the Member for Lakeside (Mr. Enns) was the minister. At that time, we had an agreement that we would pass, we would debate a section, ask the questions; we would pass the line. I looked specifically at the Crop Insurance section. We passed that line but agreed that, should there be other questions, then we could ask those questions, and there was no problem. That is the assurance I have given the member today, but he is not prepared to do that.

I have to tell the member that he is also contradicting his colleagues in other committees because, if we look at what happened in another department, in the Department of Conservation, I believe just yesterday the questioning took place again by the member from Lakeside. He asked the questions that he was looking for information on, particularly on the Crown lands. When he was completed with the questions on Crown lands, the section was passed. So the member says, on the one hand, they want to keep everything open, but his colleagues in other departments are prepared to pass lines. But there is a question to the Chair: Is there leave for the member from Russell (Mr. Derkach) to revert back to other lines that have already been passed? So you can see that other members of the Opposition, particularly in Conservation, are co-operating. You can see that our Government

is co-operating as well. When there was a request to revert back to a particular line, there was agreement. So I think the member is not being very factual when he says that there is agreement in all committees that we should just go globally, keep staff here for as long as he wants, because, ultimately, committee members—and, Madam Chair, it is the Opposition that determines how long we will stay in one particular department.

I can recall back two years ago we spent a lengthy time discussing the Agriculture Estimates, and I certainly welcomed that debate, but I do not appreciate the intention of the member to want to go globally and have staff sitting here for days. As I had said previously, there is a way to have a system to this. We had agreed to go to the Crop Insurance and then, if it works out, to the Credit Corporation, but if the member does not want to—and I would want those lines passed as they were in other committees.

As I refer to, in Conservation, where there was agreement to pass the lines for the programs dealing with lands and Crown lands and that whole section and then also agreement to revert back when the member from Russell, and that could apply to any member that wants to come back to committee to ask a question. We are agreeing to that. We also have the opportunity to raise these questions when we come to the line of Minister's Salary. We also have the opportunity to raise issues under concurrence. So there is no limitation on questions that can be asked, but there is a format and, Madam Chair, you read out the procedure yesterday that we should be following, and I think that we can move to other sections.

But I would ask the committee's support that when we are completing discussion on a particular line, that we pass that line so that we can give a signal to staff, then, as to which the next department is, or section of the department in the Estimates that will come forward, so that they are not filling this room for days on end.

Madam Chairperson, there is a process, there is one that you have spelled out for us. That is the normal procedure. We have asked for, and I think we both agreed that we should do

the Crown corporations first. We do the Crown corporations first, pass those lines. Then that gives a signal to those staff members that they will not have to be here just in case someone should want to ask a question, because just in case one of them want to ask a question, there are many opportunities to ask it even though the line is passed.

It gives the staff the ability to be in their offices or wherever they have to be to do the job that they are hired to do. Their job is to work and develop programs and implement programs that we have developed as government. That is the job of the staff. They have to be here when their line is up, but it is not necessary for everybody to sit here so that the member can wander globally, just in case he thinks of another question that he might want to ask. There is a process for that.

Looking at what other departments are doing, I would suggest that this motion that is being put forward here is a stall tactic. Rather than wanting to debate the Estimates, the member is wanting to burn off time by having votes. I would suggest to the committee members that we have very important issues and information to provide to the critic if he has questions. It is not necessary to have all lines open and vote on them at the end of the proceedings. We should follow the pattern that has been established in other committees.

There have been times when there is a global discussion. The member speaks against, by putting this proposal forward, he speaks against what his colleagues are doing right now in other committees, Madam Chairperson.

* (15:30)

Mr. Jack Penner: Madam Chairperson, I am not going to prolong this debate. She said before that I had indicated all other departments were going globally. That is not what I said at all. What I suggested was that some of the departments were going globally, as has been the tradition.

I remember when I was the minister back in 1988, the Minister of Conservation, the first time I was ever in this very same room, the question

was asked by the then-critic, Mr. Plohman, whether we could go globally, and it was agreed we would go globally. We did all the votes at the end of the debate. I have chaired many of these processes throughout my tenure in this building. There have been many times when the request was made to go globally and do all the votes at the end of the process. It was done quickly. It was agreed to and away we went. The ministers agreed and the critics agreed. There was no hesitation. At this juncture the minister has dug in her heels and is not going to concede to doing all the voting at the end of the debates. I think that is unfortunate, but that is not my choice. They have the majority. They will make the decision.

However, I have asked for a recorded vote to determine this, and I stand by that. I think it is only fair to the Assembly that we deal with this matter in an appropriate way to clarify the issues. But certainly I am not going to sit here and try and present a case that this has never happened before, because it has happened on numerous occasions that we have gone globally and done all the voting at the end of the procedure.

If the minister wants to be restrictive in that manner, that is, of course, her business. She must have her reasons to want to not have the votes at the end of the process. That does not mean at all that all the staff need to sit here. She has been the minister for two and a half years now. Certainly she knows most of the answers, or at least should by this time. I suspect that she and I could do question and answer for days on end without staff here at all. For some reason she is telling this committee that she would have to keep all the staff here. I honestly do not believe that that would be required unless she chooses to keep all the staff here. That is, of course, the minister's prerogative. If she wants to keep the staff here and feels more comfortable with them all around her, that is her prerogative.

I notice that in the next room, where Conservation is having their Estimates procedure, I think there are four or five staff that sit there continually. I have not heard any objection about that or any questions raised by either the minister or the critic.

I would suggest that we proceed and deal with this matter appropriately, and then let us get

on with doing the Estimates. I think we have wasted enough time on this.

Hon. Jean Friesen (Minister of Intergovernmental Affairs): This is, I think, a discussion that has been prompted by the Member for Emerson. It is one that the minister, I think, has quite fairly said that she wants to deal with things in the normal, formal procedure and to have a vote on each line. This does not, of course, as the Member for Emerson knows, prevent the global discussion that always can and does take place at the end of the Estimates of any department. To suggest that global discussion and discussion of broad-scale issues cannot take place under the system that the minister quite fairly and traditionally wants to undertake is erroneous.

I think it is important that we use staff resources wisely. I think that is the principle that the minister is working upon and is one that I sympathize with. I certainly have been through Estimates where both types of approaches are used. It seems to me that the fairest to staff and the most appropriate use of resources is the one where you do proceed in an orderly manner and that staff have the ability to know when they are needed and when they can be back in their offices or meeting with other people in the department, as necessary.

This is a very important department, and it is a very important department at this time of year. It is one where staff are needed, I think in many areas, to be available to people on the phone or out in the field. It is one I think where we do not want to disrupt those kinds of customer or client or citizen service. I think the minister is very properly being very aware of the importance to Manitobans, and in this case particularly rural Manitobans, of the need for staff to be available. You cannot be at the end of a phone line if you are sitting in here waiting for one particular critic from any of the Opposition parties to possibly raise an issue.

So the important thing, I think, is predictability. It is fairness, and it is the ability to be of the appropriate service to rural Manitobans. I am surprised that the Member for Emerson (Mr. Jack Penner) is not aware of that. There is a normal procedure that is available to

members to have the global discussion as well as to have the formal procedures that the minister, I think, is quite rightly proposing in this case and had proposed yesterday as well.

It seems to me, Madam Chairperson, that Manitobans, people who are closely connected with the Department of Agriculture, would expect that staff be available to them at this particular time, as, of course, they do year round, but particularly at this time. I do not mean just in terms of seasonal or of the agricultural realm, but I do mean in times of very serious issues that the Department of Agriculture and the Government of Manitoba are facing. I know that the Opposition is very much aware of this.

These are issues, obviously, of the American farm bill. They are issues of climate and weather. They are issues of dramatically changing prices. They are issues of dramatically changing conditions in agriculture, many of which do require the attention of both the minister and her staff on a constant basis.

So I would have thought that the Opposition would have been very, very much aware, and I had anticipated that they would be sympathetic to the minister's desire to have an orderly and predictable process in these Estimates to enable her staff to deal with the very serious issues that they are facing. I would say they are global issues and that the staff has to deal in a very changing environment, and it is one where it requires very close attention to the issues that are being raised by farmers and by people in agricultural industries across the province, and it also requires staff to be keeping in touch with international and national issues.

So the issues facing this department are really very important and strategic to the Government of Manitoba as a whole. I would have thought that they would have been important and strategic issues to the Opposition as well. The desire of the minister to have an orderly and predictable format for these particular Estimates at this time and this juncture in prairie agriculture, I think, is a very appropriate one. I think she has put the case most clearly and most fairly.

It seems to me that it is always possible if a member of the Opposition or any member of the

Legislature, in fact, asking a question wishes to refer back to a previous line, they are always at liberty to do that, and the minister is always able to say, well, I can have that information forwarded to you at a later date. But it does not require the presence of staff, and those staff then can be doing the business of the department which is very crucial to farmers in Manitoba at this particular time.

But it does mean that, when staff are required, they are there at the right time, available to the members of the Opposition and to all members of the Legislature. I think it is important that we have the right staff and the right line. The purpose of Estimates is to give a fuller picture of the activities of a particular department, and it seems quite important to me that we give the right information, that we give it at the right time and we give it in the fullest manner possible, so that Hansard and the public record of Manitoba is enhanced in this way.

That is the purpose of Estimates, and it seems to me that the minister is doing her level best to ensure that the public of Manitoba is informed in a timely manner and in a manner which is as accurate as can be done, and is one that is done within the very serious international and national and local issues that this department is facing. So I am curious as to why the Opposition would want to oppose those principles.

I think the minister has her principles very firmly in place, and they are, first of all, service to the people of Manitoba, service in two ways, service, first of all, to the farmers and to people in agriculture generally who are facing some very, very difficult challenges. I know the members are aware of this, and I know that they are very concerned about this. I am just puzzled as to why they do not see the logic of the minister's position and her desire to be of the best service as possible to the people of rural Manitoba that, I think, all members of the Legislature are concerned about. Secondly, I think all members of the Legislature are very much aware of the importance that we all place upon Estimates. We do, as a province, devote over 200 hours to Estimates. It is the longest time of any province. We do stand out as a Legislature in that. It is something that Manitobans generally, I think, have placed a considerable value on.

* (15:40)

These Estimates are open to the public. They are very detailed questions. It enables pursuit of a particular line of inquiry. By the availability of these Estimates to members beforehand, it enables the preparation of quite detailed research. I would think that ability of the Opposition to have the Estimate numbers in advance, to have the public record of last year, to have last year's Estimates, gives them really a very strong basis on which to prepare an orderly and systematic inquiry of a particular minister in a particular department. Those are the basic tools that are available, and it seems to me that they are available and lead into a questioning of any minister on a very logical basis. You are going line by line, just as previous Estimates have.

There is a particular area of a department which has application to previous areas of questioning, and the ability of a member to prepare his preparation and questions on that seems to me to be enhanced by the way in which we proceed. Proceeding in a logical manner seems to me to be of advantage to the Opposition in preparing a logical set of questions. Now, some people might say that Tory research is the new oxymoron, but it does seem to me that the opportunity is there, and the availability of evidence in a logical format is one that is there. So I would have thought that the members would appreciate the opportunity to proceed in a logical manner, as well as the opportunity to have the minister find material for them on questions that should occur to them later, and that they would have appreciated having the staff in the room offering the kind of detailed and systematic information, full information, available for further questions as the members of the Legislature determine.

So it seems to me, Madam Chair, in a number of areas, whether it is in the preparation of research, whether it is in the availability of staff in an appropriate and logical manner, whether it is the desire of the minister to employ her staff in the most functional and appropriate and time-effective manner, or whether it is indeed the availability of the most important and detailed information to all members of the public through the legislative Estimates process, that what the minister is doing is the right track. I think she is being very accommodating, and I am

very, very puzzled as to why the Opposition would bring a procedural motion on this matter. One might have to assume that perhaps their research is not ready. One might have to assume perhaps that they do not have the questions to proceed with. I would not want to make that assumption because we really have not had the opportunity yet to hear from them.

What we just have is a very puzzling proposition from the Member for Emerson (Mr. Jack Penner) whom I know. I certainly do not want to underestimate the commitment of the Member for Emerson to farming and to rural Manitoba, but I simply have great difficulty in seeing where this particular motion is leading. It seems to me to indicate the member is not really ready to proceed with his line of questioning yet. Perhaps I am jumping to assumptions and conclusions that are not warranted. It is one of the inevitable conclusions one might draw from this. I am very supportive of the process the minister would like to take in this case.

Mr. Stan Struthers (Dauphin-Roblin): Madam Chair, I have been an MLA since 1995. That is just over seven years. I know that is not a long period of time compared to others, but I think it is long enough to say this is really the only time I have ever seen a member of the Opposition ask—no, he has not even asked yet. It is worse. I have never seen a member of the Opposition filibuster his own Estimates. This is absolutely perplexing to me. I say the only member.

I attended, the last number of days, Conservation Estimates which are taking place next to us in Room 254 and I have actually taken part in chairing some of those Estimates. It was amazing. They are getting work done over there. They are getting questions asked on behalf of Manitobans, on behalf of constituents, on behalf of people who are interested in conservation measures.

You know how they are doing it? I know this because I actually put my little initial next to every line they went through. The Member for Russell (Mr. Derkach), the Member for Lakeside (Mr. Enns), the new Member for Lac du Bonnet (Mr. Hawranik) who has courage enough to ask questions of the minister, all keep asking their questions. It is amazing how it works.

They ask a whole lot of questions about a line, about Fisheries, for example. They ask a whole lot of questions about Fisheries. They had their homework done before they went in. They know what they want to ask, they ask the minister and the minister gives them an answer. He has his staff there to answer the questions on Fisheries. They ask questions and ask questions to their little hearts' desire. They get answers. They can report back to the constituents on how good the answers were or how the minister did not answer the question. They get their information from the minister and maybe they can use it to answer some of their constituents' questions.

It is working over there. It is working and some members of this Legislature are being productive this afternoon.

An Honourable Member: Thank you.

Mr. Struthers: Others, I am sure that includes the Member for Southdale (Mr. Reimer), I am sure the farmers in Southdale are very happy with the performance of the Member for Southdale. It is the Member for Emerson we are a little bit worried about, because we have been here since yesterday afternoon at approximately 2:30 or 2:45. He has not asked a single question.

There are Conservation Estimates going on where there are many questions being asked.

Point of Order

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

Mr. Jack Penner: On a point of order, I just want to make sure the honourable member understands that I did ask a question. I asked whether we could proceed on a line-by-line basis and set aside the votes till the end of all debates. That is the question I asked, and that is the question we are debating. I am not sure whether the honourable Member for Dauphin recognized that is what we are debating, but that is really what we are debating.

Madam Chairperson: This is not a point of order. This is a dispute over the facts.

* * *

* (15:50)

Mr. Struthers: Madam Chairperson, I am sure that my constituents and his constituents who, today, if it is not raining like it is here in Winnipeg, are out seeding, they are out getting ready, they are working hard, they are putting in late hours, they are putting in dangerous late hours.

I think they are going to be very pleased to understand that the only question the member from Emerson has asked in two days worth of Estimates on Agriculture is, whether we should go line by line or globally, and then proceeded to fight about it all afternoon yesterday and looks like he wants to do it again today, by insisting on a vote to take place this afternoon.

I am sure that the producers of this province are feeling very well represented by a member who will take that long to ask any substantial questions about anything in agriculture. I am sure there might even be the odd farmer left out there who might think that the Minister for Agriculture (Ms. Wowchuk) needs to be questioned, needs to be grilled, needs to be taken to task about something. The member from Emerson is letting those people down, too. I would hate to say, though, he would have a hard time finding anybody that would not say that this minister is doing a bang-up job.

When I say, Madam Chairperson, that this is the only member, I am accurate in that. I watched what was happening in Justice. I watched the production that was taking place. I watched the work that was being accomplished in Justice with the critic asking questions and the minister answering questions.

I was here in this room for Finance Estimates when the Member for Steinbach (Mr. Jim Penner) and others took their opportunities to speak directly to the Minister of Finance (Mr. Selinger), not get all tangled up in some kind of procedural wrangle, wasting time of staff, wasting time of other honorable members in this room; not wasting their time, but actually getting some questions asked and some answers given. Now, whether or not the Member for Steinbach and others across the way liked the answers is not what is important. Answers were given, the

opportunity was there for the Member for Steinbach to ask more questions.

The difference is, in that committee there were actually questions being asked. Somebody from the Opposition had done their homework, unlike what I see happening at this committee here today.

Our Premier (Mr. Doer) spent a lot of time in Executive Council. He spent a long time in Executive Council answering questions that the Leader of the Official Opposition (Mr. Murray) and others had. They are completed now. They got to complete because the Opposition got off their butts and asked some questions, instead of tangling things up in a whole bunch of bureaucratic mess that the member from Emerson has done here today and yesterday. I have never seen anyone filibuster their own Estimates until I saw that here yesterday.

Madam Chairperson, I have a constituency that is based in agriculture. I have a constituency that depends on good things happening in the farm community. I have a constituency that has got a lot of things riding on what we do here as legislators. I have a lot of farmers who are counting on us, all around this table, to be asking some questions of the minister, to be making suggestions on how better to do things in this province, how better to improve the lot of our agricultural community.

And what do we get? What do we get in return? We get a critic for Agriculture who delays and delays and delays, filibusters his own Estimates, prefers to get caught up in time-wasting, immature, unproductive, silly arguments having to do with whether we are going to go globally or whether we are going to go line by line.

Now, we blew a whole afternoon here yesterday, Madam Chairperson. I think what needs to happen is that the Member for Emerson (Mr. Jack Penner) has to get serious about this process that we call Estimates. My preference would be that the Member for Emerson withdraw his motion that would waste more time of this committee. My strong suggestion to the Member for Emerson is that he withdraw that motion and begin asking some questions that are important to farmers.

Start doing your job. That is what we are all here for. We would love to hear what the Member for Emerson has to say about farming, and anybody else from across the way, but they seem to think that the farm community's problems are so small and insignificant that we can sit here all afternoon and tie ourselves up in a knot over how we should proceed in this committee. It is not good representation, Madam Chairperson. It affects my constituents, and I do not like it.

What I think is happening, Madam Chair, is there seems to be an approach from the other side of this committee. You see it in the committees that we attend; you see it in Question Period; you see it in the media. They are trying to develop some type of a theme about rural Manitoba. There is this arrogant kind of an approach by members opposite that says that they are the big experts on rural Manitoba, that they are the ones who have been given this God-given right to represent rural Manitoba and that they are the only ones with a whole lot of knowledge who are going to save the farm community and that nobody else has that right and that nobody else has the knowledge or the ability or the experience to provide that kind of leadership to rural Manitoba.

Well, Madam Chairperson, what has happened here yesterday afternoon and what I see continuing this afternoon shows me and should show every rural Manitoban that our priorities as rural Manitobans do not rate when it comes to the members of this Opposition and particularly the Member for Emerson. If the Member for Emerson was serious about representing rural Manitobans, he would have gotten on with his job yesterday and not fooled around and wasted the time of this committee and the time of staff who come in from outside of the city to answer his questions.

These are helpful people. These are not people who deserve to be cut 10 percent like the Opposition talked about in the last election campaign. These are hardworking people who have come in because they do not want to have members of the Opposition go without information. They want to be helpful. I would suggest that the Member for Emerson withdraw his ill-thought-out—if it ever was thought out—motion

that he put forward, reconsider it, come to his senses on this and get on with Estimates.

But, you know, Madam Chairperson, I suppose there is an underlying reason why I do not think the Tories want to move ahead on this. I think they are afraid to hear what the minister has to say about some pretty important issues.

Let us talk about the farm bill that we passed a motion on here fairly recently. We know that the farm bill that the American government has put forward is something that is going to hurt Manitoba farmers.

Madam Chairperson: Order, please. I would remind all members of this committee that props are not allowed in committee.

Mr. Struthers: But at the same time, Madam Chairperson, if you took all his props away, he would fall down.

The farm bill that the Opposition was all hot and bothered about here a week and a half ago, a farm bill that we all know is going to cause damage to Manitoba farm families, to small Manitoba communities and large Manitoba communities, was something that, if I remember correctly, they wanted right away. They wanted hard and fast numbers right away. That minute. They wanted them now. They wanted them immediately. Where are they now?

They want to talk about whether we should globally or whether we should go line by line. They want to get all tangled up in red tape. What happened to that Opposition that wanted those numbers immediately? The ones who got all indignant about it in the House about two weeks ago. Where are those members now? Where was the Member for Emerson (Mr. Jack Penner) then? He was the guy I believe that asked the question. Was it not a big deal anymore? Have you changed your mind on what this farm bill is going to do to farm families and to our communities? Why did you not start with that question yesterday instead of a loopy question about how we are going to proceed in this committee? Why did you not start with: What kind of damage is going to be done to Manitoba farmers in small communities when the Americans pass the farm bill? Why did you not start

with that? If you are committed to going globally, then start globally and ask the questions that need to be asked. Do not waste everybody's time in this committee because you have not got your act together and have not done your homework, Madam Chair.

* (16:00)

The members talked about how awful it was that so many Manitoba farm families are moving off the family farms and they point to the report based on the census that began in the 1990s. I do not think you will keep on going on it because you have not got the courage to bring it up here in Estimates. You had your chance starting yesterday and you decided to get tangled up in a bureaucratic mess. You will not get there, I think, because we are going to waste more time voting and talking about procedure in this committee, and I do not think the member wants to talk about that census because he knows darn well that the majority of that census was taken when he was in government. When he was in government, farm families were fleeing the farm. He does not want to deal with that.

Well, Madam Chairperson, I remember the answer that our Premier (Mr. Doer) gave. Our Premier did not just bail out and go straight to a political answer. Our Premier said: Three and a half years of that five-year span was spent under Tory rule. One and a half years was spent under New Democratic rule. It is bigger than politics. We have got to get together. We have got to find ways that we can solve problems in rural Manitoba.

Now that is leadership. What do we get back from the Member for Emerson? Oh, should we go globally or should we go line by line? That is real productive. That really helps those farm families who are moving from my Parkland area, from my constituency. They are moving. They are moving, they were moving five years ago, and they are moving today. We have to deal with this, and we should be dealing with this in Estimates.

Instead, the only movement we see from the Member for Emerson is when he moved that we should be voting and spending an hour waiting for him to come to vote on whether we should

go globally or whether we should go line by line. That is a waste of time. The other day the Member for Emerson, all concerned about fusarium wheat in this province, was he or was he feigning that concern? Was he just kidding the other day in the House? Was he simply looking for maybe a media story that he could contribute to? Was he worried about fusarium wheat in this province?

Because you know what? That is the only time I have heard this Member for Emerson even talk about this. He certainly had his chances yesterday afternoon. He certainly had lots of time yesterday afternoon to bring this up and he could have begun today, but no. Instead he brings forward a motion to vote on whether we go globally or line by line. That is not going to solve the fusarium problem in this province. That is not going to help a single farmer in Manitoba or a single family that depends on that income, or a single community that depends on a collection of farm incomes. That helps no one.

But, for some strange, perverse reason, this member thinks that we should sit here hour after hour and wrangle over procedure. That is exactly what the member is doing. I think it is because he is not ready. He just finished chastising the Minister of Agriculture (Ms. Wowchuk), just finished saying that she does not really need all that staff here. She has been a minister for two and a half years; she does not really need to have all that support.

Well, Madam Chairperson, this whole Estimates procedure is about accountability, something that the members opposite claim that they are in favour of. They want to be more accountable to people. Well, this is how you do it. Accountability is not media stories, accountability is not polling, it is not referendum. Accountability is what we do here. Our system has accountability built into it. I think, at least, I hope that members respect the parliamentary procedure enough that they know that.

As my colleague, the Deputy Premier, the Minister for Intergovernmental Affairs (Ms. Friesen) has said, this is an Estimates process that is the envy of every other Legislature in this country, Madam Chairperson, including the

federal House of Commons. Nobody else has 240 hours.

I was thinking back to last year when we had considerably less than 240 hours. The Member for Emerson spent considerably less time on Estimates. Is he thinking that we have got so many hours of Estimates that it does not matter, an hour here, an hour there, an afternoon shot here, another afternoon blown over there? Is that that kind of attitude that members opposite are displaying?

We have about 190 hours left. Maybe the member thinks: Well, I can take up a whole bunch of time, it does not matter if I blow off a few here. What kind of a statement is that? What does that say about what the Member for Emerson believes in parliamentary democracy? What does that say about what the member from Emerson believes in terms of accountability?

This is the best opportunity that all of us have to show to the people of Manitoba that we are accountable to them, that we are willing not only to sit here and answer questions, but that somebody out there is willing to sit here and ask the questions in the first place. I do not see that willingness from across the way. I do not see the member from Emerson putting forward any kind of constructive questioning, any kind of constructive ideas, any kind of plans that we could learn from. He seems to be more interested in wrangling over process.

Well, the process is there. The process has been established over years in this province. The process works when you have a relationship with a minister that can say we are going to move from one line to the next, and I am going to be ready when that line comes forward.

When Manitoba Crop Insurance is before this committee, I am going to be ready and I am going to ask some questions. The member from Emerson can make his questions as tough as he likes, because I know some of the people in Crop Insurance and I know that the minister will want to be able to answer those questions. He can make them as tough as he likes, but he does not seem to want to. If he wants to ask questions about MACC, go ahead, make them tough.

But what have we seen so far? What is his one question, as he has admitted here earlier? Should we go globally or should we go line by line? Thank you very much, the member from Emerson. That does not help one farmer one iota.

We have a huge problem in this province when it comes to the status of our tuberculosis in Manitoba. What is the member from Emerson putting forth to help in that situation? Absolutely nothing, except he asks the minister in Estimates, can we go globally or can we go line by line? That is not much of a contribution.

I think the constituents for the member want him to be making a contribution. I think that they would like him to make a positive contribution, but, for crying out loud, make a contribution. Do not sit here and go on and on about the procedures that we are going to follow and wrangle over these sort of things when there are real issues to be dealt with, real issues, real farmers, real producers, real, little communities out there who are depending on us, who are counting on us to do the right things for them, to construct programs that are beneficial for them, to make decisions that protect them from things like the U.S. farm bill, to make representation to the federal government to get the federal government involved, to make, as the member from Lakeside describes them, make the federales come through with their responsibilities to our farmers. We do not intend to let them off the hook, but we would sure like, instead of the member from Morris saying that is your job, that member from Morris represents farmers as well.

* (16:10)

You would think that somebody on the other side would be concerned at least for their own farm community within their own constituencies. You would think that they would want to work with us in order to get the federal government at the table, get the federal government to take responsibility for its commitments to farmers. But where have they been? Every time we think we get close to any kind of united stand in this province, it is the member from Emerson that backs his way out of it.

I had the distinct pleasure, the honour of chairing the all-party Standing Committee on

Agriculture not too long ago, about a year ago. I remember that because it was during the hockey playoffs, and I arranged to have the scores sent in to me, because my Maple Leafs were involved in that. We went to Brandon and we went to Dauphin and we went to Beausejour and we came back here to Winnipeg. We heard from people all around and we saw some of the antics go on where the member from Emerson tried his damndest to play politics without actually looking like he was playing politics, but I do not think it worked, because so many people said to me that they saw through the scam.

We finished all that. We put a report together. It was clear we needed to get the federal government to sit at the table and work with us on this problem.

What did we see happen? We saw almost a united stand. We saw it almost. Who was missing from that united stand? The person that was missing from that united stand is the same person who is missing from these Estimates. That is the Member for Emerson (Mr. Jack Penner). He likes to play the politics. He likes to play the games, but he will not sit at the table and have courage enough to face our minister and ask tough questions. Is it because he does not have his homework done, or is it because he does not want to hear the answers because it does not fit in with his stereotype of who should be representing rural parts of this province?

Well, Madam Chairperson, I suggest the Member for Emerson put his own little petty flaws behind, put aside the fact that he has dug in his heels so much in this committee, put all that to the side, take his request for a vote on this matter, put that to the side, and get on with the business of government, get on with the business of representing Manitobans and get on with the business of asking questions that are important to farmers.

With that, Madam Chairperson, I hope I have added a little bit with the advice I have given and recommend that we move on and get some work done in this committee.

Mr. Tom Nevakshonoff (Interlake): I, too, welcome the opportunity to put a few thoughts on the record this afternoon on the motion that

was recently introduced by the Member for Emerson. I would like to follow somewhat on a theme from the previous speaker, the Member for Dauphin-Roblin, when he raised the fact that he was a relatively new member to the Legislature here, just elected back in 1995.

I, too, am a new member of the Legislature, just elected the last election, as a matter of fact, in 1999. When I came to this Chamber I was full of enthusiasm. I was raring to go, ready to do business here, quite anxious to participate in the legislative process, in furthering the needs of the people of Manitoba and expediting matters as quickly and efficiently through this Chamber for the betterment of all.

Quite quickly I came to realize that is not necessarily always the case, that more often than—

Madam Chairperson: Order, please. I would just like to take a moment to remind all honourable members to please provide the courtesy of your attention to the member who has the floor.

Mr. Nevakshonoff: As I was saying, I was referring to how I was a new member of the Legislature and how I really wanted to see things move along, to get legislation into the Chamber, get budgets done up and approved, and hopefully see things roll along. Quite frankly, I am sadly disappointed how things progress in this Chamber more often than not.

I do not have the benefit of ever having been a member of the Opposition, so I do not know how things were done in the past. My view of how the current Opposition chooses to do business here is I am deplored, to be honest with you. We have an agenda here. We have introduced a Budget. We are trying to move this Budget forward.

Part of that process is this Estimates process we are in here today. We have a set period of time to move along. I understand 240 hours is the time allotted to deal with the Budget in total as it applies to all departments of government. Not just the Department of Agriculture here, but there are several other departments lined up after Agriculture that should deserve equal time, I think. Yet, we are dragging along here.

Yesterday was a good example, I believe it was yesterday that we had the three votes, was it not, or was it the day before? I think it was the day before, Monday. Monday was the day that we had three votes. I know that because, unfortunately, I missed the first one.

It was the first vote that I missed, but I had a very important function, and I thought that I could sneak away and I was going to rush back. I was going to be here at roughly three o'clock. I thought everything would be okay. I thought things would be moving along here. What happened? Once again, they challenged the Speaker on some foolish point of order, as I understand it, some mere technicality, and the whole process ground to a halt once again. Once again, the bells start ringing, right, and for 60 minutes we all go back to our caucus rooms. Everybody sits around twiddling their thumbs until we go back into the Chamber and we have this vote and once again reaffirm the authority of the Speaker so that the process can continue.

I missed that vote, and I want to go on record today, I apologize to the Speaker for not being here to support him because I think we have a fine Speaker. I think he adjudicates in the House fairly and impartially and does the best job that he can do in his position. It just appalls me that day after day after day, the Opposition is challenging him on stupid things, technicalities that force the whole process to grind to a halt, and off we go again to our respective caucus rooms and sit for another hour, and vote, and once again reaffirm him.

What a victory it would be for the Opposition if actually two or three of us were missing one day, and we actually lost the vote. What would we do? We would have to—

An Honourable Member: Change of government.

* (16:20)

Mr. Nevakshonoff: No, I do not think it would be a change of government. Then we would all have to go through the process of picking another Speaker. We would all have nominations, and then we would have an election for a Speaker. Another two or three days

would be lost, and the Government would be sitting idle while the people—and farmers, in particular, which should be noteworthy for the member opposite, the Member for Emerson (Mr. Jack Penner), the critic for Agriculture and Food. Farmers once again would be sitting there waiting for things to move along here, but, no, we are sitting there voting for electing a new Speaker now, voting for a new Speaker.

That is what they wanted. That was their objective yesterday, was to throw the whole thing off kilter, the whole thing off the rails just for the sake of delaying the process. That is their objective here. That is their objective. They want to drag out this Estimates process as long as they possibly can, to what end I have no idea. I am learning rapidly as a new MLA that that is their prime objective here. That is their only objective, is to delay this interminably, all to grind the wheels of government, all to drive it to a halt. That is their objective.

They want to stop government because they know that if they can stop government, then that reflects badly on us sitting on the government side, and everybody will say, well, what kind of a government is this? They cannot even pass their Budget. They cannot even get their legislation through. So their objective is to grind everything to a halt.

Monday was a prime example. One vote, and then, well, I was back in the building for no more than 15 minutes, the bells were ringing again. The bells were ringing again. So they had to have another vote after that. I thought, well, this is ridiculous, but we will go through the process. We will have this second vote because—*[interjection]* The Member for Springfield (Mr. Schuler) has now joined us, and he will have his opportunity to speak when I finish.

Perhaps he could refrain from snide remarks while I am speaking to this very important matter, a matter that was raised by his own caucus member sitting to the left of him, so you, sir, will have ample opportunity to speak on this bill when I am finished here. I ask you to refrain from making all kinds of ignorant, snide remarks across the table here until I have put my thoughts on the record.

An Honourable Member: Well, that should take about 30 seconds.

Mr. Nevakshonoff: There you go, another smart remark. We have heard no shortage of smart remarks from the member opposite.

I will give you a good example. I recall not too, too long ago when I stood up in the House, I asked a question of the Minister of Conservation. I was concerned for my farmers, my farmers in the Interlake, concerned for them because there is a lot of low land in the Interlake and there is a lot of flooding. Last year was a horrendous year for us. I had the opportunity to fly over the Interlake with the Minister of Conservation as well as the minister of highways to view the situation, and, quite frankly, the Interlake looked like the Northwest Territories to me. There was more water than there was land visible. That was the situation in the Interlake last year. A big part of the problem is the excess of beavers that you will find in rural Manitoba and particularly in the Interlake.

What was the response of the member opposite, the Member for Springfield? Ha. Ha. Ha. It was a big joke to him that my farmers were being flooded out.

Point of Order

Mr. Jack Penner: I was just wondering whether we are still debating the resolution that is before the committee or whether we are now into the beaver debate.

Madam Chairperson: Yes. We are still debating the motion put forward by the member from Emerson, but I would ask committee members to try to stay to the relevance of the issue.

* * *

Mr. Nevakshonoff: I will try and keep my efforts here focussed, but I was discussing an agricultural issue, and this is an agricultural forum. We are dealing with the Estimates of the Department of Agriculture and Food. We are also dealing with the delaying process that is grinding this process to a halt. I was making an example.

I will carry on, and, as I said, referring back to that Monday, I had already spoken on the fact that they had two votes that day. Well, that was

not just two votes they had that day, they actually had three votes that day. That is directly relevant to this motion here today. It is directly relevant to that, because the same process, the same exercise in foolishness and futility that we had to go through on Monday, we are doing the same thing here today with this motion from the member from Emerson.

What is the logic of this motion? Let us look at it. What does he want to do? He wants us to all go back into the Chamber, right? He wants to ring the bells. Then we will all go back to our caucus rooms and we will all sit around for an hour while the bells ring so that we can come back into the Chamber and vote on this silly motion that suggests that we go back to a global discussion here in this committee.

That is another hour lost. That is another three hours of Estimates time that will have to be carried on tomorrow, added on to the collective hours that we have to deal with. It is a complete loss of time. I have to put my thoughts on record. I have to speak against this motion because I want to see this process move along. I want to see all of the lines passed in Agriculture here.

The Member for Emerson is well versed in agriculture, and I give him full credit. I have listened to him for two and a half years in this Chamber and I find him to be a very, very knowledgeable man. I know that he does not have to have a global discussion on Agriculture here. He can take it line by line and cover all the bases, no problem whatsoever. I do not see why that is a problem with him today, why it is such a big problem that we have to all troop back into the Chamber and have a big vote on this just so that he can have his way.

He knows full well that he is not going to win a vote in the Chamber. He is not going to win, so what is the sense? Let us get back to the process. Let us start talking about Agriculture here. Let us start asking questions on a line-by-line basis and get through this because, after Agriculture, we have other departments. Once we are finished with this budget process, which looks like it is going to be a couple of months from now yet, at least a couple of months just to get through 240 hours of Estimates, then we have to start dealing with legislation, and we have got no shortage of legislation to deal with.

We have no shortage of legislation, and a lot of it, if not all of it, is very critical to the people of Manitoba. The sooner that this stuff gets into the House, the sooner it gets through. All of that legislation has got to go into the standing committee as well. All of that has got to go into the standing committee, and they can have ample opportunity. The public, as well, will be speaking once we get into the standing committee, and we do not know how long they are going to talk. A thousand people could show up at a standing committee, Madam Chair, and we are obliged to hear them all, as is right and proper, I think. I am proud to be a Manitoban, which, as I understand, is the only province, the only Legislative Assembly in the country that actually does this standing committee process where everybody from the public has an opportunity to speak to that bill, and that is still ahead of us. We have got to go through this Estimates process. We have to go through numerous departments yet before we even get to the bills and that legislative process and the standing committee process and so on and so forth.

Madam Chair, I am fed up with dragging this out and all these delaying processes. Quite frankly, I think we should get back to it. If we are going to have a vote, fine, but I would strongly encourage the Member for Emerson to start conducting himself more responsibly in this Estimates process and stick to the issues and follow the lines and talk about agriculture and start representing the farmers of this province. Instead of trying to gum up the works and delay here, let us move this along. So, on that note, I conclude my remarks.

* (16:30)

Mr. Daryl Reid (Transcona): I listened to the debate of this committee here this afternoon where we are dealing with the Estimates of the Department of Agriculture. I look at the motion that has been made by the Member for Emerson to set aside the passing of the line items and the resolution and hold the votes at the end of the process.

I want to talk a bit about the process. I have had the good fortune to be here for a number of years and to be involved in the Legislature

process and how the committees function and had the honour and privilege to Chair some of these committees in past years, which is also an honour. I do know that there is a process that we have in place where the departmental Estimates books are laid out on a line-by-line item. In fact, they have a voting number beside each of the line items in the Estimates book and in the main document of the Budget itself. Those particular appropriations are identified as such, and that is the appropriate voting points for the resolution itself.

For this Member for Emerson to bring forward a resolution that says that he wants to debate the issues and he does not want to deal with voting on those issues is incomprehensible to me why he would want to have it in that fashion. I know, in dealing in my nine or ten years as a member of the opposition benches, where we have had a chance to deal with several departments for which I was the critic, I had those responsibilities. We dealt with our Estimates in the fashion that moved them through in an orderly way. I was, as a critic, and I know my colleagues were, and we have talked about this many times over the years, we did our homework. We were prepared to debate on a line-by-line basis the appropriations as they were listed in the book. When you do that homework and you come to this committee prepared, then you can make the decisions. If you are not in favour of having resolution support, if you are not prepared to support a particular line item, it is at that point, when the debate has concluded, that members of this Legislative Assembly have the right to make their viewpoints known and to say yea or nay when it comes to the passing of those line items.

So I am at a loss to understand why the Member for Emerson (Mr. Jack Penner) and his colleagues would not want to proceed on the basis of voting on the appropriations as they come forward in the Estimates Budget document and have some resolution of each of the line matters. I know that the member has been here for many years, and I think that he is probably well versed in agricultural issues. I mean, I have listened to the debate that goes on in the Legislative Chamber on this topic many times. I have listened to Question Period quite intently

and the issues that are raised there and the number of times that agricultural topics come to the floor of the Chamber.

The issues that are raised I know are important to both sides of the House. Agriculture is a very important part of the economy of Manitoba. I know in our Government we were quite distressed by the actions that have been taken by the U.S. government recently, when they brought in their agricultural farm subsidy bill which is going to cause a great deal of distress for the producers of this province and, in fact, for our country. I know, at least I would think that the Member for Emerson would be interested in having some further debate on this particular issue. He tells us that it is important. Occasionally, he has raised a question in the Chamber with respect to this issue. Yet it does not seem that he wants or maybe is not prepared to proceed for the debate and the votes that would occur on these line-by-line items in the budget document in dealing with the issues.

Now, we have here with us a number of staff from the Department of Education. I have sat in on other Estimates, not only this year but in other years. We are dealing with Agriculture here, but in the Chamber we are dealing with the Department of Justice. We have concluded Executive Council. Finance and the Department of Labour have been concluded, and we are ongoing with other departments.

Those are proceeding in an orderly fashion. There has been an agreement there in dealing with the issues and voting on the resolution line items to move this process forward. The critics, as they have the responsibility to do, are asking the necessary questions of the ministers responsible for each of those departments and are bringing forward and debating in an open way how the Government, our Government handles the affairs of each of these departments. It is done in a way that will allow for a free flow of that debate and will allow for a minimization of the staff time that is involved.

As the Member for Emerson knows, quite a few years of experience since he was a former minister in the previous government, he was prepared to allow for—

Point of Order

Mr. Ron Schuler (Springfield): Point of order, Madam Chair. Estimates is an opportunity for members of the Legislature to address questions to the minister, and I think we have heard just about everything but what is supposed to be done here.

I would ask that you would put an end to this. We have a motion in front of the committee, and individuals are not addressing the motion. They are going all over the place, and, Madam Chair, I would ask that you would ask the members to come to order, please.

Madam Chairperson: Thank you for your comments. This is not a point of order, but I would remind everyone to please try to stay speaking to the motion and please provide the courtesy of your attention to the member who has the floor.

* * *

An Honourable Member: Thank you, Madam Chairperson. It is important, I think, when—

Madam Chairperson: Excuse me, I have not recognized—the Member for Transcona (Mr. Reid) has the floor, unless you are on another point of order.

An Honourable Member: I would like to add to that point of order, Madam Chair.

Madam Chairperson: That was not a point of order.

An Honourable Member: I challenge the Chair, Madam Chair.

Voice Vote

Madam Chairperson: The ruling of the Chair has been challenged.

All those in favour of sustaining the ruling, say yea.

Some Honourable Members: Yea.

Madam Chairperson: All those against the ruling, say nay.

Some Honourable Members: Nay.

Madam Chairperson: In my opinion, the Yeas have it.

Formal Vote

An Honourable Member: Yeas and Nays.

Madam Chairperson: Does the member have support of two members?

An Honourable Member: Four members.

Madam Chairperson: A formal vote has been requested by two members. This section of the committee will now recess to allow members to proceed to the Chamber for a formal vote.

The committee recessed at 4:38 p.m.

The committee resumed at 5:46 p.m.

The Acting Chairperson (Mr. Jim Rondeau): The time being past five o'clock, the committee will now rise.

JUSTICE

* (15:10)

Mr. Chairperson (Conrad Santos): Will 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?

We are on page 117 of the Estimates book, Resolution 4.1.

Mrs. Joy Smith (Fort Garry): Mr. Chair, we are still on the organization chart on page 7. So, if we could continue with that and if the Attorney General could go under each heading systematically rather than bouncing all over that would be great, I would appreciate that.

Hon. Gord Mackintosh (Minister of Justice and Attorney General): Mr. Chair, I believe we were at the part of the org chart dealing with

Prosecutions. Rob Finlayson, of course, as I mentioned yesterday, is the ADM of Prosecutions. Reporting to Rob is the Director of Business Operations, Carol Abbott, which I should highlight is a new position as a result of the Ernst & Young review of Prosecutions Branch. One of the essential discoveries of Ernst & Young was the need for managerial direction over support staff and a co-ordination of support staff and support functions. Carol Abbott came in on an expedited basis from Courts to fulfil this function. I might add it was part of the findings as well, to put it the way I think Mr. Finlayson did at the time, to get prosecutors out of the Xerox room and into the courtroom. So this was part of the design to enhance the supports for prosecutors.

Also reporting to Mr. Finlayson is the Regional Prosecutions and Legal Education person. This is another new position as a result of Ernst & Young to oversee continuing legal procedural education. I have heard very high regards of how Mr. Brian Kaplan, who is in that position, has been performing his functions. I think we have seen examples of several new initiatives and better communications, including, by the way, with the defence bar that has been unfolding since this position was created.

Winnipeg Prosecutions is headed by Jacqueline St. Hill. Don Slough is the head of Appeals and Specialized Prosecutions. The ADM of Criminal Justice is Greg Greceffo. Greg Greceffo heads up this division. This division has been charged with many of the new legislative and policy initiatives over the last couple of years.

Aboriginal and Community Law Enforcement services reports to the ADM of Criminal Justice. That is headed by Mike Horn. Women's Advocacy Program, as well, reports, and Marilyn Morrice is the head of that division. Community Safety is headed by Glen Lewis, and under that reporting relationship the Law Enforcement Review Agency reports, but that, as well, has an independent function. It is headed by a commissioner and, except for certain administrative supports from the department, it acts with a high degree of independence. Finally, the Policy Development Analysis is headed by Jeff Schnoor, whom the member met today.

I should note that the divisions have their FTEs and salaries actually set out on pages 11 and 12, so I do not know if the member wants me to go into that. But it is set out succinctly there in summary form. I think I set out the Administration and Finance FTEs and salaries. I do not know if the member needs that, but there is a comparison, as well, year over year.

Mrs. Smith: Could we go back to the Women's Advocacy Program? Could you give me some overview as to exactly what the Advocacy Program involves and who the members are; if they are on the board? I understand it is an independent board—some of the initiatives that they are working on right now, and the people who are actually on that board.

I am also not aware if there are any new staff here today that I have not met before. There are the same people, great. Okay, thank you.

Mr. Mackintosh: The Women's Advocacy Program has its budget as part of pages 40 and 41 under Public Safety. The program is not accountable to a board. It is accountable to the ADM, Mr. Graceffo. I will just outline the nature of the program.

The main focus of the program is to provide support services to female victims of domestic violence where charges have been laid. In other words, it is a presentence program. It provides legal and other information, it provides emotional support, short-term counselling.

The Women's Advocacy Program now exists in several locations in Manitoba: in Winnipeg, in Brandon, The Pas, Selkirk, Dauphin and Thompson. The complement I can obtain for the member. There has been, I think, an adjustment over the years, and we can get an update on that if the member is interested in that.

The advice to women of their options and their rights and responsibilities when their partner has been charged can often be very important. Of course, this is entirely a program that is offered should the victims or survivors seek that kind of programming. As well, I should add, safety planning may be a part of the counselling or the advice or support given by the Women's Advocacy Program. I will leave it at that and

with any particular questions we certainly will get answers to the member.

Mrs. Smith: The question I have is: Is this advocacy group connected in any way to the zero tolerance policy that is in the province right now? Is there any connection in terms of a support person in the court system that would hook some of these cases into these women to give them the support through the Women's Advocacy Program?

Mr. Mackintosh: I think there is an important connection now. I mean, I think a program like this would be invaluable in any jurisdiction with whatever charging policy may exist when it comes to domestic violence.

However, I think in Manitoba and in other jurisdictions with so-called zero tolerance policies, the Women's Advocacy Program does provide an important function where it appears that a complainant is reluctant to testify or otherwise participate in proceedings. Where the Crown has identified that as an issue, there is a co-operative working with the Women's Advocacy Program so that there is someone there to meet and talk with the complainant to ensure that the individual is indeed making decisions for the right reasons, and not because of, perhaps, any intimidation or other unfortunate rationale for not participating in the prosecution.

But really I think this program provides a check and balance where there is a complainant who does not want to proceed and the Women's Advocacy Program is often called on with the work of the Crown attorney and the Family Violence Unit to ensure that the woman knows, for example, that the supports are there, that there is a dialogue, and answers to questions available.

Mrs. Smith: So, from what you are saying, there is some way that there is a connection, an important connection, as you have stated, through Women's Advocacy. How is this related to the restructuring of some of the areas, waiting areas where the accused and the victim are separated? I think it was termed as victim-friendly waiting areas, so the victim and the perpetrator are not, you know, in close proximity?

Mr. Mackintosh: This advocacy program, of course, predated the interest in having waiting rooms that better accommodated the needs of victims. The Victims' Bill of Rights puts in an urging, if you will, that where practicable there be a separation and, of course, the first area where that was looked to was in the area of child victims where there is a child-friendly waiting room. In fact, the waiting room requires a separation of the child victim from the accused by way of a different entry system, and as well, there are a number of ways in the court room for separation of the accused from the child victim. Number one is by use of a screen where that is ordered. Number two is the way the court room is configured in terms of where the child is located. Number three is, on order, the availability of closed circuitry for testifying into a camera.

We have done an audit of the court facilities across the province to assess the physical layouts of these places; some of them are community centres, some of them are band halls, and there is a real variety out there. A lot of the change that is necessary requires a different protocol in how victims are counselled and maybe accompanied. For example, the Women's Advocacy Program may provide support to women in their court appearances and which may involve, where this is an issue, separation of the complainant from the accused.

It is the long-term objective, I should not even say that perhaps, but it is certainly an objective to see how we can better have a layout of court facilities, in whatever venue, to recognize that it is valuable, in many cases, that there not be a meeting of complainants and accused before going into court. That practically, obviously is a challenge, but we have made some improvements in several of the facilities. The one I spoke about with the child victim waiting room and court room in Winnipeg is an obvious example, but there are other examples as well.

I recall recently being at the court facilities in, as I recall it was Flin Flon. I think there have been some other ones where rooms that were not otherwise designated were now being used as rooms for victims to wait, where the victims had expressed an interest in being separated from the accused before going into trial.

That is part of the movement that is ongoing, but there is now a new recognition of that need to accommodate those victims that expressed that interest and recognizing that in some of these locations, for example, the community hall location, it is very difficult. That is where the role of, whether it is Women's Advocacy or perhaps the sheriff's officers or local law enforcement can be important in guarding against unwanted intimidation or other meetings of complainants or victims and accused.

Mrs. Smith: Could the Attorney General tell me how many child-friendly courts are available now to the public in the province of Manitoba, and where are they located?

Mr. Mackintosh: First off, at the Winnipeg courts, there are two important components to the child-friendly courtroom. The waiting room is one, and the courtroom itself is the other. There are a number of features of both. In fact, I would encourage that the member, and perhaps we can arrange this, to visit those facilities. There is a waiting room with a window with bright colours. There are a variety of child materials and teen materials in there. There is a VCR in there. There is furniture that actually was manufactured by inmates at Headingley, which I am very pleased with. Then just down the back hall is the complainants' entry door to the courtroom. The courtroom has a number of features. Aside from the adjustable volume and the seating level differences, the courtroom itself has the technology that I described earlier.

In the regional courts, because of the volume difference, we have accommodated the use of screens and have made more available that technique, recognizing again, though, that the Crown has to ask the court for that kind of a procedure to be followed.

In Brandon, I am advised that there is a child-friendly waiting room of somewhat different configuration than Winnipeg, but focussed on a child-friendly aspect. As well, because of the new design of the courtrooms there, there is a courtroom that is configured to be more child-friendly than the traditional courtroom. So I think that is an overview of the child-friendly facilities. The prototype, obviously, is the

Winnipeg model, where the volume can clearly justify the full-time establishment of that particular waiting room and space and courtroom for this purpose.

I was just very pleased last week to have a visit from a Crown attorney from Alberta, who came to Manitoba to look not only at the physical facilities of the waiting room and the courtroom and the technology, but to look at how we deal with child abuse or child victim cases in this province. We are recognized as providing leadership on this one, although I will certainly admit that I think that historically the province of Ontario, particularly in London and in Toronto, as I recall, have had experiences with these child-oriented court areas as well as protocol. I think as important as the physical courtroom and waiting room is, is the fact that in Manitoba now there is an assignment of specialized Crown attorneys to child abuse cases. Those Crown attorneys are from the Family Violence Unit in Prosecutions.

* (15:30)

Coming into office I asked the department about establishing a specialized cadre of child victim prosecutors who would do only child victim cases. The advice I received was that because of the very difficult, challenging, and sometimes horrific nature of child abuse cases and child victim cases in general, there could be a high burnout rate suffered. So I had to adjust my thinking. I listened to the department. That is why we concluded the prosecution should be conducted by those prosecutors in the Family Violence Unit who also do domestic violence cases.

As well, we have made a number of other changes when it comes to child abuse cases. We have prioritized those cases. In fact, there was a prototype of the computerized system flagging the child abuse cases for identification on-line for co-ordination.

The child victim support service was strengthened. They have a puppet program, for example, now to familiarize children with the court setting and what is likely to happen. There is, very importantly, now an early intervention by the child victim support service. At one time

the intervention and contact came only just before trial, but now it comes as soon as the matter is received by prosecutions. This is facilitated by way of our information system.

There are some other aspects to the support system. I think really important and integral to this is the specialization by prosecutors, as is the case with the gang unit, where the prosecutors are particularly familiar with the dynamics of child victim cases, are sensitive to the needs of child victims, recognize the kind of questioning that is important, are very familiar with the law and the rules of evidence as it affects child victim cases, in order to reduce the trauma to the child victim and no less important to ensure the strongest evidence that is available.

As well, when it comes to sentencing, there can be certain conditions that can be unique to child victim cases, and, because we have a cadre of prosecutors, that is available.

Also important, I think, to this issue of specialized prosecutors is the notion of vertical prosecution wherever that is possible, both in the gang unit and in child victim cases. It is my understanding that there is now a protocol where by and large the cases are dealt with by a prosecutor from start to finish, although on appeal, that may even extend to the appeal level, where there will be the same prosecutor, but it depends on the nature of the case, though, where there may be a referral instead to the appeal prosecutor's area. But that is a significant shift. We will continue to re-evaluate the strength of that.

Alberta found the Manitoba situation very interesting. What I am told from this Crown attorney from Alberta is that on the law enforcement side in the city of Edmonton, as a result of a private-public sector partnership, the police have constructed a separate facility, a separate building to deal with child abuse cases. It is a setting that is important in the context of the waiting room and courtroom, where we get away from the institutional-type lighting and walls and floors and provide a more comfortable atmosphere.

When it comes to the courtroom and the use of the technology, I am very keen on seeing

more requests made by the department to the bench for the use of that technology, but it is up to the Crown to make an assessment. Of course, it is always important that none of the facilities detract from the strength of the evidence at the same time, and there has to be always a careful weighing. But I think the long-term objective should be to see the day when child victims no longer have to come to the courthouse even to testify, that perhaps someday they will be able to go to a facility that is very friendly, that has a home-like atmosphere, where they can testify on closed-circuit television. I hope that that is what the judicial system in Canada will facilitate. I think, in differing ways, that is starting to take place. I think, just by the closed-circuit television or even the screens, for example, facilities in Manitoba, we are tuning the justice system to that and moving in that direction.

I have heard that in Ontario there is under development, either physically or in a conceptual phase, a testifying room outside of the courtroom for children, but we will follow up on that one. So we are seeing these developments. I think that we are doing a pretty good job of recognizing that different victims have different needs. Coming into office, quite frankly, I brought with us the stories from so many parents that I heard as a critic over six-or-so years, who related to me the trauma and concerns about delay in child victim cases.

The issue of delay, of course, is one that is systemic. But I think it is important that we look to find innovative ways to counter that challenge as one that, of course, is existing from coast to coast, but one that I think demands that Manitoba try and provide some leadership on. But we took those experiences then into government and recognized that, if there was any initial announcement, it should really be around the needs of child victims. As I recall, I think it was one of our first, if not the first, announcements that we made.

I remember, with so much pride, the response of the department working across divisions, working in my office and other offices to put together the ideas that the department had, but just sort of never dialogued to better respect child victims and to better fortify the evidence. I think it was a tremendous group effort, and I

think we have made some good change. So, over the next several months, we will, of course, revisit where we are at to see how well we have done, and I look to see where we can go next, as I think it is incumbent on all of us to do. Thank you.

Mrs. Smith: So basically we have two child-friendly courts in the province of Manitoba, one in Brandon and one in Winnipeg. Is that correct?

Mr. Mackintosh: We have tried to make all the courts more child-friendly by the provision of screens. At one time, I think there was only one screen in the province, and I heard these stories about the screen being moved all around, but I understand now that the screens are available throughout the province. The screens are not installed, but they are now available across the province. So in that sense, the courtrooms, where it is appropriate, are more child-friendly generally, but, again, recognizing the volume issues, Winnipeg was the first to have a completely child-friendly court facility.

As well, with the Brandon reconfiguration and modernization, we were able to accommodate many, if not most, of the specifications as to what would constitute more child-friendly courtrooms, but the model in Manitoba remains the Winnipeg courtroom—what courtroom is that?—412. The member can certainly feel free to go over there and see that and perhaps could ask staff to visit the waiting room which is just up the hallway.

Mrs. Smith: So, to summarize, basically what you are saying then is there is a prototype child-friendly courtroom here in Winnipeg. There is one that has been modified in Brandon, and there is also an attempt throughout the province, with screens and different aspects, to try to make the courts that are there, whether they be in community centres or whatever, as child-friendly as possible. Is that correct?

* (15:40)

Mr. Mackintosh: The Brandon courtroom was not built as a child-friendly courtroom, I understand. I am just advised by the department that because of its modern configuration, it is more child-friendly and has similar specifications to the courtroom in Winnipeg. For

example, there is a separate entrance to the courtroom in Brandon from the waiting area. There is a child-friendly waiting area there, and that is very important.

I mean, if there is anything critical, the bottom line in a child-friendly courtroom, it is the ability to separate the child victim from the eyes of an accused, which not only can be intimidating but could significantly skew the evidence.

So that is the state of things. Whether we can make further enhancements is something that I say over the next several months we will look at. What was important is that, at the Winnipeg facility, we have this experience and learn from it. As well, I understand other jurisdictions are looking carefully at what we have done as well.

So it is, I think, a step forward. I am very interested to see, though, what Ontario is doing. They had been providing leadership. We did some consultations with Ontario early on, and I know there were also professional consultations in terms of the designers of the child-friendly courtroom in Winnipeg, looking at what was happening elsewhere. I recall, in opposition, collecting some materials from the United States on what would constitute a child-friendly courtroom, and I think some of those criteria were incorporated in Courtroom 412.

Mrs. Smith: Basically I think I need to put on the record with the increased Internet crimes in terms of child pornography, the new rise in crime in that area, I think the child-friendly courtrooms are very necessary. That is why I was trying to get a handle on what was here in the province—what was available.

I know it is very horrendous for some of these children to be near the accused, and I think that is something that needs to continue to be addressed. So it will be helpful to see how this particular courtroom is operating and the kinds of strengths and weaknesses that are there, so that we can continue in this province in this vein over the next few years to address the fact—that the victims, especially children, are addressed because some of these things that they go through are very horrendous. I, indeed, have

been in courtrooms where I have witnessed children there, and I really felt for them.

Does the minister have any immediate plans to enhance this particular initiative for more courtroom-friendly situations for children who have to go through these horrendous trials?

Mr. Mackintosh: Well, we have been looking at the issue and the challenge of greater supports for child victims in rural communities. Just because of the volume in Winnipeg, the city attracts, of course, many of these specialized functions, but once we are into smaller communities, it is difficult to have staff that have responsibilities for only one type of victim, for example, so I think that is always an ongoing challenge, to ensure that those kinds of services are available around the province, given the existing resources and the staff that are in place.

The computerized case management system in the justice system in Manitoba is one that is being worked on, as we speak. In fact, by April of next year, it is targeted that there will be an integrated, computerized network between the courts, the prosecutions and corrections in this province. We are very hopeful that that is going to proceed as planned, but I do recognize, and this is a constant theme since I have come into office, that there are often glitches that are discovered in the area of information systems and its development. Manitoba has comparatively done a very good job for relatively low cost to put together an integrated justice system, what we call a cooperative justice system, here in this province. I have seen what is called in prosecutions the prison system, for example, and I have been shown how the child abuse cases have been flagged in there.

The paper system has not been conducive to justice and, I do not think, to public safety. There have been glitches. In fact, I remember in opposition being critical of glitches under the former administration and being told that the glitch was due in part at least to problems of the shuffle of paperwork. Moving to the computerized system where you can search a matter by offender, case and offence will be a great breakthrough and is a breakthrough, by the way, that is being sought, I think, by every jurisdiction in the country at varying levels or

varying degrees of success and phasing. I understand that in some jurisdictions the cost of systems have been absolutely extraordinary, only to have the systems not work, so in Manitoba we have been proceeding carefully.

I might add that I think the information management system that is unfolding is absolutely critical to the success of the Victims' Bill of Rights when it will be in full force in terms of its application to the charges in the courts, where there can be easy access by information officers to the status of the case on behalf of a victim. We see that as part and parcel of the Victims' Bill of Rights rollout. I have been very pleased to see the financial support by the federal government for Manitoba's development of its information technology, particularly as it supports the Victims' Bill of Rights regime.

When it comes to child sexual exploitation, the member talked about the Internet luring issue. I want to remind the committee that, as a result of the coming together of many interests in this province, notably Child Find Manitoba, the RCMP, city police, particularly some that have been actively involved in child protection—I can think of some names, but if I start getting into names, I am going to forget some. I think of the role of Rob Findlayson, ADM of Prosecutions, who is on the board of Child Find Manitoba and provided that wonderful connection to this issue and to Child Find itself. I think of Beyond Borders.

I think of the Chief of the Winnipeg Police Service who brought this matter to the Canadian Association of Chiefs of Police in August two years ago. This provided a momentum and a support that was given an exclamation mark by Lindor Reynolds, *Winnipeg Free Press*, who was able to garner widespread attention and support for us to go to the ministers responsible for Justice meeting armed with resolutions from the Uniform Law Conference where we presented a resolution, Manitoba Justice did, and the resolution unanimously endorsed by the Canadian Association of Chiefs of Police and led by Chief Ewatski. We were able to get the support of the provinces and territories and then the support of the federal minister, then Anne McLellan, to develop a Criminal Code provision to criminalize cyber stalking. That was the good

news, the work of many people. But the unfortunate news is that that provision was tied to the age of consent.

* (15:50)

This age of consent business, I would like to share a little time with the member on this. This is a complex area of the law that makes it difficult to engage the public, I think, in a concerted campaign to have this age of consent law changed. The age of consent changes, depending on a number of different offences in the Criminal Code, whether it is sexual interference or buggery—I think there are a number of offences that have differing tests. I do not want to get into them. I can look them up now but I think the issue is also further complicated by the fact that, although I do not think anyone wants to criminalize, and I do not know how more carefully I can say this, the healthy sexual activity between teenagers. Having a 13-year-old now, I always wonder how I should be saying this or if there ever should be recognized such a thing, but I do not think that Canadians want to criminalize that. But every time the issue of raising the age of consent has been raised, for example, even among the ministers of Justice in Canada, there will be one or two who say: Well, we should not criminalize sexual activity between consenting teenagers. Well, it was never meant to. Usually, the whole debate is based on an expressed exception for that kind of activity.

Then we had sentiments expressed from one of the territories at least, although it was a male that said so, that there are traditions in parts of the country whereby older men will impregnate young girls. This person said: Why should that be criminalized? Now, I have a concern about that because, indeed, is that a legitimate cultural pattern, or is that an accepted norm? It raises difficult questions, Mr. Chair. Is that an exploitation, indeed? And I have serious questions about it, quite frankly.

So these are some of the issues that arise when you raise the issue of the age of consent. So it is challenging, and I think we have to look for innovative ways to have that kind of dialogue. So now we have a Criminal Code provision. I think yesterday it cleared both Houses, this Internet-luring provision. It has

been a long journey. But, now, because it is tied to the age of consent, it does not protect teenagers who are lured on-line who are over age 13. In other words, it misses the population that is being targeted. Indeed, I think 76 percent of the teenagers, almost always young girls, targeted by Internet stalking in the United States have been between the ages of 13 and 17. So the code, yes, indeed, will protect those under age 14, and I am so glad for that, but it could be that 76 percent of those that need the protection are not going to get it. It missed the mark in large part.

So we have expressed this concern all along. I think that was a good practical example of why we have got to change the age of consent in this country. We have said it as a province that the age of consent should be at least 16, and I am open to arguments that it should be higher recognizing that where there is a close proximity in age that law should not apply.

It has been difficult. I know this matter is being further studied by the federal-provincial process, the justice process, but I have real concerns about its momentum right now. We will be on guard. We are willing to reinvigorate our approach and advocacy on that.

So that was the good news and bad news on our involvement in that campaign to criminalize Internet luring. We have had the questions and answers and had some discussions yesterday on the Children Online Protection Committee. My understanding is that we will have that launching within the next several weeks, sometime in the course of the summer, I understand. After talking with Mr. Finlayson yesterday, who co-chairs the Children Online Protection Committee with Lianna McDonald of Child Find.

Child Find Manitoba is the project leader on the cyber tip line. We provided the funding for the committee to hire a very talented individual who has been doing much of the leg work along with the committee and Lianna McDonald pulling together many stakeholders.

Mrs. Smith: I did not catch the name. I am sorry. Ann?

Mr. Mackintosh: Child Find Manitoba is headed by Executive Director Lianna McDonald. The

individual that was hired by the Children Online Protection Committee with the province's funding is Signy Amason. The committee is comprised of representatives from the RCMP and Winnipeg Police. As well, Mr. Chair, I am very pleased that Roz Prober has joined the committee. There is a representative from MTS, from our Department of Education, as well from the federal government. The Telecommunication Policy Branch is represented and that has been an invaluable connection.

I am glad to see Rick Edwards. I see Rick Edwards is on the committee from the RCMP. He has been involved in this issue for quite some time. I know Wayne Harrison has had some significant involvement over the last number of years, but I see now that there has been some change over there. Gord Hudson from Winnipeg Police Service, and Boyd Campbell is on the committee, as well as Kurt Barz from Winnipeg Police and Duane Heintz. So Winnipeg Police is well represented. Kathie King is also on there from the RCMP.

As a result of that general policy direction they were asked last May to prioritize the cyber tip line development. At that time, of course, it was thought that this would be a provincial tip line. We looked at the experience of these tip lines elsewhere, particularly in the U.S. and the U.K., very different models. We came up with our own model here, the committee did. Now it is expected that the tip line will be a national pilot. The federal government has a particular interest in supporting this. I think we are just waiting for some finalized decisions or action from the federal partner. There has been the involvement of several private sector partners, some with very significant investments in this. We will outline those private sector partners at the unveiling. As well, the police and the Criminal Intelligence Service have been involved, and MTS, of course.

The space now has been provided by the Manitoba government. I was very interested to hear that there had to be a security analysis of the location and, indeed, all the technology. There were some obstacles to overcome. The member may have seen the report in *Maclean's* magazine about three weeks ago, where it was

reported that one of the challenges was guarding against charges being laid for possession of child pornography by those who were operating the cyber tip line. Matters like that have been worked on, and the work of Signy and Lianna in particular have to be commended. So we hope that over the next several weeks we can have the line operate. It will be an Internet site, not surprisingly, called cybertip.ca.

* (16:00)

I want to get back to the Children Online Protection Committee. It has other tasks that have been assigned to it or asked of it, aside from setting up the cyber tip line. That project has taken most of its time over the last year, notably because of the new scope and the national interest that it has attracted. By the way, most western countries have cyber tip lines. Canada does not. Not only do we have to catch up to technology, we have got to catch up to the other Western countries. We have got statistics from south of the border which are absolutely astounding, even given the different population, of the number of tips that can come in. In Manitoba, though, we will not know, until the line is up and running, the volume. So we will have to carefully monitor that. The Children Online Protection Committee is also there to look at how it can better assist victims and, as well, to promote industry self-regulation by Internet service providers. I think it is very important that that industry be self-regulated, self-governed.

Another job that the committee was asked to look at was how to encourage the use of filtering, whether in the home or in schools or libraries, recognizing, though, that we must acknowledge the work of Child Find Manitoba. Child Find Manitoba has been doing an extraordinary job with public education on Internet safety. I recall them being at Portage Place mall, for example, not long ago. They go out to schools, to classrooms. They provide other promotional material. In fact, the mouse pad that I have in my office has the do's and don'ts of the Internet. No different than the "look both ways before you cross the street," I think it is important to embed in the minds of all Internet users the safety rules, if you will. They have been providing great leadership, and Child Find

Manitoba has been recognized across the country for its work in this area.

The identification of child pornography and learning, of course, is part and parcel of what the tip line is about, but there may be other ways of assisting in the identification of that kind of evil. We have also asked the committee to recommend other prevention strategies. This committee is modelled, in part, on what was called COPA, the Child Online Protection Act, and the resulting commission in the U.S., where there was representation from a number of different sectors, including law enforcement, universities and industry. I know a big debate that they had there in the U.S. was whether there should be legislated filtering or not. I believe President Clinton waded into that. As I recall, there is an ongoing debate about that, but I think that all countries recognize that there has to be a role for Internet service providers. This has become, now, a topic of discussion at the ministers responsible for Justice meetings. There is particular interest not only from Manitoba and Ontario in this issue, and Ontario is now providing some leadership on what should be the role of Internet service providers, although at the last meeting we did not have that on the agenda. I do not know if they are resolving that within the province or not, but we will pursue that in the fall. The member may have some questions then on the online protection issue.

Mrs. Smith: Mr. Chair, as we know in Question Period, we now are 372 days since the announcement of the cyber tip line. Basically, you know, it has been explained that the line has changed from a provincial to a federal line or a combination of both, it seems. Earlier you said there was some private sector funding into this line and perhaps the feds would put some money into it if all the ducks were in line. I guess that is something that needs to be seen in the near future.

My question to the Attorney General is: Who in the private sector has contributed how much money toward that line?

Mr. Mackintosh: I know I clarified this yesterday, but last May the tip line was not announced, the Online Protection Committee was announced, and its mandate including setting up the cyber tip line was announced. So

since that announcement in May, the protection committee has organized and now, as I described earlier, developed the cyber tip line.

The private sector partners, first of all, I think it is known that MTS has a role. In terms of the other partners, we will co-ordinate that information at the time of the launching and work with them to ensure that their role is appropriately explained publicly. That is the purpose of the launch, to recognize the investment and participation of the different partners. I just remind the members that we are only a partner. There is no political involvement in the Online Protection Committee. The representation of Justice is through Mr. Finlayson as the co-chair. What we did was we planted the seed, asked for the committee to be established, and provided funding for the staff person.

My understanding is that there has been private sector assistance with regard to the hardware, MTS involved, and a number of computer companies, I understand.

Mrs. Smith: Well, in all due respect, it has taken over a year to set up a phone line. However convoluted it sounds, there are crimes involving children out there that have been very, very serious. Internet predators are on the rise. It is something that police spokespeople have publicly said, that the calls are overwhelming.

Now the cyber tip line has many aspects to it, because getting the tips on the line has taken 372 days to do that. It is still not up. Hopefully, it will be up in the summer. I still do not have a clear answer as to who the private sector contributors are. Thirdly, it is one thing to receive a tip, it is quite another thing to find out, ask the Attorney General who is going to take care of investigating these tips that come in. So, if I could have an answer to those three questions, it would be very helpful.

* (16:10)

Mr. Mackintosh: Well, again, this is a project that is governed by the Children Online Protection Committee, and the project head is Child Find Manitoba.

The member can criticize the Government, but this is as a result of a partnership and

allowing people to work together and develop something innovative in this country. So the reasons for the time that it takes to both set up the committee, get it working and develop the cyber tip line, find the partners, get the funding commitments and approvals, deal with the technology and discover the best practices for cyber tip lines, those have all been jobs that have been ongoing.

But where we are going I think is more important than even where we have been on this one. Well, perhaps what we can do is if the member wants a list of some of the tasks that have had to be undertaken by Signy or others, we could obtain those for her from the committee or from Child Find Manitoba.

The cyber tip line will have an analyst capacity where information coming in will be scrutinized with a view to determining what is criminal and what is otherwise offensive or otherwise. It will depend in part on a jurisdiction. It will depend in large part on what classification the material falls into as to what takes place, and if the material appears on its face to be criminal in nature, there will be a referral to the appropriate law enforcement agency, and that may be any law enforcement agency in the country.

So I assume that the law enforcement agency to which a matter is referred will deal with it on the basis of a risk analysis that it would apply to any information received or any complaint received by a police force.

Mrs. Smith: Recalling back a year ago, the Attorney General took full credit for the idea for setting up a cyber tip line, and I commend the Attorney General for doing that. A cyber tip line, when I heard it, I applauded the effort and thought it was a very good idea. I have some questions now that it has taken this long. Child Find is an excellent organization. I highly applaud Child Find, and I highly applaud the people who are working at Child Find.

The cyber tip line now has become such a big project that it now involves all of Canada, and the tips are coming in. Number one, it is my understanding that \$41,000 from the Government has been put into this project. If I am

incorrect on that, please correct me. With the scope of the increase in cyber crimes over the last 372 days, clearly there have been a lot of things going on in this province, let alone Canada, that the cyber tip line has not been open, has not been available for the public to use.

I have some questions about the minister's lack of planning in terms of having police resources at the end of that line. I think that people who deal with crime and who analyze what kind of tip is coming over this line, in particular, and whether they are sifting out whether it is of a criminal nature or if it is of an ordinary nature, I would suggest that the police force is best equipped to receive those tips. Police-trained law enforcement people are best trained to analyze whether or not this kind of thing is, indeed, of a criminal nature.

Would the Attorney General please comment on two things in addition to this, the fact that the people who sift through the tip line whether or not with all good intents—I know it is wonderful to have volunteers and it is wonderful to have non-law enforcement people there, and also in a staff capacity, it is great to have that kind of support. I want to be ensured that some child who might be at risk will not fall through the cracks because they are not properly trained to analyze whether or not it is something of a criminal nature.

The other thing is, once it is ascertained that it is a criminal nature and needs to be investigated, could the Attorney General please comment on what dollars and cents from the Justice Department is being put in place to address these investigations? It is my understanding, very clearly, the police force is stretched to the limit. This is a rise in crime. It is something that needs to be addressed in a real-world, dollars-and-cents way, with bodies at the other end of the line, with investigators.

Now, earlier in the year, I have to put on record too that we know there was a joint forces unit and there are different units that are being put together, but the fact of the matter is, often these are not extra police bodies. What these are are police forces who have worked together. They have siphoned from the RCMP, they have siphoned from the municipal police, they have

siphoned from different police forces, to have a specialist in this area of child pornography available.

Unfortunately, when something happens at the home police force, sometimes these people have to be reassigned. I think stats will show very soon that this is a crime that has to be addressed with additional police resources in place. Could the Attorney General please comment on that?

Mr. Mackintosh: Well, first we have to remember that the cyber tip line is not the only conduit to the police. It would not be the only way that police receive complaints of child pornography or cyber stalking. The citizen complaints in the usual course, other investigations, one investigation leading to another will continue as in the past.

Second, we cannot make assumptions about the volume yet. That will have to be carefully monitored. To have governments across the country, municipal or otherwise, invest in additional police resources across the country because of a cyber tip line, I think, would be better done when seeing what volume is experienced. As well, I know that the police, when getting complaints, will apply the risk analysis.

Indeed, I met with the Winnipeg police chief last week. In discussing this matter, he assured that the risk analysis would be applied and policing resources prioritized accordingly. As well, what jurisdictions may get increased volumes is not even certain at this point.

In terms of the screening provided by tip lines, the tip lines in the United States and the U.K., where we have particularly paid attention, have not employed law enforcement personnel as the screeners. It is important that the police not only be listened to in developing this tip line but be part and parcel of the development of it. That is why they have such a significant membership on the Children Online Protection Committee. There have been extensive and I think sometimes lengthy discussions with law enforcement agencies.

I am advised by Mr. Finlayson, with regard to the relationship of the police and the tip line

and the protocol that should be put in place, we have been given the opportunity to have the analyst for the Manitoba tip line trained in this area by the national centre in the United States. The Online Protection Committee has established a relationship with the national centre, which, by the way, has been providing some very interesting statistics and recommendations, overview of this challenge in the United States, figures, by the way, that are certainly a cause for concern.

The police have, I understand, accepted and agreed that the screening provided by a tip line is very useful in terms of the use of always limited resources rather than police agencies doing that. This is an add-on, both in terms of venues for having complaints forwarded, and also an add-on that will assist police so that there is a triaging and that not every complaint of this nature simply comes in to the police and then police resources have to go to screening that can otherwise be done by trained personnel.

* (16:20)

Mrs. Smith: To get away from the tip line for a few minutes, we talked about court-friendly atmospheres for children who are subject to having to go through trials where they have been abused in this area. We have talked about the fact that there is one court in Winnipeg that is child-friendly, and there is one in Brandon that is newer and has some of the aspects to it. The Attorney General talked about the screening. We also talked about the fact that the cyber tip line was getting up at some point in time. I talked about the lack of police resources for investigative purposes.

Could the Attorney General acknowledge or comment on the fact that this is an old crime that is done in a relatively new way over the Internet, and could the Attorney General make a commitment, or give some idea to the House today, as to whether or not extra resources will be put in place to address this crime that is relatively new on the horizon at the police force level? You can have all the committees in the world, and you can do all this useful analysis and putting things up carefully, which is fine, but the fact of the matter is, if you do not have the police in place to investigate these crimes and

utilize the knowledge that they have to suppress this kind of crime, it becomes very hard to overcome the crimes. Does the Attorney General have any way of addressing this problem in this area?

Mr. Mackintosh: How particular law enforcement agencies prioritize the matters that they must deal with is one that, at a local level, is probably the best way for those agencies to deal with. I know that the law enforcement agencies in Manitoba—Winnipeg Police Service, RCMP and Brandon Police, for example—have demonstrated their prioritization of child victimization by a recent joint project, which, I think, is time limited. It is a limited project. I think it is tied into a national project. I know that, even after that project is ended, they will continue to recognize this as a new area that requires specialization. Indeed, the members of the Winnipeg Police Service and RCMP that I mentioned earlier have been identified as individuals who specialize in this area, and specialization in itself in this area is important. We will, I am sure, continue to see that kind of priority given to this one.

In terms of police resourcing overall, the Province has committed itself to enhanced resourcing for law enforcement agencies in this province as the Estimates book attests to. As well, by way of the cyber tip line, for one example, we are assisting the police in triaging and screening these kinds of matters and assisting them in having this wrong identified and, of course, have joined with them in seeking to ensure the criminalization of Internet luring. So I think that has to be recognized. As well, if a tip line is to be national in scope, then it will send out complaints to police forces right across the country and not simply to Manitoba forces.

In terms of the prioritization of local police resources by law enforcement agencies themselves, I recognize that in Winnipeg there is a reorganization now. There has been a careful analysis of the kinds of crimes that deserve particular treatment and different prioritization. I know from the Minister of Transportation and Government Services (Mr. Ashton) that, for example, in the city of Winnipeg there has been a reduction in traffic enforcement over the last while. I know the minister was presenting

statistics at the committee the other night when dealing with photo radar, but we have been able to respond by introducing the legislation to allow for Winnipeg police and the City of Winnipeg to deploy photo enforcement with respect to speeding in certain areas and running of red lights, which should allow Winnipeg Police Service to proceed with its prioritization that it appears to have identified.

As well, the legislation allows for the use of the fine revenues over and above the costs to the traffic authority; "the monies for safety and policing initiatives," I believe, is the wording in the legislation. We recognize the role of the police in prioritizing matters that come to its attention, recognizing that it employs a professional risk analysis with those matters and that it is their role to investigate matters that come to their attention based on that risk. The role of the Province is to work with them when we have partnership initiatives like the Children Online Protection Committee, to ensure that the trusted voice of law enforcement and the insights of those on the front lines are part and parcel of how we make improvements to the justice system.

The member may want to, as well, explore some of the other initiatives when it comes to child sexual exploitation. I do not want to preempt where she might want to go, but we have had some initiatives in the department dealing with the treatment of high-risk offenders. What we have created in the Prosecutions Branch is a High Risk Offender Unit, if the member is interested in exploring that. The reason I add that now is because that is an area entirely within provincial responsibility where Prosecutions Branch has been reorganized to designate three prosecutors to preparing applications for indefinite sentencing for predators, recognizing that that kind of work takes a lot of research. We have to go back and get information on cases from much earlier and deal with those victims. We thought it was important to have that time aside from the workaday in the Prosecutions Branch to do that work. So I wanted to add that because that can be really important when we have individuals who continue to be a threat to the safety of Manitoba children. The office is located at the Woodsworth Building and has been in place since October 2000.

The three Crowns that are assigned to the unit, I am really proud of these individuals. I was over there talking about their work with them. They are excited about the work, as are the gang prosecutors, I might add.

Bruce Mellon, Lorraine Prefontaine and Brian Bell are assigned to that unit. They also address what are called section 810 of the Criminal Code. That is where there are conditions available to be imposed and, of course, the dangerous offender and long-term offender applications. These files are assessed on referral from the specialized Sex Crimes Unit of the RCMP and the Winnipeg Police Service and Crown attorneys.

* (16:30)

At the present time, all high-risk pedophiles and other individuals who put children at risk are being diverted to the unit by the Probation High Risk Sexual Offender Unit as well as the police units that deal with children at risk. I mean, it is just a wonderful new development of some very active partnerships with law enforcement. I think we are recognizing increasingly right across the country and North America that there has to be a better, closer link between prosecutions and police, while recognizing their different functions, different tests as to whether cases proceed and different functions in the justice system, but I think that we in Manitoba, as well as elsewhere, are recognizing that.

High-risk offenders are also referred from the general prosecutions area to the Crown High Risk Offender Unit to ensure that the matters are dealt with expeditiously. That is another value of having these specialized units and vertical prosecution. It guards against the delay that has been incumbent in criminal matters in this country. I just wanted to leave that with the member.

As well, she may know of the work of Manitoba and other jurisdictions, notably Alberta, but most notably Ontario, in moving their national sex offender registry along. We are watching that very carefully, and I am confident that the critic will as well. We are very concerned that the federal government have a very vigorous approach to this registry. We had taken the view that we needed a national

registry. Having a patchwork of provincial registries was not ideal, although we always recognize that, if there was no national registry committed to, we would have to do it, and we would do it the best. We would look at Ontario software and perhaps partner with them and so on, but that would not have been, I do not think, in the best interests of Manitoba children or Canadian children.

People are very mobile, and having different systems with different thresholds would have been very disappointing. So we were quite surprised at the last meeting of ministers in February when, lo and behold, the Solicitor General changed his tune. There is a little backroom information, but Ontario and Alberta had prepared a big press conference where Alberta was going to announce that they were going to, after all, bring in their provincial sex offender registry. Moments before, Lawrence MacAulay changed his tune, but everyone was pleased by that, even Ontario that had committed and invested significantly in their registry, because everyone does recognize the imperative of a national operation.

So now the job is to look to see how the CPIC is updated, upgraded. I am confident that, unlike earlier expectations, the CPIC can do the job, by and large, but there still appears to be not a firm date committed to when photos would be available by way of this registry. I will be interested in determining better how geographically, what the narrowness is of the ability to use the registry in terms of the location of offenders.

As well, we are looking to see what offences will lead to registration and what penalties will be brought in to help ensure that there is registration and updating by offenders because I think the penalties will have to be very significant to send a strong message that this is serious business, and this is not a registry where there should be any avoidance of their responsibility to report current addresses. So I leave that with the member. As well, of course, we have been providing some national leadership on tightening up the child pornography laws, most recently following the outcome of the Sharpe decision in B.C., where I believe so strongly that there has to be a re-evaluation of what is artistic merit in the code. There are other

issues around that. Even after the Sharpe decision went to the Supreme Court, we put a tremendous effort, as a department, into making suggestions to the federal government as to how they can tighten the child pornography laws. I have not seen action yet from the federal government on this one, and they will be hearing us more, as will Manitobans. This is part of our accountability for what we are doing.

So those are some other areas where I think the Province has some direct responsibility and others where it has some role in trying to move the law along. There are other issues that we are looking at. We are looking at how we strengthen our prosecution policy for predators of children. We have enhanced the community notification process in Manitoba established by the former administration. We have added some offences against children to those matters where there can be community notification, but we are looking to see how we can enhance that as well. Again, that is a community partnership deal. Justice is only one representative on the Community Notification Advisory Committee, a great contribution by those individuals who are on there.

I think, too, though, that even the issue in this House of removing those arbitrary time limits on child abuse cases speaks to this issue. I commend and I salute the members of the Opposition and the critic for supporting that legislation. I think the member recognized that that as well was a statement that, you know, you cannot hide behind the calendar if you are a child abuser. It went way beyond even the issues in the different contexts, whether it was residential schools or incest, whatever. It was a statement that Manitoba sees child abuse as just as important in terms of accountability of offenders as any other jurisdiction in the country. So those are some other areas that the member may want to explore more fully. I put them on the record as we do feel very strongly about those initiatives.

Mrs. Smith: Mr. Chair, I would like to put on the record we have gone over several topics, but there is a thread there talking about child pornography and age of consent. I must say very strongly that members on this side of the House would like to see the age of consent definitely raised, hopefully, to 18 years of age at least. It

seems to me that when you have to drive a car, you can have sex but you cannot drive a car; there are some problems there. I mean, we have to take a look at the norms and have some consistency.

I notice one of the members smiling over this issue. I think it is a very serious issue, and I think that—*[interjection]* Pardon me.

An Honourable Member: You said 18, and I was commenting on the "at least."

Mrs. Smith: If we could just dispense with silly remarks, and I want to make it clear, Mr. Chair, that the age of consent should be at least 18, and it is a serious issue on this side of the House. I think that child exploitation is also a very serious issue on this side of the House—

An Honourable Member: I think it is serious too and the way you phrased it was: 18 at least.

Mrs. Smith: Mr. Chair, the Member for Thompson (Mr. Ashton), I would appreciate if you would call to order. I am trying to have a conversation with the Attorney General. We are talking about very serious topics. I have to commend the Attorney General for the extremely respectful way that these Estimates have been conducted. I do not think on issues like this, when we are talking about age of consent, when we are talking about child exploitation, that there are any glib remarks or anything funny about any aspect to this topic, and I would like to have that on the record. I would like you to ensure that members opposite would sit silently and just listen as they come in, so we can continue our Estimates conversation. Having said that, Mr. Chair, I would like to go on with the fact that there are some—

An Honourable Member: Point of order.

Mr. Chairperson: Is it on a point of order? The honourable Minister of Transportation.

* (16:40)

Point of Order

Hon. Steve Ashton (Deputy Government House Leader): Mr. Chairperson, I would rise

on a point of order and indicate that I was just talking to the Government House Leader (Mr. Mackintosh), and in fact, I make no apologies for not being silent about the fact there has been a vote called in the other committee. There was one brief comment about a phrase that the member had raised. I think one of the suggestions I would make is that the member confine herself to what is formally on the record and not put words into people's mouths back and forth.

I had one comment that I made to the Attorney General about one specific part of what she said, but, quite frankly, she knows, I think, and should know it, with her time in the two and a half years she has been here, that in this particular case, discussing with the Attorney General, yes, I was not silent about the fact there has been a vote called in the other committee, is quite appropriate. I am the Deputy House Leader, and quite frankly I make no apologies for talking to the House Leader about a very important matter.

Mr. Chairperson: There is no rule of the House that has been breached here. There is no point of order here.

Report

Ms. Bonnie Korzeniowski (Chairperson of the section of the Committee of Supply meeting in Room 255): Mr. Chairperson, in the section of the Committee of Supply meeting in Room 255 considering the Estimates of the Department of Agriculture and Food, the Member for Springfield (Mr. Schuler) raised a point of order relating to the relevance of speeches in committee. As the Chairperson, I ruled that the member did not have a point of order.

This ruling was sustained on a voice vote. Subsequently two members requested that a formal vote on this matter be taken.

Formal Vote

Mr. Chairperson: A formal vote has been requested. Call in the members.

All sections in Chamber for formal vote.

Mr. Chairperson: In the section of Committee of Supply meeting in Room 255 considering the Estimates of the Department of Agriculture and Food, the Member for Springfield (Mr. Schuler) raised a point of order relating to the relevance of the speeches in committee.

The Chairperson ruled that the member did not have a point of order. The ruling was challenged. On a voice vote, the ruling was sustained. Subsequently, two members requested that a formal vote on this matter be taken. Therefore, the question before this committee is: Shall the ruling of the Chair be sustained?

A COUNT-OUT VOTE was taken, the result being as follows: Yeas 25 , Nays 20.

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

The time being past 5 p.m., committee rise. Call in the Speaker.

IN SESSION

Hon. Gord Mackintosh (Government House Leader): Is it six o'clock, Mr. Speaker?

Mr. Speaker: Is it the will of the House to call it six o'clock. *[Agreed]*

The hour being 6 p.m., this House is adjourned and stands adjourned until 10 a.m. tomorrow (Thursday).

LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, May 29, 2002

CONTENTS

ROUTINE PROCEEDINGS

Tabling of Reports

Supplementary Information for Legislative
Review 2002-2003 – Departmental Expenditure
Estimates – Sustainable Development
Innovations Fund
Lathlin 1935

Annual Report of the Manitoba Association for
Resource Recovery Corporation for the year
ending December 31, 2001
Lathlin 1935

Introduction of Bills

Bill 25–The Hearing Aid Amendment Act
Chomiak 1935

Bill 11–The Animal Diseases Amendment Act
Wowchuk 1935

Oral Questions

Chiropractic Care
Murray; Doer 1936

Emergency Physicians
Driedger; Chomiak 1937, 1944
Tweed; Chomiak 1940
Mitchelson; Chomiak 1945

Adult Learning Centres
Gilleshammer; Caldwell 1940
Derkach; Caldwell 1941

Hecla Area Land Expropriation
Gerrard; Lathlin 1942

Auto Theft
Schuler; Mackintosh 1945

Gang Activity
J. Smith; Mackintosh 1946

Members' Statements

Chris Summerville
Jim Penner 1946

Unity Day
Aglugub 1947

Beausejour-Brokenhead Sportsplex
Hawranik 1947

Jack King and Bob Davies
Sale 1948

Hecla Area Land Expropriation
Gerrard 1948

ORDERS OF THE DAY

GOVERNMENT BUSINESS

Second Readings

Bill 23–The Pesticides and Fertilizers Control
Amendment Act
Wowchuck 1949

Bill 24–The Securities Amendment Act
Smith 1950

Bill 29–The Engineering and Geoscientific
Professions Amendment Act
Barrett 1951

Committee of Supply (Concurrent Sections)

Conservation 1953

Agriculture and Food 1967

Justice 1982