



Second Session - Thirty-Fifth Legislature
of the
Legislative Assembly of Manitoba

**DEBATES
and
PROCEEDINGS
(HANSARD)**

40 Elizabeth II

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Speaker*



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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Fifth Legislature

LIB - Liberal; ND - New Democrat; PC - Progressive Conservative

NAME	CONSTITUENCY	PARTY
ALCOCK, Reg	Osborne	LIB
ASHTON, Steve	Thompson	ND
BARRETT, Becky	Wellington	ND
CARR, James	Crescentwood	LIB
CARSTAIRS, Sharon	River Heights	LIB
CERILLI, Marianne	Radisson	ND
CHEEMA, Gulzar	The Maples	LIB
CHOMIAK, Dave	Kildonan	ND
CONNERY, Edward	Portage la Prairie	PC
CUMMINGS, Glen, Hon.	Ste. Rose	PC
DACQUAY, Louise	Seine River	PC
DERKACH, Leonard, Hon.	Roblin-Russell	PC
DEWAR, Gregory	Selkirk	ND
DOER, Gary	Concordia	ND
DOWNEY, James, Hon.	Arthur-Virden	PC
DRIEDGER, Albert, Hon.	Steinbach	PC
DUCHARME, Gerry, Hon.	Riel	PC
EDWARDS, Paul	St. James	LIB
ENNS, Harry, Hon.	Lakeside	PC
ERNST, Jim, Hon.	Charleswood	PC
EVANS, Clif	Interlake	ND
EVANS, Leonard S.	Brandon East	ND
FILMON, Gary, Hon.	Tuxedo	PC
FINDLAY, Glen, Hon.	Springfield	PC
FRIESEN, Jean	Wolseley	ND
GAUDRY, Neil	St. Boniface	LIB
GILLESHAMMER, Harold, Hon.	Minnedosa	PC
HARPER, Elijah	Rupertsland	ND
HELWER, Edward R.	Gimli	PC
HICKES, George	Point Douglas	ND
LAMOUREUX, Kevin	Inkster	LIB
LATHLIN, Oscar	The Pas	ND
LAURENDEAU, Marcel	St. Norbert	PC
MALOWAY, Jim	Elmwood	ND
MANNES, Clayton, Hon.	Morris	PC
MARTINDALE, Doug	Burrows	ND
McALPINE, Gerry	Sturgeon Creek	PC
McCRAE, James, Hon.	Brandon West	PC
McINTOSH, Linda, Hon.	Assiniboia	PC
MITCHELSON, Bonnie, Hon.	River East	PC
NEUFELD, Harold, Hon.	Rossmere	PC
ORCHARD, Donald, Hon.	Pembina	PC
PENNER, Jack	Emerson	PC
PLOHMAN, John	Dauphin	ND
PRAZNIK, Darren, Hon.	Lac du Bonnet	PC
REID, Daryl	Transcona	ND
REIMER, Jack	Niakwa	PC
RENDER, Shirley	St. Vital	PC
ROCAN, Denis, Hon.	Gladstone	PC
ROSE, Bob	Turtle Mountain	PC
SANTOS, Conrad	Broadway	ND
STEFANSON, Eric, Hon.	Kirkfield Park	PC
STORIE, Jerry	Flin Flon	ND
SVEINSON, Ben	La Verendrye	PC
VODREY, Rosemary	Fort Garry	PC
WASYLYCIA-LEIS, Judy	St. Johns	ND
WOWCHUK, Rosann	Swan River	ND

LEGISLATIVE ASSEMBLY OF MANITOBA

Tuesday, July 9, 1991

The House met at 1:30 p.m.

PRAYERS

ROUTINE PROCEEDINGS

PRESENTING PETITIONS

Mr. Daryl Reid (Transcona): Mr. Speaker, I beg to present the petition of Susan Hart-Kulbaba, Mike MacIsaac, Bonny Smith and others requesting that the provincial government withdraw provincial funding of The Pines project.

READING AND RECEIVING PETITIONS

Mr. Speaker: To the honourable member for Burrows (Mr. Martindale), I have reviewed the petition. It conforms with the privileges and practices of the House and complies with the rules. Is it the will of the House to have the petition read?

An Honourable Member: Agreed.

Mr. Clerk (William Remnant): To the Legislature of the Province of Manitoba.

The petition of the undersigned citizens, of the Province of Manitoba, humbly sheweth:

THAT the Winnipeg International Airport is vital to the economic health of the City of Winnipeg and the project known as "The Pines," in its current location, will jeopardize the future of Winnipeg International Airport.

THAT to risk the jobs of the hundreds of people who are employed at the airport is not in the best interests of the community.

THAT "The Pines" project will inhibit riverbank access to the general public.

THAT the strip mall portion of "The Pines" project will give a foothold to commercial development which is incompatible with the residential nature of the neighbourhood.

WHEREFORE your petitioners humbly pray that the Legislature of the Province of Manitoba may be pleased to respect the wishes of the neighbourhood by withdrawing provincial funding and preventing the construction of "The Pines" project; and

FURTHERMORE prevent projects of a similar nature from destroying our community.

And as in duty bound your petitioners will ever pray.

TABLING OF REPORTS

Hon. Glen Cummings (Minister of Environment): Mr. Speaker, I would like to take the 1989-90 Annual Report of the Clean Environment Commission.

Hon. Clayton Manness (Minister of Finance): Mr. Speaker, I would like to table Supplementary Information, detailed review Estimates, 1991-92.

* (1335)

ORAL QUESTION PERIOD

Budget

Impact Rural Manitoba

Mr. Gary Doer (Leader of the Opposition): Mr. Speaker, members of the government, the provincial Conservatives, like to comment about the federal Conservatives about the offloading onto the province of Manitoba, yet in the last budget, we saw massive offloading on the municipalities outside of the city of Winnipeg and communities outside of the city of Winnipeg, jobs being cut, services being cut, programs being offloaded onto the municipalities, the tax transfer being reduced due to the poor economic performance of the province by 13 percent, a complete double standard in terms of dealing with the municipalities in the province of Manitoba.

In this budget debate, the Minister of Finance said, and I quote, that the Brandon elected representatives and community representatives felt that "they came out of this budget totally unscathed." Those were the words of the Minister of Finance in this House, yet when we go to the elected representatives of the community of Brandon, Mr. Speaker, they talk about the cutbacks, the effect on the small business community, the negative spinoffs.

Council itself has passed a resolution in terms of the provincial government condemning the budget, its cutback and service reductions to the community

of Brandon and calling on the provincial government to return those services and those programs to the community of Brandon.

Will the Premier now listen to the people in rural Manitoba, not listen to his Minister of Finance (Mr. Manness), who said there was no effect in rural Manitoba, and restore those programs and services that are vital to the people of Brandon?

Hon. Gary Filmon (Premier): Mr. Speaker, I wish the member opposite would sort of be consistent. When I wanted to have a pair about 10 days ago to go out to the sod turning for the expansion of the Keystone Centre, an \$11-million project of which we are putting \$3 million in, the NDP refused me a pair. That is the way they want to have us out there consulting with the people of Brandon and being with the people of Brandon, announcing new initiatives and so on.

Mr. Speaker, in addition to that \$3 million, we have initiated a new Sun Centre—and I was there for the opening about a month ago—alcoholism and drug treatment facility that was denied by the former administration. In fact, the former administration wanted to pull out the administration of the AFM from Brandon. We have done that.

We have put in not only new administrative headquarters but a new treatment centre. We have given them \$300,000 or at least committed \$300,000 for downtown revitalization. We are working with them on a massive input with respect to the Southern Development Initiative for their water supply for the city of Brandon.

We have a variety of other projects, and I will tell him more about the things that we are doing—decentralization, more than a hundred jobs going to the city of Brandon; already announced, the construction of a new provincial government building facility for that decentralization, Mr. Speaker.

I would suggest that it is the Leader of the Opposition who ought to be consulting with the leaders in Brandon, because they are indeed very happy with all of these commitments, commitments that were unable to be achieved under the former New Democratic government, that have been achieved under this administration.

Mr. Doer: Well, I guess we have two choices. We can listen to the elected representatives from the community of Brandon about the cutbacks or we can listen to the rhetoric from the Premier, Mr. Speaker.

We are listening to the elected council that passed a resolution dealing with his budget and his government.

Further, Mr. Speaker, the community of The Pas has condemned the provincial government in a resolution that passed. The budget cutbacks will cost the community of The Pas jobs and services. It will hurt both the private and public sector in The Pas.

The community of Thompson has condemned the government. It has called the decentralization program that has been placed on hold of little benefit in cushioning the severe impact, and I quote: The severe impact of current loss of jobs in this community, and the council of Thompson and the council of The Pas, along with many other northern communities, northern Native youth, et cetera, are calling on the provincial government to quit hitting them with cutbacks and service reductions to people in their communities.

Will the Premier listen to the elected councils in those communities, or is he going to continue on his ideological ways with cutbacks and service reductions in the province of Manitoba?

* (1340)

Mr. Filmon: Mr. Speaker, I was at Thompson this past weekend for Nickel Days, and not one person raised that issue with me. I had most of the council—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order, please.

Mr. Filmon: The member for Thompson (Mr. Ashton) would not be aware, but members of council, including the mayor who introduced me at that particular gathering, came to an open reception that I held at Rotary Place on the Friday evening. I chatted with each of them individually, Mr. Speaker.

I might tell you that they are very happy with the buoyant economic times that Thompson is undergoing, because as a result of initiatives of this government and the economic climate, Inco is putting some \$287 million into the city of Thompson. As a result, Mr. Speaker, during the past year, they have had a new mall constructed. They have had a new hotel constructed. They have had commercial space expanded. They have had streetscaping, landscaping done around the downtown area. They have had a dialysis unit put into their hospital. They have had an extension to

their mental health treatment facility. They have had all of those things done. I had the supervisor of the Highways department there telling me how happy they are with the expansion of their Highways department operations in the city of Thompson.

As a matter of fact, Mr. Speaker, Thompson is one of the most buoyant areas of the province in terms of their economy. You might be interested in knowing that, just 10 days ago, there was a story that said Thompson had the highest per capita income of this entire province. That is because of all the economic thrust, thanks to the initiative and thanks to the economic policies of this government, this provincial government.

Mr. Doer: After you fire a thousand civil servants, I would not dare say you are not doing a good job if I was the Highways supervisor up in Thompson myself, Mr. Speaker.

Again we have the Premier's word or the word of the councils of The Pas and Thompson. We will take the word of the councils from Thompson and The Pas over the Premier's word.

Again we have other resolutions, unprecedented numbers of resolutions in rural Manitoba, and I think the Premier should start listening to these resolutions.

The town of Dauphin has identified a number of full-time jobs that have been lost in their payroll. They have identified a \$1.8-million loss to the town of Dauphin in the last budget. Further cutbacks in Dauphin affect their tax base. They talk about the reductions in the correctional facility. These cuts, they say, Mr. Speaker, the council will say, will mean that employees and their families will have to leave the community because of the provincial budget.

Again, the town of Dauphin is asking for the government to restore the services and programs to the community of Dauphin. It is asking for sensitivity from this government, not rhetoric that we hear in this Chamber. In fact, the Premier sounds like the Prime Minister when he is answering questions about offloading to provinces. He sounds exactly the same, not listening to the people of Manitoba.

I would ask the Premier, would he consider the words and ideas from the people in the Parkland, the elected representatives in the Parkland region in his budget deliberation?

Mr. Filmon: Mr. Speaker, the member may recall the attitude that he took and his government took

when they were in office with respect to the provincial-municipal tax sharing arrangement where they arbitrarily without consultation and without any sense of fairness capped the growth of transfers of that provincial-municipal tax sharing arrangement to 5 per cent when it was increasing by 13 per cent. As a result, some \$6 million of additional money was cut off arbitrarily from the municipalities.

That member, with no sense of shame whatsoever, said in this House, in defending that arbitrary cut of \$6 million of income from the municipalities, quote: The area of environment, another tremendous challenge. Now, who carried the primary responsibility from those areas? It is not the municipalities that carry those challenges of delivering those services to the citizens of Winnipeg or to the other citizens of other municipalities. So we decided, because we carried the challenge, that we would cap the municipal grants. We knew the municipalities would complain. We know there would be flak. We knew there would be criticism. We also knew that the biggest pressure for spending, if you look at the next 15 years for any of us on behalf of the citizens, was going to be in the area of health care. There is no question about that.

He goes on to say they were happy to cut their transfers to the municipalities because they felt that the provinces had the major responsibilities to Health, to Environment and to Education. Now, Mr. Speaker, enough of that hypocrisy when this government is trying to live within its means. We do not need to have that hypocrisy from the Leader of the Opposition.

* (1345)

Highway Upgrading Municipal Consultations

Ms. Rosann Wowchuk (Swan River): Mr. Speaker, I hope the consultation with rural Manitoba goes beyond sod turning, because this government certainly has not consulted with municipalities.

My question is to the Minister of Highways. In the recent budget, the government announced that they were offloading 2,000 kilometres of roads to municipalities at the cost of \$6 million. Municipalities were told that they would be consulted with before this was carried out. However, municipalities have gotten letters of the roads that they are going to have to pick up just in the last week. Many of these roads are high-traffic roads, roads that have bridges on them, and they

are very concerned because there is no bridge program. These are very serious concerns.

How is this arbitrary decision made without consultation with municipalities? Was this done solely on a political basis, because there certainly was not consultation?

Hon. Albert Driedger (Minister of Highways and Transportation): First of all, Mr. Speaker, I would like to compliment the member for raising that question. The budget came down months ago, and finally this question has come forward.

Mr. Speaker, the decision to transfer 2,000 kilometres of roads back to the R.M.s was very difficult for this government to make. However, it was felt at that time the rationale for that was to some degree the fact that we had an expensive GRIP program for the farm community, and it was a decision of this government that those departments that were servicing the rural area would have to help carry some of the pickup on this because the GRIP program was directed at the agriculture community.

In view of consultation, Mr. Speaker, might I just indicate that, from the time the decision was made, I have met approximately four times with the executive of the UMM, explained the rationale for it and the process. I attended almost all of the regional municipal meetings just two weeks ago, and I personally stood up in front of the municipal people and explained why we made the decision and the process that was taking place. I have further information if the member wants to pursue this area.

Ms. Wowchuk: Mr. Speaker, I would just like to correct the minister because on April 23 we did raise the issue, and we raised it many times.

Doug Gourlay Contract Tabling Request

Ms. Rosann Wowchuk (Swan River): Will the minister today in the Legislature table the contract with former MLA Doug Gourlay, along with his qualifications and professional experience in infrastructure maintenance and explain his qualifications that made him qualify for the position as a consultant, or was this another patronage appointment from this government for a former MLA?

Hon. Albert Driedger (Minister of Highways and Transportation): Mr. Speaker, the additional information that I was going to give—I indicated at

these regional meetings that I attended with the municipal people, indicated to them, that the information I had sent them in terms of roads that we had ID'd for them to take over, that this was not necessarily cast in stone and that I would have a representative come out and consult with them and talk with them to see whether there were different options.

Mr. Speaker, I am very pleased and proud that I have a man of the ability of Doug Gourlay, whom I have hired on a contract basis to go out and meet with the municipalities during this time, to consult with them to see what concerns they have and whether we can alleviate those concerns. I have no difficulty in terms of tabling the contract. I do not have it here right now. I will get the information for the member.

Highway Upgrading Municipal Consultations

Ms. Rosann Wowchuk (Swan River): Mr. Speaker, the municipalities that I have talked to have not been consulted with. They have just gotten the letter.

Why does the minister not take his responsibility seriously and himself meet with the municipalities or have one of his bureaucrats meet with the municipalities, rather than filtering it through a political hack who does not have any accountability?

* (1350)

Hon. Albert Driedger (Minister of Highways and Transportation): Mr. Speaker, I take offence to the reference for an elected member who served your area for many years very capably and was minister of Municipal Affairs to be called a political hack. We will make sure to see what the people in the area think about that.

Mr. Speaker, this—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order, please. The honourable minister, to finish his response.

Mr. Driedger: Mr. Speaker, I repeat, I consider it an insult for a man of the integrity of Doug Gourlay to be called a political hack.

The member raises a question as to why I do not personally meet with each municipality. There are 114 municipalities, and there are 11 local government districts. The intention has been that Mr. Gourlay will go and pick up what information the

municipalities have to give. We will sit down with Mr. Gourlay and with the district engineers and see whether we can adjust the concerns that people have.

Mr. Speaker, she asked why he has not been around to talk to some of these people. There are 114 municipalities, and I can indicate to you that Mr. Gourlay is going from morning to late at night to contact and work with these municipalities. They will all be contacted before anything is cast in stone.

Immigrant Investments Investor Return

Mrs. Sharon Carstairs (Leader of the Second Opposition): Mr. Speaker, the First Minister has taken a direct interest in immigration in this province. Indeed, many of us are deeply concerned that some of his appointments to the Civil Service have used immigrants in ways unacceptable to the Canadian ethic. Immigration investment funds have been established, and their money is coming into this province. One of the principles of these funds is a return on the investment to the immigrant investor.

Can the Premier tell the House today what return on investment should be expected in the province of Manitoba through the donation to a political party?

Hon. Gary Filmon (Premier): Mr. Speaker, given that there were many corporate investors to the Liberal campaign, I am sure that the Leader of the Liberal Party could answer that perhaps better than I could. I know that in one case the return on an investment in her campaign was that she asked some questions on behalf of an individual in the Estimates process here in the Legislature.

I can tell you that I do not look at any political donation as being anything other than an interest in the betterment of government and the kind of policies that are good for the economy of Manitoba, and that there are many people throughout society who make those donations because they believe in good government, voluntarily and without any expectation of return but rather to have a good political environment, a good economic environment in this province.

Canada Maple Leaf Fund PC Party Contributions

Mrs. Sharon Carstairs (Leader of the Second Opposition): The First Minister, in response to questions which were asked on April 29, 1991, very

clearly identified immigrant investment funds as an opportunity for investment, that those monies had to be placed in a secure vehicle and in a secure investment opportunity.

Can the First Minister tell this House how the investment by the Canada Maple Leaf Fund of \$3,300 in the Progressive Conservative Party is a secure vehicle and a secure investment opportunity?

Hon. Gary Filmon (Premier): Mr. Speaker, it is my understanding that the money did not come from the fund and from the investors, that it came from the management group who operate the fund.

Immigrant Investments Investor Return

Mrs. Sharon Carstairs (Leader of the Second Opposition): Given that the Manitoba government reserves the right to accept or reject any immigrant investment proposal, will the First Minister tell us today if contributions to the Progressive Conservative Party is a condition of that approval, as we saw in the case of the approval of the MHRC lease which went to friends of this government whose building was financed by the Canada Maple Leaf Fund?

Hon. Gary Filmon (Premier): No, Mr. Speaker.

Low-Income Families Government Initiatives

Mr. Doug Martindale (Burrows): My questions are for the Minister of Family Services.

On CJOB this morning, we were reminded again of the plight of poor people during this recession. Since this government took office in 1988, thousands of people have come to rely more and more on food banks every month, almost half of them children.

Cutbacks in vital services have meant that preventive programs, like those offered by parent-child centres, Pritchard Place Drop-In Centre and Family Services agencies and others have been forced to close down, restructure services or have been placed in jeopardy as private funding runs out.

In answer to this crisis, the government has taken no action to enhance or protect services for those most in need. Instead, this minister has announced changes such as a benefit reduction for people enrolled in the student social assistance program.

Will the minister now tell this House why he has specifically targeted for cutbacks or regressive changes, essential programs for people living in poverty and inner-city youth?

* (1355)

Hon. Harold Gillehammer (Minister of Family Services): I would like to remind the honourable member that this department saw an increase in budget of 6.9 percent, funding that goes to many vulnerable families and people within the city of Winnipeg and the province of Manitoba.

This department deals with many groups that are vulnerable, and we have to make decisions where we spend that additional money. The member references Winnipeg Harvest, and in my discussions with David Northcott, the executive director, he has indicated that he is pleased that they do not rely on government support and do not want government support for a community-based issue like Winnipeg Harvest.

I commend him and his board of directors for that. It allows volunteers from the community to put forward their efforts to provide the food that is distributed by Winnipeg Harvest. This allows the existing resources that people on social allowances and others can access.

Mr. Martindale: Mr. Speaker, for once I am in agreement with this minister, and that is food banks should not be supported by governments because people should be provided sufficient assistance so they do not have to go to food banks. Instead of making progressive changes, the government is going backward.

Social Assistance Security Deposit Policy

Mr. Doug Martindale (Burrows): Why has this minister changed the policy of deducting unreturned security deposits from social assistance cheques at the rate of 5 percent a month, so that now the total amount is deducted from one cheque, causing extreme hardship for individuals and families and forcing them to go to food banks so that they can meet their basic needs for survival?

* (1400)

Hon. Harold Gillehammer (Minister of Family Services): I would point out to the member that food banks are not a phenomenon that started this year, but have been in existence from the earlier part of the '80s.

I would also point out to him that, in a time when this government is dealing with the situation where revenue to government is neutral, we have increased the funding for social allowance recipients by some 4.5 percent. I would refer him back to the mid-'80s when government revenues were considerably more, where the increases in social allowance were around 2 percent, 2.5 percent. Even though our capacity to increase social allowances has been limited, we have given an increase of some 4.5 percent.

I would also point out to him that the goods and services tax rebate that is given to many Manitobans is not considered as additional income for those families, and we have passed through that entire amount so that people on social assistance can receive the full benefit of it.

Mr. Martindale: Mr. Speaker, this minister always quotes statistics selectively. He always leaves out 1982 when the increase was 16.5 percent and 1983 when the increase was 10 percent. He never mentions those two years.

Pritchard Place Funding

Mr. Doug Martindale (Burrows): Will the minister tell the House why he has flatly refused to provide funding to Pritchard Place Drop-In Centre instead of providing Core funding so that this important drop-in centre resource in the north end can keep children off the streets which, in the long run, is much more desirable and cheaper?

Hon. Harold Gillehammer (Minister of Family Services): Mr. Speaker, I would remind the member that we do fund Rossbrook House, which provides a similar service to that area of the city. There are a number of organizations that have grown up through funding which was seed money provided by Core Area Initiative. Part of their mandate was to secure long-term funding over the course of their mandate, and they have been unable to do so.

We simply do not have the capacity in government to pick up the funding for all of the organizations that received seed money from other groups, from the City of Winnipeg, from Core Area Initiative, and we are unable to take the place of that funding that was put in place by other organizations.

Manitoba Public Insurance Corp. Amarjeet Warralch Claims

Mr. Jim Maloway (Elmwood): Mr. Speaker, my question is to the minister in charge of MPIC. Before I ask him a question, though, I would like to table copies of a report done by Target Investigations for the MPIC.

Mr. Speaker, a top Autopac manager said that lawyers did not tell police they had evidence of a \$15,000 bribe attempt because it is not their department. The minister claims it is not his problem, even though he appoints the board over at MPIC.

Mr. Speaker, how many other reports dealing with the Warralch case are circulating in any other departments? What has the minister done with them?

Hon. Glen Cummings (Minister responsible for the Manitoba Public Insurance Act): Mr. Speaker, I am glad the member decided to table the report. I am sure that he would not want to put on the record anything that he cannot substantiate.

The fact is, Mr. Speaker, I am quite prepared to work through the system. I have asked MPIC to provide me with details on whether or not they have contacted any other agencies at that time, and if not, why not?

Mr. Maloway: Mr. Speaker, we have been informed by senior officials at the MPIC that there are other reports.

Can the minister table any other Warralch reports so the public will know what is going on?

Mr. Cummings: Mr. Speaker, I do not bring forward individual reports from the corporation, but I certainly believe that any information that is pertinent should be provided by the corporation. I will inquire if there are items that have not been referred to.

Mr. Maloway: Mr. Speaker, my final question to the same minister is: Who at Autopac approved the six out-of-court settlements? Why?

Mr. Cummings: Mr. Speaker, the procedure, as I understand it, was that the corporation had gone to court on an original claim that was produced on behalf of these people. Other claims were taken forward for pretrial hearings, and decisions were made on the basis of information that was brought forward at that time.

Manitoba Telephone System Salary Bonuses

Mr. James Carr (Crescentwood): Mr. Speaker, I have a question for the Minister responsible for the Manitoba Telephone System.

Mr. Speaker, yesterday we were contacted by an employee of MTS who told us that some 50 to 20 employees in the St. James Street office of the Manitoba Telephone System received salary bonuses ranging from \$1,500 to \$1,900. The employee said that the money actually came from an underspent portion of the particular budget of this department, which was some \$40,000.

We immediately tried to confirm the situation with Mr. Pedde, the president of the Manitoba Telephone System, but we learned he was on vacation. His office promised to provide an explanation, but we have not yet heard anything back from the Manitoba Telephone System.

So my question to the minister is very simple: Will he try to confirm the situation and report back to the House as soon as possible what the status of those bonuses may be?

Hon. Glen Findlay (Minister responsible for the administration of The Manitoba Telephone System Act): Mr. Speaker, I will investigate the allegations the member is making and determine if the information as given is accurate and report to him.

Bill 70 Salary Bonuses

Mr. James Carr (Crescentwood): Mr. Speaker, my supplementary question is to the Minister of Finance.

Since we are now debating a bill, Bill 70, which freezes the wages of some 48,000 public servants in the Province of Manitoba, what is the minister and the government's policy about bonuses given to employees for whatever reason in Crown corporations?

Hon. Clayton Manness (Minister of Finance): Well, Mr. Speaker, firstly, we will look into the accuracy of the question put forward just previous. Let me indicate that the provisions of Bill 70 are quite clear with respect to that area. Certainly merit increases are allowed for; all other types of increases are not.

Manitoba Telephone System Oz Pedde Contract

Mr. James Carr (Crescentwood): With a final supplementary question to the Premier, would the Premier please table the contract between the Manitoba Telephone System and its chief executive officer?

Hon. Gary Filmon (Premier): Mr. Speaker, I will take that question as notice.

Immigration Government Services

Ms. Marianne Cerlill (Radlsson): Mr. Speaker, the federal government's agenda for Canadian immigration is becoming very clear. They are sloughing off responsibility for immigration and settlement onto the provinces. We have seen it with English as a Second Language. Now we are seeing it with immigration and refugee boards and the documentation centre in Manitoba.

Mr. Speaker, these are the tools that are needed by legitimate and legal newcomers to Canada. Without ESL and services like the documentation centre, we are opening the door for immigrant consultants who are eager to exploit people.

My question is for the Minister of Culture, Heritage and Citizenship. Given that the closing of the Immigration and Refugee Board and the documentation centre is the first step to moving these services to Vancouver and to Toronto, which her department, I might add, will be asked to pick up, will the minister tell the House what she has done and what she will do to ensure that immigrants and refugees in Manitoba will not go without these important services?

Hon. Bonnie Mitchelson (Minister of Culture, Heritage and Citizenship): Well, Mr. Speaker, I am certainly glad that the New Democratic Party has finally recognized what the Manitoba government has done for ESL training in our province, because we realize and we recognize that it is a very vital and very important service to new immigrants who come to our province. We have increased our commitment substantially with increased funding for ESL programming in the province of Manitoba. I can assure members of the NDP government that commitment will remain from this provincial government.

Ms. Cerlill: All I can say is, it looks like the federal government is taking lessons from this government when it comes to cuts and elimination of services.

Prairie Regional Documentation Centre Government Use

Ms. Marianne Cerlill (Radlsson): There was no consultation with user groups, the church groups and other, lawyers, who help immigrants and refugees, and the material for the documentation centre is sitting there.

My question for the minister is: Will the minister look into ensuring that the resource material from the documentation centre is not lost to Manitoba? Will her department look into accessing the database from the resource centre—

Mr. Speaker: Order, please. The question has been put.

Hon. Bonnie Mitchelson (Minister of Culture, Heritage and Citizenship): Mr. Speaker, we will do everything within our power as a provincial government to ensure that immigrants to the province of Manitoba are well serviced. We will look into all of the issues surrounding immigration and ensure that we are giving quality protection and service to new immigrants to our province.

Ms. Cerlill: The refugees being affected by the loss of this centre are some of the most vulnerable residents of our province. They are in limbo.

Has the minister considered the number of refugee claimants who will be affected by the loss of this centre in Manitoba? Has she also considered how the loss of this centre in Manitoba will affect Manitoba's ability to have refugees come to our province?

* (1410)

Mrs. Mitchelson: Mr. Speaker, the reason this government changed my department to the Department of Culture, Heritage and Citizenship was to put more emphasis on citizenship, immigration and new immigrants to our province.

We have just appointed an assistant deputy minister, Doris Mae Oulton, who is going to be co-ordinating citizenship in the province of Manitoba. We will be ensuring, with that appointment and with the services that will be provided through my department, that there will be good service to all immigrants in Manitoba.

Goods and Services Tax Sales Tax Harmonization

Ms. Jean Friesen (Wolseley): Mr. Speaker, last night the Premier (Mr. Filmon) spoke forcefully, perhaps even flamboyantly, on committing his government to no additional taxes. The Deputy Premier (Mr. Downey), in discussing municipal licensing this morning, repeated some arguments in the same way. Given the extensive offloading onto school boards and municipalities across this province, such claims are extremely hollow.

I would like to ask the Minister of Finance today: Will he give a clear assurance to Manitobans that he will not be harmonizing the provincial sales tax and the GST?

Hon. Clayton Manness (Minister of Finance): Mr. Speaker, the member's question speaks volumes as to the internal struggles within the NDP caucus.

As the government indicated in the budget, the harmonization as between the province sales tax, retail sales tax and the goods and services tax, federal, required some deep analysis, did require significant consultation with the community at large. That is occurring on a daily basis.

At this point, the government is not in a position to state what direction it will be taking but certainly will be no doubt in the next three or four months. I can indicate—(interjection)—Mr. Speaker, that comes as no surprise. I have made that announcement before. It was within the budget. Let me say, certainly some of the revelations with respect to the federal goods and services tax, as we begin to see it unravel—I should not use the word “unravel,” but certainly as we see it unfold—would indicate that there are some major concerns that this province has with respect to any harmonization issue.

Ms. Friesen: I gather then that harmonization is not out of the question as far as this government is concerned.

Goods and Services Tax Impact Publishing Industry

Ms. Jean Friesen (Wolseley): One of the industries to be adversely affected by harmonization is the publishing and retail book trade. It is becoming clear that, at every stage of the industrial chain, paper production, printing, distribution and the retail book distributors, as well, are now being extensively taxed.

In Estimates two months ago, I asked the Minister of Culture, Heritage and Citizenship to investigate the impact of harmonization in Saskatchewan, where booksellers have experienced dramatic losses since April. I would like to ask the Minister of Culture, Heritage and Citizenship: Has she completed that investigation, and will she indicate when she will be tabling the report?

Hon. Bonnie Mitchelson (Minister of Culture, Heritage and Citizenship): That work is still ongoing within the Department of Culture, Heritage and Citizenship, and when we have anything concrete to report, that will be reported.

Ms. Friesen: My final question is for the Minister of Culture, Heritage and Citizenship.

Given that the recent federal changes, including the GST, have had severe effects on library acquisitions and programs across the province to the extent that even free donations that are coming in from the United States are now costing libraries hundreds of dollars to get through customs with custom broker fees and the addition of GST on the custom brokerage, I would like to ask the minister: Will she commit herself now to a study of the effect of free trade and the GST on library services to Manitobans, and will she table the results of her survey in the Legislature?

Mrs. Mitchelson: I would like to indicate, as I think I have indicated in the past, when we took over as government, library services to Manitobans, especially in rural Manitoba, were the worst across the country, not something that can be changed overnight or improved overnight; but as a result of that, we put in place the Public Library Advisory Board, which was defunct under an NDP administration. They have been holding extensive consultations throughout rural Manitoba and will be coming back in the fall with a report to government on how we can attempt to improve the library distribution system. I think we have made some major advances, and we are going to ensure, through that process, that we are enhancing library services for Manitobans.

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

Nonpolitical Statement

Ms. Jean Friesen (Wolseley): May I have leave to make a nonpolitical statement?

Mr. Speaker: Does the honourable member for Wolseley have leave to make a nonpolitical statement?

Some Honourable Members: Leave.

Mr. Speaker: It is agreed.

Ms. Friesen: I would like to ask the House to join with us in expressing our delight in the international recognition offered yet again to the Royal Winnipeg Ballet at the Helsinki International Ballet Competition. In particular, we want to add to the congratulations offered to the new soloist, Miss Suzanne Rubio for gaining entry to this prestigious competition and for her award. We celebrate, too, the highest award for ballet accompanist to Barbara Riske, a constituent in Wolseley and widely recognized in the musical community of Manitoba and to Mark Godden, resident choreographer, who shared second prize for his composition.

Mr. Speaker, we congratulate the artists and the company. In so doing, we recognize that all Manitobans can take pride in this. Over a third of the funds of the Royal Winnipeg Ballet are from public funds, a policy supported by both sides of the House. The various governments of Manitoba have also given support to the development of audiences for all forms of dance in our province. This has played an important role in enabling the Royal Winnipeg Ballet to find its other financial support in the private sector.

International artists, public support, and growing audiences for dance make a clear difference to the cultural life of Manitobans.

Committee Changes

Mr. Edward Helwer (Gimli): Mr. Speaker, I move seconded by the member for St. Vital (Mrs. Render), that the composition of the Standing Committee on Industrial Relations be amended as follows: The member for Morris (Mr. Manness) for the member for Gimli (Mr. Helwer); the member for Roblin-Russell (Mr. Derkach) for the member for Assiniboia (Mrs. McIntosh).

Mr. Speaker: Agreed? Agreed.

Mr. George Hckes (Point Douglas): I would like to make a committee change. I move, seconded by the member for Wellington (Ms. Barrett), that the composition of the Standing Committee on Industrial Relations be amended as follows: St Johns (Ms. Wasylycia-Leis) for Kildonan (Mr. Chomiak) for Tuesday, July 9, 1991, at 8 p.m.

The second change is, I move, seconded by the member for Wellington (Ms. Barrett), that the composition of the Standing Committee on Industrial Relations be amended as follows: Point Douglas (Mr. Hckes) for St. Johns (Ms. Wasylycia-Leis); Interlake (Mr. Cliff Evans) for Selkirk (Mr. Dewar); Brandon East (Mr. Leonard Evans) for Thompson (Mr. Ashton) for Wednesday, July 10, 1991, at 8 p.m.

Mr. Speaker: Agreed? Agreed.

House Business

Hon. Clayton Manness (Government House Leader): Mr. Speaker, on House Business, I would like to announce that the Standing Committee on Industrial Relations will sit tonight at 8 p.m., tomorrow night at 8 p.m., Thursday morning at 10 a.m., continuing Thursday evening at 8 p.m., Friday afternoon at 1 p.m., and Saturday morning at 10 a.m., continuing all day Saturday.

Mr. Speaker: I would like to thank the honourable Government House leader for that information.

ORDERS OF THE DAY

Hon. Clayton Manness (Government House Leader): Mr. Speaker, would you call firstly Report Stage, Bill 6, then Bill 53, and then Bills 8, 12, 20, 36, 52, 53 and 60.

REPORT STAGE

Bill 6—The Mines and Minerals and Consequential Amendments Act

Hon. Harold Neufeld (Minister of Energy and Mines): I move, seconded by the Minister of Government Services (Mr. Ducharme), that Bill 6, The Mines and Minerals and Consequential Amendments Act; Loi sur les mines et les minéraux et modifiant diverses dispositions législatives, as amended and reported from the Standing Committee on Public Utilities and Natural Resources be concurred herein.

Motion agreed to.

* (1420)

DEBATE ON SECOND READINGS

Bill 53—The Natural Products Marketing Amendment Act

Mr. Speaker: On the proposed motion of the honourable Minister of Agriculture (Mr. Findlay), Bill 53, The Natural Products Marketing Amendment Act; Loi modifiant la Loi sur la commercialisation des produits naturels, standing in the name of the honourable member for Swan River (Ms. Wowchuk).

Stand? Is there leave that this matter remain standing? Leave? Agreed.

Mrs. Sharon Carstairs (Leader of the Second Opposition): I would like to put some comments on the record with respect to Bill 53, The Natural Products Marketing Amendment Act. I will be the only speaker speaking for the Liberal Party in the House and recommend that it go on to committee as soon as possible.

Bill 53 allows producer boards, marketing commissions or an extra provincial board to establish a fund to compensate producers for the prevention, control or destruction of plant or animal products due to disease for the benefit of producers of the product and/or the public and, as such, has a whole range of good expectations.

This is the kind of legislation which I think we all can support without any difficulty. The problem that occurs with this particular bill is that there appears to be further offloading by the province onto the farmers because the province is not to make any contribution, at least according to this act, to this fund, not even in its early stages, until the fund is up and operating and is truly viable. That is in fact our only objection to the bill.

It is certainly not the principle of the bill that we oppose in any way, shape or form, but we do not know how this fund can become truly viable if it does not have any monies put into the fund, at least in its start-up fees, so that there is a piece of legislation on the books that can become immediately available to the farmers in terms of producer boards, marketing commissions and others who require the necessity of funding to compensate the producers so that we can prevent disease, if we can control the destruction of animal and plant products in the province of Manitoba.

We are concerned that this is one example yet again of the lack of responsibility that this

government is taking to agriculture. I was somewhat amazed in Question Period to hear the Minister of Highways (Mr. Driedger) talk about the tremendous offloading or the tremendous new revenues that have been given to the Department of Agriculture for the GRIP program. Mr. Speaker, that is simply not true.

The budget of the Department of Agriculture this year is actually \$8,000 less than the budget of the Department of Agriculture last year. The cost of the GRIP program has been absorbed entirely by other programs which have been curtailed in the Department of Agriculture. It has not required new monies from any other department to pay for the GRIP program; it has required only the moving around of funds within the agricultural budget itself. Now we see a piece of legislation which is to be introduced and which has value in and of itself, but without any funding. It should be noted that the previous government funded up to 50 percent of this kind of expenditure. We see no funding whatsoever for this particular piece of legislation. We would like from the minister at the committee stage to inform us in the clearest possible terms why there is no funding and what usefulness he thinks this bill can be if in fact there is no money to provide the very compensation that the bill addresses.

With those words, Mr. Speaker, I am prepared on behalf of my party to see this bill go to committee.

Mr. Speaker: As previously agreed, this matter will remain standing in the name of the honourable member for Swan River (Ms. Wowchuk).

Point of Order

Mr. John Plohman (Dauphin): I would be prepared—is this bill being called again today as was announced by the House leader or was that just simply an error? I would be prepared to speak on it if the Minister of Agriculture (Mr. Findlay) was able to be present to participate in the debate. We will leave it till later on, though, Mr. Speaker.

Mr. Speaker: On the point of order raised, I believe the honourable government House leader did call the same bill twice, so there will be, for sure, another opportunity.

Bill 8—The Vital Statistics Amendment Act

Mr. Speaker: On the proposed motion of the honourable Minister of Family Services (Mr.

Gillieshammer), Bill 8, The Vital Statistics Amendment Act; Loi modifiant la Loi sur les statistiques de l'état civil, standing in the name of the honourable member for Kildonan, who has 25 minutes remaining.

Mr. Dave Chomlak (Kildonan): Mr. Speaker, I am prepared to let the bill remain standing in my name. In fact, we are prepared to have the matter, I believe, go to committee.

Mr. Speaker: Is the House ready for the question? The question before the House is second reading of Bill 8, The Vital Statistics Amendment Act; Loi modifiant la Loi sur les statistiques de l'état civil.

Is it the pleasure of the House to adopt the motion?

Some Honourable Members: Agreed.

Mr. Speaker: Agreed and so ordered.

Bill 12—The Court of Queen's Bench Small Claims Practices Amendment Act

Mr. Speaker: On the proposed motion of the honourable Minister of Justice and Attorney General (Mr. McCrae), Bill 12, The Court of Queen's Bench Small Claims Practices Amendment Act; Loi modifiant la Loi sur le recouvrement des petites créances à la Cour du Banc de la Reine, standing in the name of the honourable member for Kildonan.

Mr. Dave Chomlak (Kildonan): Mr. Speaker, I can indicate to the House that I will be the final speaker for our party with respect to this bill, and following my brief comments on the bill, we will be prepared to pass the matter on to committee for discussion by the House.

(Mrs. Louise Dacquay, Deputy Speaker, in the Chair)

It is with some pleasure that I rise to talk about The Small Claims Practices Act which in fact has been the innovation, not simply in the province of Manitoba, but in all jurisdictions in the country, that has done more probably in tangent with Legal Aid to place justice, Madam Deputy Speaker, in the hands of the people and to somehow give the citizens of the jurisdiction and of the province an opportunity to settle their disputes and to settle their actions without costly, without lengthy, without intricate and without overly technical court proceedings to take place.

I dare say that the Court of Queen's Bench Small Claims actions, together with Legal Aid, have done probably more than any other single component of

our legal system in the last decade and perhaps generation to assist the public in feeling greater ownership for the legal system than any other actions undertaken. For the most part, Madam Deputy Speaker, when reviewing the amendments made by the minister to The Court of Queen's Bench Small Claims Practices Act, we do not have any difficulty in reviewing the specific areas that the minister seeks to amend in this particular act.

In fact, I can speak personally from some experience in the Court of Queen's Bench Small Claims action. I have had considerable personal experience in that particular court. In fact, in my private practice, I adopted a habit of instructing clients to undertake these actions themselves on the basis that, in my personal opinion, the lawyers simply serve to perhaps lengthen the proceedings and to move away from what was in fact the intention of Small Claims Court in the first instance when it was established. In my own personal practice, I endeavoured to encourage clients not—unless they insisted or unless they felt it was really necessary, I actually discouraged them from necessarily having a lawyer in those proceedings, although I instructed them as best I could to the actions of the Court of Queen's Bench.

* (1430)

I can thank the minister for providing myself and, I assume, the Liberal critic in this area with a spreadsheet outlining the changes in the proposed bill and general comments with respect to the changes in this bill, Madam Deputy Speaker. It is very useful, particularly when the documentation is forwarded at an early date. It certainly allows us to give proper scrutiny to bills, particularly bills of this kind that are largely technical and largely legal in their orientation. It certainly is of much assistance, and I thank the minister for providing us with a spreadsheet to outlining the changes in The Court of Queen's Bench Small Claims Practices Amendment Act.

Madam Deputy Speaker, I can indicate that there will be several questions which we wish, on this side of the House, to raise with the minister with respect to these particular amendments. In general, in terms of my analysis of the amendments, they seem to break down to rather two key areas that I stressed in my review of the act are of great importance. The first is the exclusion of certain actions from Small Claims. I believe that previously they were excluded but for reasons probably of clarification.

This is something that we will probably query the minister of in committee. There has been delineated in the act specific points and specific actions that are no longer or in fact never were in point of fact, but certain actions that do not come before Small Claims Court.

This is one of the major endeavours of the minister in terms of this particular amendment. Of course, we will not be dealing with specifics in my comments, but I note that such matters as family matters, certain civil proceedings and wills and estates have been excluded. While I initially in my review had some concern about them, on reflection and discussion with individuals involved in the legal system, it appears to me that these particular changes are nothing onerous and will not detract from what is in fact the purpose of this act, bringing justice to the people in a swift and expeditious manner.

The second major change that appears to me to be of significance in this particular act is the question of appeal. That has been a longstanding contentious issue in the Court of Queen's Bench Small Claims. Specifically, the matter addressed in this particular bill deals with a question of an individual not showing up, who has launched an action and then subsequently being given the right to appeal the action.

The particular changes, as proposed, would require the individual in that instance, Madam Deputy Speaker, to seek leave of a judge from the Court of Queen's Bench prior to proceeding on appeal. I am quite certain that many, many individuals involved in the Small Claims Court system—and I can indicate in matter of fact, members of the private bar will welcome this particular provision insofar as in some cases individuals who took advantage of this particular provision appeared to be getting two shots at a case. In fact, an individual would launch an action and not have to show up. Another party would be forced to attend at court. The individual who did not attend would lose the action. Then subsequently an automatic right of appeal was given, and there was a trial de novo, that is, a new trial at the Queen's Bench level.

Many individuals felt in the legal system that this was in fact a loophole that allowed individuals to perhaps abuse the system and perhaps abuse other individuals involved in the legal system. We will be asking the minister some specific questions with

respect to this particular amendment, Madam Deputy Speaker. I just in general would like to comment in closing about the whole area of small claims. I said in my initial comments that I thought the two areas that were most progressive in terms of bringing justice to the people, if I can put it in those terms, in the last decade or two decades, has been the Small Claims action and the implementation of Legal Aid plans across the country and certainly, if anything, that we could suggest on this side of the House would be for an expansion of the whole activities of the Court of Queen's Bench Small Claims.

I can indicate again from my own experience in private practice that while certain positive measures have been taken in the recent amendments to The Court of Queen's Bench Act and the rules governing The Court of Queen's Bench Act and the way that trials are conducted and all activities around the court are conducted, nonetheless, justice does grind quite slowly. In fact, I had occasion to indicate a review of Roman law. In 200 B.C. there was a particular statute that indicated contracts must be dealt with in the jurisdiction where the contract was made within 10 days of dispute.

We could only wish for that kind of a development in our legal system, Madam Deputy Speaker. When you look at the Court of Queen's Bench Small Claims action, one of the purposes of it was to provide for swift resolution of matters of this kind. I dare say we are not even close to the 10-day period of resolution under the Court of Queen's Bench Small Claims action.

That is not a criticism of it. I think it is functioning relatively well, is much more expeditious and disposes of matters quite efficiently. While that is not meant as a criticism, it is meant as a suggestion perhaps in the future for an improvement or whatever we can do to expedite matters at the Court of Queen's Bench Small Claims, can only be an improvement in the legal system and can only help the public to have greater respect for the judicial system and, as well, to allow members of the public to perhaps participate to a greater extent, not a lesser extent, at the Court of Queen's Bench Small Claims, because as the public participates in it to a greater extent, it only lessens the burden at the other levels of the judicial system and frees up much of that time for, shall I say, more complicated, though not necessarily less important matters.

In general, Madam Deputy Speaker, those will conclude my comments. We will ask that the matter be passed onto committee.

Madam Deputy Speaker: Is the House ready for the question? The question before the House is second reading of Bill 12. On the proposed motion of the honourable Minister of Justice (Mr. McCrae), The Court of Queen's Bench Small Claims Practices Amendment Act. Is it the pleasure of the House to adopt the motion?

Some Honourable Members: Agreed.

Madam Deputy Speaker: Agreed? Agreed and so ordered.

* * *

Hon. Clayton Manness (Government House Leader): Madam Deputy Speaker, I had asked you to call Bill 20 next, but I am waiting for the Minister of Agriculture (Mr. Findlay) to be present. Could you therefore then go to Bill 36, and then come back to Bill 20?

Bill 36—The Legal Aid Services Society of Manitoba Amendment Act

Madam Deputy Speaker: To resume debate on second reading, on the proposed motion of the honourable Minister of Justice and Attorney General (Mr. McCrae), (Bill 36), The Legal Aid Services Society of Manitoba Amendment Act; Loi modifiant la Loi sur la Société d'aide juridique du Manitoba, standing in the name of the honourable member for Kildonan.

Mr. Dave Chomlak (Kildonan): I can indicate, Madam Deputy Speaker, that I will be the last speaker of our side of the House who will be dealing with this matter, and we will be asking that the matter be passed onto committee at the conclusion of my remarks. As I understand, there will be also no speaker from the third party opposition in this regard.

Madam Deputy Speaker, I had occasion in my previous comments referencing the Court of Queen's Bench Small Claims action amendment to refer to what I thought were the two most significant components of, shall I say, improvements in a positive sense to our judicial system in the last several years, indeed, perhaps in the last generation.

I have to indicate that certainly it is my personal opinion that the introduction of the Court of Queen's

Bench Small Claims action, not only in this jurisdiction, but in other jurisdictions, and the provision of legal aid is the other side of the component that has done more, I dare say, in the last little while to improve the lot of citizens in this country and their view of the legal system than perhaps any other group of activities that have been undertaken in our society.

Of course, the provision of legal aid is so fundamental and so important to the legal system for the reasons and for some of the comments earlier delineated by myself when I was dealing with the Court of Queen's Bench Small Claims action bill, and that is the ability of an individual to obtain legal assistance is not only crucial to the system but, frankly, is necessary for the adequate and the provision of natural justice in our society, Madam Deputy Speaker.

* (1440)

It is through Legal Aid and through the developments in Legal Aid that we have empowered individuals, we have empowered groups, to have an opportunity to participate fully in the legal system, a legal system that is provided for all but, in actual fact, and we must be frank, is not necessarily the case because of the requirements for very expensive legal assistance and legal advice in any matter in the judicial system. Consequently, the provision of legal aid is a necessity in our society, and anything that serves to improve the provision of these kinds of services and the provision of legal aid can only be another further step towards providing justice to all of our citizens.

I have to indicate at this point that it has been my opinion, and I do not believe that it is only my opinion but also the opinion of others, that we have seen, unfortunately, in the past several years an erosion of legal aid services in the provision of legal aid to many members of our society.

What we have seen over the past several years is a whittling away of the legal aid system and, consequently, what has happened is that many individuals who had access to legal aid, say, five years ago do not have access today. That is indeed unfortunate and clearly works against the very intention of the act.

When reviewing the act and when viewing the amendments to The Legal Aid Services Act, I reviewed them with a view to seeing whether or not such amendments as proposed by the minister

would, in fact, expand not only access and eligibility for legal aid, but the services provided by Legal Aid to citizens. I have to admit that, unfortunately, I did not find such expansion. Indeed, I did not find anything in the bill that, at least to my observation, would necessarily improve the extent of the equity involved in providing legal aid to the citizens of Manitoba.

The second test, Madam Deputy Speaker, that I applied when reviewing the amendments to this particular act was whether or not what was being sought in this amendment was some means or some way of restricting or cutting back provision of legal aid to the citizens of the province of Manitoba.

So having pointed out to you what I indicate the philosophy of the act is, I want to indicate to you what our approach and what my approach was to a review of this Bill 36, The Legal Aid Services Society of Manitoba Amendment Act. So I approached with these two tests in mind.

The minister, in his comments on May 15, indicated that he saw in the amendments some kind of improvement in terms of the delivery of services to the public with respect to legal aid as a result of these amendments. My next comment is not meant necessarily as a political criticism, but I have had some difficulty, other than perhaps in a technical sense, understanding how these amendments necessarily would provide for an expanded or a more equitable or a broader legal aid system in the province of Manitoba. So I have yet to be convinced that these amendments would necessarily do that, and I will be looking to the comments of the minister perhaps in response to some questions when we have the opportunity of looking at the specific questions in committee.

One of my concerns when I reviewed the act, and it is my second test as I indicated earlier, you know—is this act in fact an attempt to cut back legal aid, which is a major concern of members on this side of the House? I instantly looked to the section wherein, and I know that we are not dealing with specific sections, but I had a review of the section that allowed Legal Aid to place a lien on property in certain actions that they undertook. When they undertook an action for some individual, they, by virtue of this amendment, are going to be permitted the right to place a lien.

I was concerned that perhaps this might put an onerous burden on an individual or individuals who,

through no fault of their own, were forced to seek legal aid. While I know we cannot deal with specifics sections of the act, and I will not, I will just outline for you briefly what my concern was, Madam Deputy Speaker.

For example, if we had an instance of a farmer who was in some financial difficulty and sought legal aid, I was concerned that perhaps as a result of the action Legal Aid would be permitted to place a lien on the property. I thought that perhaps would be onerous. Because of the nature of the farm debt situation, the situations farmers are in, I thought it could perhaps weigh unfairly on those individuals. Another example, individuals whose only asset was perhaps a house and were frankly poor but for that access to that asset, whether or not Legal Aid would then take it all.

My concerns were allayed when I had discussions with members involved with the private bar with Legal Aid who indicated that Legal Aid in fact has all of those rights under the present system as it exists today, so what in fact this bill is seeking to do is make it more explicit and legal to give them the power in more explicit and legal terms to do something that they had already the right to do. So once I had those assurances, my fears were allayed, although I suggest that we may pursue that with the minister out of an abundance of caution during the committee stage of a review of this particular bill.

I noted also that the minister indicated in his comments when providing this bill, that he in fact indicated that many of these provisions were recommended by the board of directors and the directors of Legal Aid and they were just simply technical amendments to The Legal Aid Services Society Act. I believe, Madam Deputy Speaker, if one pursues and reviews the amendments as proposed in this act, that appears to be the case. Most of these amendments are technical and legal in nature, and in fact do not deserve a great deal of scrutiny other than to ensure that they will affect what they intend to do. They do not deserve a great deal of scrutiny or debate in this particular Chamber.

There are other provisions in there, Madam Deputy Speaker, dealing with the representation by Legal Aid, which is an important consideration most specifically again without dealing with specifics, but dealing with the ability of Legal Aid to represent individuals in a family proceeding, and as well as clarifying some of the provisions dealing with representation by Legal Aid vis-a-vis the youth court

system. We will also want to question the minister on those provisions dealing with the Young Offenders Act and representation of a young offender under the court system, but in general I do not see any major difficulty with those particular provisions. Again, I am relying somewhat on my experience in the criminal justice system, albeit several years ago, particularly as it applies to young offenders.

* (1450)

Other than that, Madam Deputy Speaker, most of the matters appear to be largely of a technical, as I indicated, and legal nature. The points that I have delineated earlier will be dealt with in committee by our querying the minister.

I also forgot to mention a point that I wished to outline earlier, and that is the amendment dealing with the whole question of appeals and applications to Legal Aid. I believe there is provision in this particular amendment to tighten up the provisions as they relate to an individual appealing or seeking access to Legal Aid on numerous occasions, in theory, provided the right to review and the right to appeal is provided and provided all forms of natural and fair justice are followed.

I suppose that if this amendment seeks to save the Legal Aid Society some time, energy and wasted effort in individuals who repeatedly apply, that in theory the matter can probably be supported. Although, I would like—and I should point out that the minister did not provide us with a spreadsheet on this particular change so I cannot speak with as much accuracy as I would like to. I would look forward to the opportunity of perhaps raising this issue with the minister in committee so he could outline for us specifically what the concerns are from Legal Aid as outlined in his initial comments, Madam Deputy Speaker.

So I will close my comments again by reiterating something that we on this side of the House feel very strongly about, Madam Deputy Speaker. That is, when it comes to Legal Aid we on this side of the House look for an expansion of provision of Legal Aid services. An expansion, not a retraction, because it is so significant, it is so important to the functioning of our legal system, it is so important to a society and the people who are feeling increasingly removed not just from the political process, something all members in this Chamber are well aware of, but in a society where people feel

increasingly removed from the judicial system. The next step from that is tragic indeed and so to that end, which is a largely philosophical point but a practical one as well, we would seek to see an expansion of provision of Legal Aid services, not a retraction.

If there are any amendments that this side could propose or there are any developments, we would err them on the side of helping and empowering people to give them their legal rights and their rights in this system, not proceeding the other way. There are numerous, numerous suggestions that members on this side of the House could provide for that kind of expansion in a variety of areas. I know that the member for Burrows (Mr. Martindale), the member for Point Douglas (Mr. Hickes) and the member for Broadway (Mr. Santos) all have constituents who could use expanded Legal Aid services, not retracted Legal Aid services. Notwithstanding, Madam Deputy Speaker, that I am sure an argument will and can be mounted that we are in very tough economic times and we recognize that, but it is extremely crucial that all individuals have the right to be heard, have the right to justice, have the opportunity to make their case heard.

Consequently, it is our opinion that Legal Aid should be expanded. If it has to be at the expense of something, which in our society it is increasingly the case, then so be it. It may have to be at the expense of other ends of the judicial system or other ends of the legal system, but if that is the case then members on this side of the House would rather see an expanded Legal Aid versus, shall we say, less salary to certain other members of the legal system be it judges or otherwise. It is clearly fundamental to our society that individuals have a right to proper and adequate legal representation.

With those comments, Madam Deputy Speaker, I can indicate that we are prepared to pass this matter, that is Bill 36, The Legal Aid Services Society of Manitoba Amendment Act, on to committee.

Thank you, Madam Deputy Speaker.

Madam Deputy Speaker: Before putting the question, I would like to draw to the attention of the members that I neglected to indicate that the bill is also standing in the name of the honourable member for Brandon East (Mr. Leonard Evans), who has 25 minutes remaining. Is there will to have leave denied to have this matter stand?

An Honourable Member: Denied.

Madam Deputy Speaker: Denied? Agreed? Agreed and so ordered.

Is the House ready for the question? The question before the House is second reading of Bill 36, on the proposed motion of the honourable Minister of Justice and Attorney General (Mr. McCrae), The Legal Aid Services Society of Manitoba Amendment Act (Loi modifiant la Loi sur la Société d'aide juridique du Manitoba).

Is it the pleasure of the House to adopt the motion? Agreed? Agreed and so ordered.

Bill 20—The Animal Husbandry Amendment Act

Madam Deputy Speaker: On the proposed motion of the honourable Minister of Agriculture (Mr. Findlay), Bill 20, The Animal Husbandry Amendment Act; Loi modifiant la Loi sur l'élevage, standing in the name of the honourable member for Brandon East (Mr. Leonard Evans).

Is it the will to leave that stand?

An Honourable Member: Denied.

Madam Deputy Speaker: Leave is denied.

Mr. John Plohman (Dauphin): Madam Deputy Speaker, I am pleased to provide a few remarks on Bill 20 to the Legislature. The Animal Husbandry Act is one that has been around for a long time and one that has been amended on occasion.

Hon. James Downey (Minister of Northern Affairs): Ever since we have had animals.

Mr. Plohman: Well, not since we had animals. There is the Minister of Northern Affairs, former Minister of Agriculture, saying ever since we have had animals. You would have to go back just shortly after Adam and Eve, I believe.

An Honourable Member: Noah's Ark.

Mr. Plohman: Noah's Ark. It goes right back to Noah's Ark at least. We did not have an act at that time, as near as my research can show, dealing with the issue of animal husbandry, but around the turn of the century we did have an act, and in 1933 I believe it was first called The Animal Husbandry Act. Since that time there have been numerous amendments made, dealing with these issues concerning the governance of animals in possession of people in Manitoba under The Animal Husbandry Act.

Madam Deputy Speaker, in 1987 the Minister of Agriculture at that time under the previous government, Bill Uruski, brought in some major amendments to this act. At that time he spoke to the act, and I have referenced some of his remarks at that time, and also the remarks of the Minister of Agriculture (Mr. Findlay) when in opposition as a critic at that time. I have to tell you he made no mention at that time of any of the concerns that he has brought forward today in amendments, so his views have changed in this area.

(Mr. Speaker in the Chair)

As a matter of fact, one of the major changes is a reversal of a provision that was brought in in 1987 that placed the onus on municipalities to enact bylaws to control stray dogs and animals in their jurisdiction. I guess the minister is saying that as a result of the representations by MARM and the Union of Manitoba Municipalities, either this has not worked or there has been a reluctance by municipalities to enact bylaws, to in fact respond in a responsible way to this problem in their municipalities. He says that as a result he is removing these provisions and is saying that this can be covered under insurance by individuals who own these animals or own animals that are in fact impacted in a negative way by a stray dog or other animal. Therefore, there is no need for control by the municipality.

* (1500)

I believe that if we go back to the provisions that were put in place in 1987, we could get some idea of why this was brought in in the first place and who was bringing them forward. The minister has not really addressed those concerns in his opening remarks and he has an opportunity in closing remarks.

The Honourable Bill Uruski, in introducing this on the 10th of June, 1987, said "That these problems were brought to my department's attention by livestock producers, producer organizations such as the Manitoba Sheep Breeders' Association and many concerned individual members of the general public." The minister, in responding at that time, pardon me—the minister, Bill Uruski, at that time, also went on to say, this puts "the onus on municipalities to enact and enforce bylaws regarding stray animals and mischievous dogs."

The Agriculture critic at that time, the now Minister of Agriculture (Mr. Findlay), did not raise any

concerns with that. He referred to spreadsheets that the Minister of Agriculture had provided to him about the amendments explaining them that he would ask the minister whether he would consider requesting or at least adding to his statement on valuers that have to be appointed by the municipalities, if these valuers could be the ag reps that serve the local municipalities rather than the municipalities appointing somebody at large, and was a recommendation by this minister. But that was his only comment on this issue of municipalities having to enact the bylaws dealing with stray dogs.

I wonder, because I noted in his comments on April 15 whether the minister has consulted with the Manitoba Sheep Association in his amendments, because he says in his comments on April 15, the Manitoba Sheep Association has a fair bit of concern about dogs, stray dogs killing their sheep. I think he should explain, even though they have this concern, that he brought in changes that now remove the onus from municipalities to enact bylaws controlling these stray dogs.

He says they have the right to compensation through private insurance, and I believe that is a convenient way to explain away, to explain this issue and to believe, I guess to explain a belief that there is no problem. But what about situations where there is no insurance? What about situations where it is costing the owner more for insurance coverage simply because of these unprovoked attacks on his sheep, for example, and his insurance coverage then increases because obviously insurance companies do not like having a large number of claims being made or else they will increase premiums?

So, it is fair, I say to the minister, that the owners should have to rely on insurance to cover this or should there, in fact, in responsible society be bylaws that would put the onus on the owner of the dog to ensure that he restrains his dog in a way that is responsible. I guess in a similar way that more and more jurisdictions are now enacting legislation dealing with pit bulls and other violent dogs. It is certainly a feeling that the owner of the animal that is doing the damage must accept the responsibility.

I think that was what the previous minister was trying to get at, and I guess I would have to ask the minister if he has only consulted with the Manitoba Association of Urban Municipalities and UMM or whether he has consulted with those who asked for the amendments in the first place, that being the

producers, members at large who first brought in concerns, and the Manitoba Sheep Breeders' Association who raised these concerns with the minister in the first place and said they wanted this addressed and, obviously, were in concurrence with the amendments that were brought in.

The minister referred in his remarks on April 15 to a previous minister not consulting properly. I do not think that was a fair comment. I think there was consultation, but at that time the Union of Manitoba Municipalities perhaps felt that was a responsibility they had to accept, because the government wanted to see something responsible done about this problem in rural areas. Unfortunately, they have changed their mind and the minister is bowing to that pressure.

I would like to just conclude with my remarks on this issue with that, asking the minister to respond in terms of whether he has consulted on the other issues that the other people who had brought forward concerns to the minister in 1987, and with that to indicate that we have no difficulties with the other proposals that have been made, the other changes that have been put forward by the minister.

I did ask him a question about the definitions of animals under this particular act. I asked him about elk ranching, for example. Would that be covered? Under the definitions, as he felt, the buffalo, domesticated bison, would be covered, and he has not responded to those. So he may have a chance at this point in time to actually respond to those points as well. We are satisfied, with some clarification from the minister, to have this bill go to committee where we can hear from individuals and groups who might have had some concerns initially and asked for these changes to be made in 1987 that are now being reversed by this minister. At that point, we will determine whether we can support those changes that the minister is putting forward.

Hon. Glen Findlay (Minister of Agriculture): Mr. Speaker, . . . close debate on this bill and pass it to committee, please.

The member raised a few issues that probably require a little bit of response right now. Clearly, the Union of Manitoba Municipalities and MAUM have had some concerns about the way the act was amended back in 1987. They have passed numerous resolutions requesting that the definition of pets be taken out of this, that animals no longer include pets, and that they no longer be required to

pay compensation in instances where dogs are killing animals.

I have consulted quite widely with Keystone Agricultural Producers, Manitoba sheep growers, Manitoba Cattle Producers' Association, and with MAUM and UMM. Basically, they are all in support of the bill changes we are bringing forward right now, because there is compensation available to the farmer through insurance for dogs that do damage to sheep or cattle, and that insurance—I think the member raised the question whether producers should be required to carry that kind of insurance. I think the answer is very clearly, yes. If insurance is available, a producer should carry it, and the taxpayer at large should not step in and have to compensate him for not taking that insurance out.

I might also remind the member that under the act Sections 29 to 34 do not change. In those sections a person who has sheep, in particular, has the right to kill a dog that is attacking those sheep, so the sheep grower has the protection that way and as well, if he carries the insurance, he can then call on his insurance company for any damages that might be done.

I think it is pretty straightforward that the amendments to the bill are meeting the requests of both UMM, MAUM and not unnecessarily taking away protection for sheep producers or cattle producers or anybody with farm animals.

* (1510)

The sheep producers, certainly some of them, have raised the question that maybe insurance is not available. We checked, and I have been given a list of six different companies that supply insurance that would cover the sheep producer. These are generally smaller companies. Certainly, there are a couple of companies that do not supply that insurance, but there are six that do. The insurance protection is available to the sheep producer from, I say, six different companies that we have been able to identify.

Mr. Speaker, with those few comments, I think we are prepared to address any further comments in committee stage if anybody comes to make presentations.

Mr. Speaker: Is the House ready for the question? The question before the house, second reading of Bill 20, The Animal Husbandry Amendment Act; Loi modifiant la Loi sur l'élevage.

Is it the pleasure of the House to adopt the motion?

Some Honourable Members: Agreed.

Mr. Speaker: Agreed and so ordered.

* * *

Hon. Clayton Manness (Government House Leader): Would you call Bill 53, the other agriculture bill. I understand it came out of order a little bit. Would you call it now to be followed by Bills 52 and 60. That will put us into order again.

Bill 53—The Natural Products Marketing Amendment Act

Mr. Speaker: On the proposed motion of the honourable Minister of Agriculture, Bill 53, The Natural Products Marketing Amendment Act; Loi modifiant la Loi sur la commercialisation des produits naturels, standing in the name of the honourable member for Swan River (Ms. Wowchuk). Order, please. The House has already reached a decision. The House has already decided that this matter could remain standing in the name of the honourable member for Swan River.

Is it the will of the House now to reverse that decision that it has previously taken?

An Honourable Member: Agreed.

Mr. Speaker: That is agreed? Okay, for clarification, leave has been denied for this matter to remain standing in the name of the honourable member for Swan River.

Mr. John Plohman (Dauphin): Mr. Speaker, Bill 53, The Natural Products Marketing Amendment Act, is, I believe, an amendment to an act to enable the government to reduce further its responsibilities to poultry producers, particularly in Manitoba.

I say that regrettably, because I wish it was just a simple matter of meeting the requirements and needs of the marketing boards in being able to assess fees for such things as research and for compensation for owners, producers, who happen to be hit with a devastating disease such as ILT which, in many cases, infectious as it is, requires the destruction of the complete flock.

I thank the minister for providing some background information on this act. I look back at the situation and up until 1985, the government of Manitoba provided the complete funding for and met all expenses for the investigation, eradication,

cleanup and monitoring of an outbreak of this disease. That was during the previous New Democratic government.

In October 1985, there was a major outbreak in a large commercial broiler flock and the government at that time approached the industry to share in the costs in eradicating the diseased flock. The industry agreed and shared the \$38,000 compensation on a 50-50 basis.

In 1986, a larger flock was stricken with the same disease and eradication proceeded on the same basis, so a new precedent had been set of a 50 percent cost by government and 50 percent by the marketing boards to compensate the stricken producer in these situations.

Now, I see what the government is attempting to do now is to put the onus completely on the producers to fund their own compensation program, rather than continuing with the tradition that has been in place over the last number of years since 1985, and before that full compensation was paid by the government.

The members opposite say, well, they are prepared to do that. I believe that they feel they have no other choice, that this minister is not simply accommodating them, or else he would bring in an amendment to this act, or he would bring forward statutes that would allow the province to continue and would give a commitment by the province to continue matching these funds on a 50-50 basis.

Now, we are not just talking about eradication of disease, we are talking about research as well, and the Finance minister (Mr. Manness) knows that this is another area that the government has been falling behind in, in terms of all university research certainly in agriculture. The documents we have obtained from the university show that the provincial government has indeed been falling behind, as well as the federal government in the area of research in agriculture.

I do not think, and my party does not think, we should be placing the onus for research completely on the producers. The government has a major role here. Again in this act, they are providing for the producers to develop funds for research, for compensation, completely on their own.

I would like to see the minister, if he wants our support, and, of course, he can pass this bill without our support, to give a commitment in this House and in this bill by way of amendment that the government

will be prepared to match those funds raised by these producer marketing boards on a dollar-for-dollar basis, so that we can be assured in this province that the government is not renegeing on its responsibility in the area of research, in the area of compensation, but is willing to carry on the commitment that has been in place at least since '85, and before that to an even greater degree—100 percent for the compensation area—and as far as research, there has always been a need to increase that research.

I would think that would provide an incentive for these marketing boards and the producers to put money into a fund for research and for compensation, particularly for research. Once the compensation fund has reached a certain level and there is no draw on it, it does not require being built up any further, or dollars could be used from that compensation fund, could be put into the research fund, but for research which is so important to develop new strains and new ways of ensuring a healthy production of poultry in the province, we would not need, I think everyone agrees, a greater onus placed on research in this province. If we can encourage producers to get into this business providing funds for research, then—

An Honourable Member: The marketing board will not let you.

Mr. Plohma: Well, they can with amendments to this act but I am saying we can encourage. The Minister of Northern Affairs (Mr. Downey) again says, the marketing board will not let you. Well, the fact is through this act, there will be a legal provision for funds to be put away for research. The government could go a long way to ensuring that takes place by agreeing to match those dollars.

That is the major concern we have is the government is again offloading on to producers; offloading in a number of areas this last year. The minister has found it necessary to cut back in his department by some \$43 million to accommodate the offloading by the federal government for GRIP. The major cost increases that have been offloaded onto the province by the federal government for GRIP. Just the other day we heard some very concerning statements by the Minister of Agriculture federally that he wants to see more offloading, more sharing as he would say, and participation by the provinces which is making it impossible for smaller provinces and poorer provinces in this country to

continue to provide equitable programming to those provinces that are wealthier.

The federal government is backing out of its responsibilities, offloading onto the province. The province in turn is cutting back on its support to producers in this province that have cutbacks in the department and now is doing it with this act by cutting back its responsibilities for compensation when they occur, as it has traditionally taken place in this province—disasters through compensation programs—and cutting back on research by saying the producers can do it.

I would ask the minister if he, indeed, wants to see support from this side of the House for this piece of legislation that he would commit himself and his government to matching those dollars for up to a certain level for the compensation fund and to any level, perhaps within reason, for research that the producers might want to put away for research, so that he would provide incentive and send the message to the producers that he thinks research is important and he is not prepared to back out of his, on the other hand, his responsibilities on the compensation side.

* (1520)

Those are our major points on this bill. I would ask the minister to consider those points, and we will be prepared to allow this bill to go to committee or we can hear from the public, from the producer boards and maybe others who might want to make comment. If they do come forward, we certainly will ask them these questions as to whether they believe this would be a responsible thing for government to do. We would hope the minister would be looking forward to reflecting those principles in this bill and through statements in this House. Thank you, Mr. Speaker.

Mr. Speaker: The honourable Minister of Agriculture (Mr. Findlay) will be closing debate.

Hon. Glen Findlay (Minister of Agriculture): Just a few comments in closing debate. I would just like to remind the member for Dauphin (Mr. Plohman) that what we are dealing here is the supply-managed commodities who, through cost-of-production formula, recover their costs from the consumer at point of sale.

These producers or the egg producers or chicken producers have requested the authority to be able to set up a fund to compensate for ILT disease or set up a fund for specific research that they want to

support. They have made this request to us, and they are prepared to do this. With their request, we are just acting and putting the legislation in place. They are doing much of this now, and they need to have this legislation to allow that what they want to do for their industry can be done legitimately.

Mr. Speaker: Is the House ready for the question? The question before the House, second reading of Bill 53, The Natural Products Marketing Amendment Act; Loi modifiant la Loi sur la commercialisation des produits naturels.

Is it the pleasure of the House to adopt the motion? Agreed and so ordered.

Bill 52—The Family Maintenance Amendment Act

Mr. Speaker: On the proposed motion of the honourable Minister of Justice and Attorney General (Mr. McCrae), Bill 52, The Family Maintenance Amendment Act; Loi modifiant la Loi sur l'obligation alimentaire, standing in the name of the honourable member for Elmwood (Mr. Maloway).

Stand? Is there leave that—no, leave is denied.

Mr. Dave Chomiak (Kildonan): Mr. Speaker, I rise to make several comments with respect to this particular bill, and I can indicate that members on this side of the House are prepared, following my comments, to pass this matter into committee.

The amendments, as proposed by the minister dealing with The Family Maintenance Act, are not of a lengthy nature, but they have extreme significance. As I indicated previously in comments dealing with The Summary Convictions Act, often it appears that much of what we do in this House is technical and not of great significance. We, in fact, are lawmakers and nothing more symbolizes our role as lawmakers than amendments as before us today, which is why we ask all members of this Chamber to very, very carefully examine the proposed amendments, not for purposes of necessarily—although that is necessary—to agree or disagree with the amendments, but of course to reflect on what we are proposing and what the minister is proposing in these particular amendments.

What the minister, in fact, is proposing is giving the power to the court, to the judicial system to deprive an individual of his liberty, to drill him, in effect, for failure to adhere to certain activities related to family maintenance. Just by prefacing

those remarks in a philosophical vein, I just wanted to point out the seriousness of this particular bill.

Now, having said that, I should point out that the court already has that authority, under The Family Maintenance Act, to do it. This simply strengthens that authority and I dare say expands it somewhat with respect to an individual defaulting and failing to appear before a family maintenance registrar or officer of the court, and provides the officer with the right to issue a warrant for that person's arrest. That right is already contained within the legislation, but this simply expands it somewhat and clarifies it. Notwithstanding that, Mr. Speaker, on every occasion when we do deal with the law that has these very severe sanctions attached to it, I do ask and urge all members to carefully examine it because of the significance of what we are doing and what we are saying in these kinds of activities.

These amendments deal with The Family Maintenance Act, very significant legislation in our society. I have had occasion to reflect on the comments of the member for St. James (Mr. Edwards), who is the Liberal Party critic, who dealt with the bill on the basis of the whole issue and the whole question of marital breakups and I will not deal extensively with that aspect of it. It is certainly an area that legislators have participated in more so than they have in the past, and quite necessarily so, because of the involvement and the requirement to ensure that families have adequate resources to continue to function properly.

It is an area of great developments of a very progressive nature in the last several years in all jurisdictions. I dare say Manitoba led the way in many innovative approaches to family maintenance and family maintenance law, something which we can be very proud of in this province.

When dealing with a topic like this, it is never, rarely, in fact, is it ever, it is never a happy occasion to deal with this particular topic, although I am not passing judgment on break-ups. In many occasions a break-up is a positive thing for the individuals involved. In terms of the family unit, it may be necessary, speaking frankly.

One would hope and one would want all families to function effectively and in harmony, but the reality is, that is not always the case. I, in my private practice, have had many occasions to be involved in situations of break-up, and they are never ever a happy situation. There are tremendous emotions

involved, tremendous discord and unhappiness. In some cases they resolve themselves for the better.

This act in general deals with a variety of topics, not just maintenance of the family, but determining questions of paternity and the like. These are not dealt with in the particular amendment. Basically, these amendments deal only with the question of maintenance and the question of a failure of an individual to appear and also the sanctions that apply to an individual when they have failed to adhere to the action of a court or to follow up on their commitment and their requirement to provide for their families. It is interesting to note how we have evolved as a society to now place that responsibility directly on the individuals to provide for their families, something that was not always the case in the past, certainly historically, and while it might have been there morally, it certainly was not there. The state involvement has been a very positive effect on individuals and on families to provide for families in these particular circumstances.

Having said that, I always deal with matters of this kind with mixed emotions, because it is an area, while extremely necessary, of the law, it is an area that conjures up for me generally negative feelings because of my involvement in family law in the past. It is something that, while I have indicated it is very necessary, is very difficult for all involved, including those who practise law in this particular field, be it lawyers or counsellors or the judges involved.

I almost, if I can wax philosophically for a bit, wish there was another way of dealing with these kinds of matters. I have had judges and everyone involved in the system indicate to me the same thing: It is a pity there is not a better and a more expeditious and more harmonious way of dealing with family break-ups.

* (1530)

Despite many attempts at innovations, innovations in the past were still—we still deal with family break-up in the same fashion through a converted civil system, through the court system that has been converted from a civil system into a family maintenance system. That, I dare say, has seen a good deal of improvement. Notwithstanding that, one would wish, waxing eloquently—waxing philosophically, pardon me—one would look for perhaps another way of dealing with these very, very serious human issues.

Notwithstanding that, Mr. Speaker, what we now do in family maintenance is a vast improvement over what occurred in the past in providing for individuals in the system and for providing some monetary—and benefits to individuals in the system. In fact, we have progressed in that sense. One would hope that as an evolving society we could perhaps progress in other areas in dealing with the emotional and the social needs of individuals involved in this system, I dare say something that might be difficult for us as legislators, but something which I think would be most helpful in terms of our society in general and how it proceeds.

So generally, Mr. Speaker, I urge on all members of this House their scrutiny of this bill. We certainly on this side of the House are supportive of measures that seek to ensure that families are adequately cared for and adequately taken care of in the system, that families do not become victims of the system or victims of marital breakup, rather that families are provided for certainly in an economic sense as best possible. So we certainly are supportive of any measures that so provide.

With respect to this particular amendment, I note that we did not get a background or briefing or spreadsheet from the minister with respect to these amendments. We will look to query him in a little further detail in committee, Mr. Speaker. It is unfortunate that the system has to revert to these kinds of very severe sanctions in order to enforce the law, but I dare say that unfortunately it is a reality of life that such sanctions are a requirement. We will be reviewing and perhaps querying the minister on the particular amendments in a little bit more detail when we proceed to committee.

With those comments, Mr. Speaker, I can indicate that I am the last speaker on this side of the House, and we will be asking that this matter proceed to committee. Thank you.

Mr. Speaker: Is the House ready for the question? The question before the House is second reading of Bill 52, The Family Maintenance Amendment Act; Loi modifiant la Loi sur l'obligation alimentaire.

Is it the pleasure of the House to adopt the motion?

Some Honourable Members: Agreed.

Mr. Speaker: Agreed and so ordered.

Bill 60—The Law Society Amendment Act

Mr. Speaker: On the proposed motion of the honourable Minister of Justice and Attorney General (Mr. McCrae), Bill 60, The Law Society Amendment Act; Loi modifiant la Loi sur la Société du Barreau, standing in the name of the honourable member for Elmwood (Mr. Maloway).

Stand? Is there leave that this matter remain standing? No? Leave is denied.

Mr. Paul Edwards (St. James): Mr. Speaker, what a pleasure it is to stand and rise and speak today to Bill 60, The Law Society Amendment Act. It gives me particular pleasure, because the history of the relationship between the Law Society and the successive governments of whatever political stripe have led to a co-operative attitude when it comes to The Law Society Act, always on the understanding that it is indeed a very sacred trust that the Law Society has, to regulate itself.

Mr. Speaker, it is always important to remember that the ability to regulate one's own profession is indeed a privilege, a privilege that the lawyers consistently, in the history of this province and in jurisdictions across Canada, I think have taken seriously and I think have done their utmost to ensure that trust is not abused.

The tradition has been that the Law Society will consider its own act on a regular basis and that they have done. They have consistently attempted to maintain the act as relevant for Manitobans, relevant for those practising in the field of law, which has changed. The practice of law has changed dramatically as the years have gone by and I think more dramatically in the more recent years.

This bill reflects the ongoing attempt to ensure that The Law Society Act is indeed all that it has to be to serve the people of this province and assist lawyers in meeting the needs of those who seek legal advice. As a member of that profession, and I am sure others in this House, including the Minister of Labour (Mr. Praznik), the member for Kildonan (Mr. Chomiak), will join me, it is with some regret that we see the legal profession talked about in a derogatory fashion on a regular basis.

Mr. Speaker, I think that is regrettable. It is as old as anyone can ever remember, and there are quotes from Shakespeare and others that go back, indicating the lawyers have never been a particularly popular profession. That is unfortunate

in my view, but perhaps should be recognized as a fact of life, albeit regrettably.

The fact is the one saving element is most will say they may not have the highest regard for the profession, but they generally do for their own lawyer. That gives me some comfort that the types of reasons for which you would go to a lawyer are oftentimes not very pleasant. They involve you in bitter experiences, conflicts. Conflict resolution is indeed what much of the profession is about, and that leads people to often feel antagonistic towards the opposing counsel, he or she who is bringing the case forward for the person's opponent. That I think reflects somewhat poorly on the profession overall.

Generally you will find that person says, but my lawyer is different. Mr. Speaker, again that gives me some comfort, because individuals like the person who believes in their case and puts their case forward, regardless of what they think about the profession overall. That is a hazard, I think, of the job.

The Law Society has come in for some criticism for being a self-regulating profession. It is lawyers taking care of lawyers. It is wolves guarding the hen hatch or the chicken coop, whatever you choose to say. Those kinds of allegations are made with alarming frequency. I am not sure they are deserved.

If you look at the history of the Law Society, if you look at the penalties they hand out and the vigilance with which they pursue infractions by lawyers—we receive, as members of the profession, monthly updates as to who has been disciplined for what and what their penalty has been. It is severe, Mr. Speaker, and nothing in the Law Society, nothing in what they do prohibits criminal actions on top of that, prohibits civil suits, nothing protects a lawyer from that. The Law Society decides whether or not you can practise law and what penalties you will have to pay financially in order to keep practising or in order to get back to practising. It is my view that they are relatively strict and that they are certainly vigilant in ensuring that. There are, of course, problem cases and we receive many complaints of people who feel their case has not been heard by the Law Society. I am sure there will always be those and probably the Law Society could in the best of all possible worlds do a better job, but I do not think they do a bad job.

It is important to remember that individuals can always go to the courts. They can lay private charges in the criminal system, bring the matters to the attention of a Crown prosecutor if they feel criminal charges are warranted, or they can launch civil suits against lawyers. Those things are there and that is a bit of a backup.

* (1540)

Mr. Speaker, you will recall some time ago I raised the issue of paralegals. It has had a recent history in this province which most will remember. It came to the point where the Minister of Justice (Mr. McCrae) brought in a piece of legislation enshrining the ability of paralegals, nontrained lawyers not recognized by the Law Society as having any legal training or legal capacity, to practise certain forms of law. I supported that. I felt, for the purposes that were being asked to be representatives in court, it was not an undue danger to have these people represent individuals, and more importantly it was a service to society.

The people were telling us they wanted to hire these people. The people were telling us they felt confident about the POINTS—officers, ex-police officers—and they wanted to hire them. That has to tell us something.

We are here to ensure professionalism and ability and adequate training and ability to do the job, but we also have to be cognizant that we serve the public. The public decides they want to have the ability for a lesser cost or whatever cost is determined to choose someone else, a former police officer, for those limited purposes where the danger is not there, in terms of—or the consequences are not there, should a person make a mistake, not have legal training, then it seems to me on the balance it should be allowed. It was. I think that was an important step forward, perhaps not for lawyers, but for the justice system. That is why we are here, Mr. Speaker.

This particular bill does a very interesting thing. It reacts to the Supreme Court of Canada's decision in *Andrews v. the Law Society of British Columbia*. That case will certainly go down in the annals of the Supreme Court as the most important case of the '89 session of the Supreme Court. It may go down in history as one of the most important cases in the last decade.

Hon. Harry Enns (Minister of Natural Resources): Now that is stretching it.

Mr. Edwards: The Minister of Natural Resources (Mr. Enns) says, that is stretching it. I will very briefly tell him what that case said. -(interjection)- Yes, MacLean-Angus, 1986, the big case. That case defined what equality rights were in Canada from a Supreme Court level for the first time. Section 15.(1) of the Constitution Act was a major and dramatic change in the constitutional history of this country. That case, for the first time, put forward a definition of equality. The upshot of that case on a very small scale—it does not belie the importance overall of the case—was that a noncitizen lawyer was entitled to practise law. He could not be barred simply because he was not a citizen. Hence we have Bill 60.

Bill 60 gets rid of the citizenship requirement for someone to practise law which has been held by the Supreme Court of Canada to be unconstitutional, an unconstitutional form of discrimination.

(Mr. Jack Penner, Acting Speaker, in the Chair)

Mr. Acting Speaker, this bill significantly, in my view, also expands the opportunity for articling students to practise law in this province. I have some concerns about that, but I think it is important to remind members that not only are there the restrictions of the act, there are also restrictions of articling students needing to have a senior lawyer who is always guiding them through the articling year. You have to have articling papers signed at the beginning and at the end of your articling year by the principal, that is a practitioner who has been at the bar for some period of time, I believe it is five years, who is willing to say that they will take you through the articles and teach you the actual practice of law. So there is that in place as well as the restrictions in the act.

We do have some assurance that senior lawyers with more experience are overseeing activities in this apprenticeship year, if you will.

I think the expansions in this case seem reasonable. They are of course at the lower level of what can be done. The consequences which can flow from them are limited as with respect to paralegals, and articling students are not identical to paralegals, but they fit into the same category of people who are practising, doing certain things, but not called to the bar, not officially made lawyers. There is no real magic in being called to the bar as such. There may be articling students and

paralegals who know more than practising lawyers. That may be the case.

The issue is, it is not just doing our best to ensure quality of the person who makes it to the bar, it is also the insurance requirements. When you practise law, you have to carry a certain amount of insurance, and that protects the client. If there is negligence or carelessness, if there is indeed fraud, you have access to funds that are set up by the Law Society, insurance funds to cover innocent victims. That is part of the sacred trust the Law Society has with the public. They provide a fund paid for by lawyers to cover those who innocently suffer from the negligence or carelessness or indeed fraud perpetrated upon them by counsel. That is another change made in this act.

There is also provision that the examination of witnesses, there is some change to that. It seems relatively minor in my view. The minister indicated in his comments that he was going to be coming forward with some particulars. I have not received those, and I look forward to receiving them before this matter goes to committee.

With that, I will end my comments. We will not be, as a party, putting forward further speakers on this bill. As I say, I look forward to some further explanation at the committee stage, and I want to suggest to other members of the cabinet that they follow the lead of the Minister of Justice (Mr. McCrae) on this particular bill and consult those in the community, listen to those people in the community, those bodies that are in place, like the Labour Management Review Committee on Bill 70 which was not consulted on Bill 70, and do that consultation ahead of time. The problems when it comes to this House are significantly reduced, because even if we happen to disagree with the particulars of a bill, we always know those who are interested have had a say and approve it.

If you look at some other bills, The Payment of Wages Amendment Act and The Employment Standards Amendment Act, you will see that by taking it to the Labour Management Review Committee, in this case taking it to the Law Society, you come to this House with credibility. You come showing and saying that you have taken this to the interested parties, and this is something they recommend. It does not mean you do not review it. It just means that it comes with one leg up, if you will, Mr. Acting Speaker, which so much of the

legislation before this House, this session, clearly does not. Thank you.

Committee Change

Mr. George Hickes (Point Douglas): I move, seconded by the member for Wellington (Ms. Barrett), that the composition of the Standing Committee on Industrial Relations be amended as follows: Wolseley (Ms. Friesen) for Selkirk (Mr. Dewar), for Tuesday, July 9, 1991, for 8 p.m. Thank you.

* * *

Mr. Dave Chomiak (Kildonan): Mr. Acting Speaker, I can indicate that I will be the final speaker for the opposition with respect to this bill, and we will be asking that the matter move to committee upon completion of my comments.

Mr. Acting Speaker, I commence my comments with some reflection and comment upon the comments of the member for St. James (Mr. Edwards). While to a certain extent his comments were accurate, I think that his comments in reference to the Law Society, I think go much further than I would go. I can you tell you that it is my experience that there is a sense that the Law Society and lawyers in general are far removed from the average members of the public, and I think in that sense that view is accurate. I can tell you as a practising lawyer that the Law Society, at least to us at the practising bar, is a fairly efficient body and is quick to deal with lawyers when they go out of hand.

I do have some concerns about a body made up entirely of professionals from one profession, totally governing themselves. Being somewhat out of touch with the day-to-day activities of the average citizen—and I do not have the complete admiration for The Law Society that perhaps the member for St. James (Mr. Edwards) has, and I am saying that as a practising lawyer.

I am not saying that there is anything inherently evil or inherently bad about individuals who are lawyers. It is just that when any group of individuals have the responsibility and the authority and the power, indeed, that the members of the Law Society have, I think there is a natural tendency to perhaps lose a little bit of touch with the average day-to-day—in fact, it is my perception that they have, in some ways, lost touch with the workings of the average citizen.

Mr. Acting Speaker, by virtue of that, the result has been that lawyers have never actually been held in great repute by society. One reflects upon Shakespeare saying in Henry IV, Part Two, first, "let's kill all the lawyers". I do not think it has gotten much better -(interjection)- with the exception of Portia, the member for Wellington (Ms. Barrett) advises me.

* (1550)

Mr. Acting Speaker, the situation has not improved, although with reference to that quote, lawyers always defend it by indicating that, in fact, that quote was offered by individuals who wished to overthrow a state. They thought the first means by which you could overthrow a state was to get rid of the legal apparatus, via getting rid of the lawyers. I do not know if that is, in fact, the case. I am not that familiar with Henry IV, Part Two.

Nonetheless, Mr. Acting Speaker, in the last few years and since that time, hundreds of years, in fact, a lot of lawyers in the eyes of the public have not changed dramatically. There are many factors attributed to that. I dare say, and I will go on record as stating, that there is need for a good deal of improvement from the Law Society. I only—thinking out loud—offer suggestions, the possibility of members of the public being involved in the Law Society, open hearings and matters of that kind.

I know they are being debated. They are being debated as we speak probably by law societies around the country, but I think there have to be some changes in order to remove the chasm between the average member of the public and their average lawyer. Having said that, I can indicate that the vast majority of people that I come in contact with on a daily basis in the practice of law are decent and honourable hard-working individuals who are plying their profession and trade like anyone else in society. However, on reflection, sometimes when you put them together in a room, even I get very frustrated in terms of the comings and goings.

The minister indicated, Mr. Acting Speaker, in his comments when introducing this bill that these are largely as a result of consultations with the Law Society. The member for St. James (Mr. Edwards) indicated that this was a virtue, and I agree with him to the extent that the government should be consulting with participant members of society when they are introducing any legislation.

Nonetheless, to only consult with the Law Society on matters, although albeit it affects The Law Society Act, but on matters that affect all of us, it may in fact be an oversight. Maybe we should be opening up the process. Maybe we should be talking to people more in general with respect to the Law Society, how lawyers are governed, how they function in our society. So, in that sense, I am not entirely certain whether this necessarily reflects the amendments that are necessary. Although when I review the act and I review the amendments in The Law Society Amendment Act, they appear to be largely of a technical nature dealing with provisions in a particular act.

My only comment is that maybe we should be going farther and maybe we should be looking at amendments and changes to The Law Society Act that open up the process, Mr. Acting Speaker, that allow the public to have more input into the day-to-day functioning of the profession, not less.

We have not been provided with a spreadsheet or a briefing or any specific details with respect to the proposed amendments and that makes it somewhat difficult to deal with, because they are technical changes of a legalistic nature. It would be more helpful, as the minister as done with other bills, for us to have an opportunity to review these changes on a spreadsheet that outlines the changes and the reasons for the changes and would allow for more informed debate in this regard.

I join the member for St. James (Mr. Edwards) in his comment of approval for the fact that, at least, some of the changes deal with a recognition of the Supreme Court decision as it affects the ability of a noncitizen to practise his profession in the Law Society. Mr. Acting Speaker, we welcome that particular change and that particular amendment.

Mr. Acting Speaker, the amendments as proposed do not appear to be overly difficult or anything that we on this side of the House have any great concern for. The concern expressed by members on this side of the House is the whole concept and the whole view of the profession. There are many, many outstanding individuals involved in it. At the same time, the concern out there for the public with respect to the profession is a very real one. It cannot simply be set aside by reference to history or by reference to any other factors. If the public has some concern, but they are not in touch or in connection with the legal profession, then perhaps there is a problem there

and perhaps we should be addressing it through changes to this act or through some other method, Mr. Acting Speaker. It is frustrating.

We perhaps have a means as politicians to try to cross that chasm that exists between the voting public and politicians. We can do that by virtue of doing our job properly. I wonder how we can try to cross that chasm in terms of the relationship between the legal profession and lawyers and the public out there, Mr. Acting Speaker. I dare say there will always be tensions and there will always be difficulties, but where there is smoke there is some fire, and I would look at some point to some means and some method in order to address these concerns.

With those comments, Mr. Acting Speaker, I will indicate that we on this side of the House have agreed to have the bill, Bill 60, The Law Society Amendment Act, moved to committee.

The Acting Speaker (Mr. Penner): Are we agreed that the bill be passed to—

Some Honourable Members: Agreed.

The Acting Speaker (Mr. Penner): The House agreed.

House Business

Hon. Clayton Manness (Government House Leader): Mr. Acting Speaker, I wonder if there is a willingness to waive private members' hour tonight?

The Acting Speaker (Mr. Penner): Is it the will of the House to waive private members' hour? Agreed?

Some Honourable Members: Agreed.

Mr. Manness: Mr. Acting Speaker, I would propose to call one more bill this afternoon, that being Bill 49, after which time a member of the Treasury bench will move the Supply Motion to go into Estimates review.

Committee Change

Mr. George Hickes (Point Douglas): I would like to rescind the committee change for Wednesday, July 10, 1991 at 8 p.m., Interlake (Mr. Clif Evans) for Selkirk (Mr. Dewar).

I would like to make a committee change. I move, seconded by the member for Wellington (Ms. Barrett), that the composition of the Standing Committee on Industrial Relations be amended as follows: Interlake (Mr. Clif Evans) for Wolseley (Ms. Friesen) for Wednesday, July 10, 1991, at 8 p.m.

The Acting Speaker (Mr. Penner): Are we agreed? Agreed and so ordered.

Bill 49—The Colleges and Consequential Amendments Act

The Acting Speaker (Mr. Penner): On the proposed motion of the honourable Minister of Education (Mr. Derkach), Bill 49, The Colleges and Consequential Amendments Act (Loi sur les collèges et modifiant diverses dispositions législatives), standing in the name of the honourable member for Dauphin (Mr. Plohman).

Stand? Stand. Is there leave? Leave agreed.

Mr. James Carr (Crescentwood): Mr. Acting Speaker, I would like to put some thoughts on the record about this bill, Bill 49, The Colleges and Consequential Amendments Act, which is really a poorly thought out piece of legislation. Why, at a time when we are talking about efficiency, when we are talking about streamlining decision making, when we are talking about co-ordination of provincial standards in all kinds of fields, we want to create three unconnected, independent boards of our community colleges?

Mr. Acting Speaker, there is even a school of thought which is gaining momentum across the country that post-secondary education really belongs with the federal government, along with the provincial government, that there should be some concurrent jurisdiction so that we should set national standards for post-secondary education.

* (1600)

What does Bill 49 do? Bill 49 does not even want to set out a provincial standard, but the consequence of Bill 49 is to establish independent boards with independent mandates and independent power to make decisions. Not over trivial matters either, because if you look at the details of the legislation, these boards will have the power to establish admission requirements for students. These boards will have the power to set tuition fees and the rates of other fees and service charges to be paid by the students for the provision of granting of certificates and diplomas for programs of study.

So what we have done is we have taken a provincial standard which some think should be a national standard, and chopped it up into three different pieces of a puzzle. Why have we done that? I do not know exactly what the intent is from

the Minister of Education and Training (Mr. Derkach), what positive consequence to the educated and educating public of Manitoba will be as a result of this bill, especially if you look at what is happening in other areas of the government.

Let me give you an example, Mr. Acting Speaker. We saw that the revitalization of Winnipeg -(interjection)- The Minister of Education and Training will be delighted to know that he at least has two or three friends on the Treasury benches, with scattered applause as he makes grand entry into the Chamber.

As I was saying before the applause broke out, Mr. Acting Speaker, that we—and I should say two of the three people applauding were the Minister of Health (Mr. Orchard).

As we look at the revitalization of the core of Winnipeg, we saw that there was a North Portage Development Corporation, there was the Core Area Initiative Program and there was The Forks, and we argued to the government that it made sense to put them together. It made sense to make one development agency that would oversee downtown revitalization. Do you know what, Mr. Acting Speaker? The government agreed with us.

Some Honourable Members: No.

Mr. Carr: Yes, they did. I would not want them to make it a habit; it would make me uncomfortable, but on this one occasion anyway, the government said, yes, good idea; it does not make any sense to have three agencies scattered over downtown Winnipeg, let us centralize them into one, so rather than having competing mandates, we will have co-ordination of a downtown revitalization program.

Why did they say yes when it came to revitalizing downtown? Why do they say no when it comes to the education of our young people? I do not know, frankly, what the minister's agenda is here, because while he wants to set up independent boards, he leaves himself with quite a bit of power. He has the power to appoint between 10 and 12 directors of each of these independent boards which, as I say, has the power delegated by the minister to establish all kinds of standards, tuition fees, granting of diplomas for the students who attend them.

The minister also retains for himself the power to appoint the president, the chief executive officer of the community colleges. He is prepared to grant some power to these so-called independent boards but not the power of appointing their own president

which he maintains himself as Minister of Education..

We are concerned and nervous that the effect of this act is going to be to splinter the administration of our community colleges around the province because, after all, it makes sense that there be some regional component to the curriculum offered at these colleges. It makes sense that Brandon does not offer the same thing that is offered in northern Manitoba, so that there is a complementary curriculum in our province and not a competing one. Yet, you establish three independent boards. It is a recipe for parochialism. It is a recipe for competition. It is a recipe for inefficiency.

The Minister of Education and Training (Mr. Derkach) is going to have to argue that this particular solution is going to create a better community college system for Manitoba. -(interjection)- The Minister of Education says, by far. I hope he is going to argue better and more persuasively on these points than he did when it came time to table the budget, because when it came time to table the budget this year, and we look at the line for community colleges, do we see growth, do we see progression, do we see more students graduating from our community colleges?

The answer to all those questions, Mr. Acting Speaker, is no. The Minister of Education has laid off teachers at our community colleges. The budgets of those community colleges are going down, not up. Therefore, the capacity of these institutions in the long term to accept and properly educate more students is going to be decreased, not enhanced as the minister would argue.

This bill does not make a lot of sense. There are all kinds of people who are trying to conceive of ways in which we, as provinces in this country, and those of us who live within the provinces can co-operate so that the services we offer to our people are not competing with one another, but they are co-ordinated properly. There are even those now arguing that the prairie provinces ought to be looking at ways in which their institutions, both public and private, can co-operate so we are better able to meet the challenges of the coming decade and beyond.

This is not a progressive piece of legislation that looks forward. This in fact, Mr. Acting Speaker, is a regressive piece of legislation that looks backward to bygone days that no one wants to relive.

-(interjection)- My friend the Minister of Environment (Mr. Cummings) says I am using big words and confusing him.

I graduated from one of the universities in Manitoba. Actually, that is not quite true. I actually got my degree from a university in Quebec, McGill University, but I had the pleasure of attending two of our province's universities and enjoyed every moment that I was there. I am surprised to hear that the Minister of Environment did not graduate from one of those universities, or if he did and he does not understand the words that I am using, maybe he should go back and take some refresher courses. -(interjection)-

Mr. Acting Speaker, the Minister of Education and Training (Mr. Derkach) asks me from his seat to get into the content of the bill. I thought the substance of the bill was a decision taken by this minister and the government to set up three independent boards to run the community colleges. I do not know whether the minister is having a hard time bracing the cobwebs away today, but we are saying it is a bad idea. Now we are telling him why it is a bad idea.

As I tried to make it perfectly clear in my speech yesterday on Bill 70, politicians do not have to worry about being misquoted. They have to worry about being quoted correctly. We threw some of the words of the Premier and the Minister of Finance that had been put on the record back at them to explain the break of faith. I do not worry about the words that my Leader or my colleague from St. James or others have put on the record on this bill.

* (1610)

This bill has serious flaws to it, and it is not just flaws of drafting. It is just not a question of sloppy or poor draftsmanship. Often we get that. We got that, for example, when the Minister of Energy and Mines (Mr. Neufeld) introduced his bill not long ago and then came back with 46 amendments. Well, some of them were spelling mistakes. That is sloppy drafting.

When the Minister of Justice (Mr. McCrae) brought forward his drinking and driving legislation, there was sloppy drafting. We saw a little bit of sloppy drafting this morning. That is not the problem with this bill. It is sloppy thinking, and the concepts that have been embodied in the legislation are not serving the students and the educators of our province well at all. That is why the Liberal Party

in this House will not support this bill, but we will seek to improve it to the best of our ability.

Thank you, Mr. Acting Speaker.

Mr. Paul Edwards (St. James): Mr. Acting Speaker, I just want to put some brief comments on the record on Bill 49. I want to echo and express my agreement with the comments just made by the member for Crescentwood. He put them, I think, far more eloquently than certainly I could and spoke even more eloquently than the Minister of Education and Training (Mr. Derkach) did. Any argument that the Minister of Education made or could make, I think, was pretty well put to rest, if not by the member for River Heights (Mrs. Carstairs) in her initial speech in response to this, then certainly by the member for Crescentwood.

I am not sure there is much left to pick up for me, but I do want to say this to me is another sign of the idiocy of this government when it comes to dealing on a provincial basis. They say they know how to manage things; they say they are fiscally responsible, and what have they done? They are setting up a competitive community college system. That is what they are doing. They are setting up internal competition not just in the free market, which may have some defence to it, in the education system. They are structuring this along exactly the lines that they have just decimated in the Child and Family Services area. They are going exactly the opposite direction. They are saying, you community colleges, we are going to appoint your boards, and then you go out there and determine all of the relevant things which will affect you as community colleges, including the amount of tuition that they can charge, including the admissions policy. All of those things are going to be done.

If this government, if this minister does not think that in any economic environment there is not going to be internal competition, he is dreaming in technicolor. There absolutely will be competition between these institutions for the dollars that are available in the system. He is setting himself and the system up for that kind of competition which can only result in higher costs for education in this province, and can only result in duplicitous programs, in the inefficient use of the very, very tight resources that we have. That is my key concern.

I do want to add that I think this is also a sign of the political meddling of this government, that they are unwilling to guarantee students the ability to

elect their own representatives to the board. I realize there is terminology in there that the student body will be consulted as to the process of putting someone on the board, but surely there should be some sort of guarantee that at least one of 12 board members would be democratically elected from the student body.

That is something which I encourage the minister, in the event that this bill passes, and we certainly will not be assisting in that, but in the event that it does, I encourage him to use the terminology that is in there to ensure that there is a democratic process for the election of a student representative.

I would also suggest that limiting it to one is a sign of paranoia which this government has shown, as I say, in the areas of Child and Family Services when it comes to participation of the most interested parties. It is the same type of meddling which has happened throughout the process.

I am most familiar, of course, with the Department of Justice where the Minister of Justice (Mr. McCrae) has done this in the area of Victims Assistance. He has done this in many other areas throughout the system.

This minister is on the same track. They are paranoid of allowing the people who are most interested in having a real role. They want, on the one hand, to have some more independence for the community colleges. They do not want to get involved in the day-to-day activity, but they are unwilling, clearly by this legislation, to truly go the full mile and to go the final step and give these boards the ability to be truly representative and truly effective. The way to do that was to create one board for this province that could accommodate all the interest of the province, not just the region the community college happens to serve.

Mr. Acting Speaker, there are many other comments that I could make on this bill, which is indeed a regrettable one, because something had to be done, but this is not it. This is the wrong path. I trust and hope that some of these concerns will be brought forward perhaps from members of the public, who the minister may show more respect for than he does from this House, because so far we see quite a lot of intransigence when it comes to the positive suggestions which have been made by our Leader.

With that kind of potential in place for an internally competitive, destructive system, in the interest of

education in this province we simply cannot support this bill and recommend to all members that they seriously consider what they want the education system in this province to look like in 10 years. Do they really want pitched battles between regions, between boards in this province? That appears to be the road the Minister of Education and Training (Mr. Derkach) is heading us down. Thank you.

The Acting Speaker (Mr. Penner): As previously agreed, Bill 49 will remain standing in the name of the honourable member for Dauphin (Mr. Plohman).

* * *

Hon. Albert Driedger (Acting Government House Leader): Mr. Acting Speaker, I will try again. I move, seconded by the Minister of Northern Affairs (Mr. Downey), that the House resolve itself into a Committee to consider of the Supply to be granted to Her Majesty.

Motion agreed to, and the House resolved itself into a Committee to consider of the Supply to be granted to Her Majesty with the honourable member for St. Norbert (Mr. Laurendeau) in the Chair for the Department of Health; and the honourable member for Seine River (Mrs. Dacquay) in the Chair for the Department of Justice.

CONCURRENT COMMITTEES OF SUPPLY

SUPPLY—HEALTH

The Acting Chairman (Mr. Jack Reimer): 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 of the Department of Health.

When the committee last sat it had been considering item 5, The Alcoholism Foundation of Manitoba \$10,293,600 on page 70 of the Estimates book. I believe there is an agreement to leave this to later and instead we will proceed to Section 6, which is Health Services. Is that agreed? Agreed.

Ms. Judy Wasylycia-Lels (St. Johns): I understand that the executive director of this new branch entitled hospital services and community services—I am not sure I have the exact title—is Mr. Frank DeCock.

Hon. Donald Orchard (Minister of Health): Mr. Acting Chairman, yes, Mr. Frank DeCock is the Executive Director of the Manitoba Health Services

Commission and Associate Deputy Minister of the Ministry of Health.

Ms. Wasylycia-Lels: Who is the assistant executive director for this area?

Mr. Orchard: That position is vacant right now.

Ms. Wasylycia-Lels: Will the minister be bulletining for this position or filling it through direct appointment?

Mr. Orchard: Mr. Acting Chairman, that position was filled formally by Mr. Kalansky who is now the Chief Executive Officer at Seven Oaks, and we have ongoing a search committee, a headhunter search for a replacement for the position.

Ms. Wasylycia-Lels: Mr. Acting Chairperson, this is the area that I believe saw the loss of a couple of long-standing civil servants with the government of Manitoba. I do not have the total list. I know that the minister gave us a rough breakdown earlier on. I am raising questions specifically now about John Robson, who served with the government I believe 29 years, and Ken Hominick, who served with the government for 28 years. I am wondering if the minister could tell us on what basis these two individuals were let go.

Mr. Orchard: Mr. Acting Chairman, no one takes any great pleasure in making those management decisions, but when we made the steps to amalgamate function between a department and commission, the major number of our position eliminations were in the senior management category. The two individuals that my honourable friend mentions are probably two of the more senior individuals within the 56 affected by positions eliminated in the ministry of Health, and it was a circumstance which came through the amalgamation of function when we combined administrative functions between the ministry and the commission.

Ms. Wasylycia-Lels: With respect to the whole function or purpose of the reorganization of the department, the minister has placed a great deal of emphasis on the integration of the institutional side with the community based sector. Given that it appears that Mr. Robson had considerable experience, both in terms of the institutional side of health care as well as with respect to community-based health care, did the minister not see a role for someone of this expertise and talent in the whole refocus or reorganization of the department?

Mr. Orchard: Mr. Acting Chairman, I appreciate no decision is an easy decision when you are involved with senior management, because you do not get to the senior management in most places without a fairly substantial length of service. Within the reorganization, we have a melding of urban and rural under Sean Drain, with Jim Lock having assumed major responsibilities in the area that Mr. Robson had been undertaking his duties.

Ms. Wasylycia-Lels: Mr. Acting Chairperson, I understand these were all difficult decisions. I am having some difficulty in terms of understanding the rationale for why certain individuals were selected in terms of layoff, especially when we are looking at the kind of years of service and the, what I understand to be, exemplary performance of the individuals I have referred to.

In fact, I do not think it would be an unfair statement to make to say that John Robson probably was the only senior middle management person with extensive experience on both the institutional side and with community based health care. He has a reputation throughout Manitoba for exemplary performance, and I am still curious as to the reasons for dismissing someone of that kind of experience and that kind of meritorious performance with the government of Manitoba.

* (1630)

Mr. Orchard: Mr. Acting Chairman, I appreciate what my honourable friend is indicating but, first of all, it was the position under reorganization that was—the reorganization eliminated the position first, and the individual happened to be John Robson that was in the position. Appreciate that the experience from the institutional side had been primarily in the last, well, I guess about three years, a little over three years with this service with the commission. Prior to that, I think, most of Mr. Robson's service had been in community and in regional services and with emphasis only in the last three years or so on the institutional side.

Ms. Wasylycia-Lels: Mr. Acting Chairperson, the minister has indicated that the position was eliminated, which is one of the reasons that the minister uses to account for the dismissal of John Robson who has served with the government for 29 years, I believe, on both the institutional and community-based side of health care. I would ask, and I am not interested in trying to pit any civil servant against another, but on what basis was

Sean Drain kept on and John Robson let go, given the reorganization of the department?

Mr. Orchard: It was the position that was eliminated of director of rural services. Sean Drain was not in that position and in the reorganization, with the position gone, Sean Drain has assumed a joint responsibility. His responsibility had primarily, well, up until the amalgamation, had been ostensibly with the urban side.

Ms. Wasylycia-Lels: That, Mr. Acting Chairperson, is where I think there is some inconsistency in terms of the minister's actions and responses. John Robson was director of rural facilities with MHSC. Sean Drain, I believe, was director of urban facilities for MHSC.

We are now dealing with a reorganized department and an attempt to integrate on both urban and rural fronts, the institutional aspect of health care with community-based health care. So I am wondering on what basis one was kept and one was let go?

Mr. Orchard: Mr. Acting Chairman, just that in doing a reorganization within the senior management levels of the department, there are amalgamations that flow and when they flow, certain positions are identified as being redundant in the reorganization and that is as briefly as I can put it.

The rural facilities, although a very important position and certainly one of great deal of interest to me because we have spent a lot of time working within the Capital Program and other areas in terms of rural health service delivery, but appreciate that in terms of budget management and in terms of issue management, the urban director certainly had a significantly larger portion of the hospital and facility budget to deal with having responsibility for the urban side.

That left us in a position of, where do you best marry an amalgamation?—and I have to assume that it is easier to fold in a smaller responsibility into a larger one than vice versa, and that was the choice for the position that was eliminated or found to be redundant in the reorganization of the ministry.

Ms. Wasylycia-Lels: What was Ken Hominick's position? Was that position deleted and how will the duties that he was performing be fulfilled?

Mr. Orchard: The position was director of construction and two managers who were in that area, Linda Bakken and Dale Berry, are assuming the responsibilities. They were always there, but

they are splitting the responsibilities on facility planning.

Ms. Wasylycia-Lels: In both positions pertaining to John Robson and Ken Hominick, the people who assumed the responsibilities of these two individuals, had they served longer? Had they put in more years in terms of the Civil Service than those dismissed?

Mr. Orchard: Mr. Acting Chairman, no. I do not believe in either case that would be the case, as I indicated at the onset. Probably the two individuals my honourable friend is asking about were certainly the longest-serving individuals in the ministry who were subject to the reorganization layoffs. So their replacements, or those who assume their duties, would not have more career experience in the Civil Service.

Ms. Wasylycia-Lels: Mr. Acting Chairperson, I appreciate what the minister is saying. However, I continue to have a great deal of difficulty understanding his decision. It would seem to me that one would look first at longest-serving individuals, all else being equal, and if we are talking about individuals who probably constitute or have between them the most extensive management experience in the health care field overall, it would seem to me that the seniority principle should have taken effect, and that kind of meritorious contribution to the province of Manitoba should have been taken into account.

I will not dwell on this issue except to put on record our disappointment at the way in which these long-standing serving individuals have been treated and dealt with by this government and indicate our regrets that the minister did not see fit to continue to make use of their talent and expertise in the health care field.

Let me ask one other question on the administration side with respect to decentralization. I think this would be the appropriate time to raise it. As I understand, in terms of this area, a number of positions were moved to Flin Flon, and they pertained to the Northern Patient Transportation Program. About 13, as I understand it, have been moved to Morden, and I am wondering on what basis the decision was made, in terms of decentralization, with the bulk of employees being moved going to those two centres, and if the minister has any information to help us understand why those two centres were chosen.

Mr. Orchard: I appreciate my honourable friend's comments on the concern expressed over the layoff of the two senior civil servants and, as I indicated, no one took any particular joy in making those decisions. Those were difficult decisions. On the capital side, let me just indicate to you, as you might recall earlier in our discussions, when you asked about the capital planning versus the capital construction—both those managers, Linda Bakken, on the capital planning side under the Healthy Public Policy program, was to provide that co-ordination and that management function. Under the capital construction side, Mr. Berry is assuming that responsibility. What has happened in the reorganization is the opportunity to streamline the administration, and that meant that the director position in this area was redundant.

* (1640)

Ms. Bakken has some pretty substantial experience in terms of the planning area and has worked with a lot of boards and community groups in terms of advancing their plans and, of course, Mr. Berry is an engineer by professional trade and an MBA and certainly brings reasonable credentials to the position. I simply reiterate again that those were decisions based on reorganization wherein the position was eliminated and the circumstance being that the individual in each case occupied the position.

Now let me deal with the decentralization question. There are eight individuals who have been transferred to Flin Flon. That commenced officially on April 1 of '91. Those are in the northern patient transportation service area, ambulance service area. They serve the Norman and Thompson regions out of Flin Flon.

The choice of Flin Flon versus, say, The Pas, or versus Thompson, I guess we tried to balance out because the argument has been that Thompson gets everything in the North, has been an argument that you will often hear. We were sensitive to that and chose Flin Flon over The Pas because of a more northern location, to put it to you simply.

In terms of the Morden move, there are 13 positions that are being moved there. Those positions provide services to central and Westman. Now again I suppose we could have chosen, say, Portage la Prairie or Brandon for those positions, but again it is a similar sort of circumstance and argument that is made by other communities in rural

Manitoba that if Brandon does not get it then Portage or Dauphin does. There is that natural rivalry outside of the city of Winnipeg.

In the case of, say, Portage and of Brandon in terms of decentralized positions, I think the figure of Brandon was over 100 and I think the numbers into Portage were somewhere in the neighbourhood of 40. So the distribution and the attempt to balance our distribution in the decentralization left Carmen or Morden or one of those communities in the running. Carmen was a logical one for Soils and Crops, so the decision was made by the committee that Morden would serve as a reasonable location. In addition to that, we did transfer one position to Portage la Prairie and we have September 1992 a target for a position going to Minnedosa out of the commission.

Ms. Wasylycia-Lels: Did the minister not receive a report from his senior management indicating that from a cost-effective point of view and a service delivery point of view that his decentralization proposal was not exactly sensible, particularly when it came to the movement of 13 individuals to Morden?

Mr. Orchard: I did not receive a report like that, but there may well have been one generated. When government embarks upon a policy of decentralization, you are always going to run into those who might argue against the moves. For instance, part of the original plan was to decentralize the Standing Committee on Medical Manpower. I thought that was an ideal candidate because most of their services are for physician recruitment outside of the city of Winnipeg. It is only in very, very rare circumstances that the standing committee would assist in recruitment to a position, a physician position, in the urban setting of Winnipeg.

The case was made by a number of facilities that when they were in the city dealing with other matters, the liaison with the Standing Committee on Medical Manpower was a reasonable one. In particular, I have to say the more northern facilities made that case. So that was acceded to and that did not become part of the decentralization even though one would see some logic in the Standing Committee of Medical Manpower leaving the city of Winnipeg.

We did, for program reasons, make the decision to move the other positions, and we do not think it

will do anything but improve accessibility and service to rural Manitoba.

Mr. Leonard Evans (Brandon East): Mr. Acting Chairman, if I could ask a couple of questions respecting the Brandon General Hospital. I gather we have not yet come to the capital construction projects part of the Estimates.

I would like to be guided by you, sir, on that, so where it is not appropriate to ask questions yet about the capital expenditures—

Mr. Orchard: Go ahead.

Mr. Leonard Evans: Just prior to getting to that then, I would like to ask a question about the \$16 million scale back in the budget allocation of urban hospitals. Of the \$16 million, how much was allocated to the Brandon General Hospital?

Mr. Orchard: You are talking on the operating budget. How much their requested increase versus the budget increase, I cannot tell you.

There was \$19 million involving Brandon and the eight Winnipeg hospitals, and I cannot allocate the numbers to you.

Mr. Leonard Evans: Mr. Acting Chairman, is the minister saying he does not have the information right now or that he will never get it? I mean, surely, you should know of the \$19 million, how much is allocated to one particular hospital, whatever that hospital is.

Mr. Orchard: We will try to get that information for you for Thursday.

Mr. Leonard Evans: I appreciate that. As the minister may be aware, the Brandon General Hospital has now announced a summer bed closure; 56 beds will be closed in July and August. I find this rather surprising.

There have been allegations made by various doctors, such as Dr. Harold Silverman, who is a thoracic vascular surgeon, and perhaps another doctor, who say that really this is a means of managing a government cutback. I imagine they are referring to some of that \$19 million we were talking about a moment ago.

At any rate, there is a waiting list of 1,236 people as of May 31, 1991, and many of the doctors are very concerned that services will deteriorate because of the bed closures. They are convinced that the bed closures are a means of management coping with less than an adequate supply of operating funds.

I am reminded, Mr. Acting Chairman, of the Peer Review Committee which was prepared in December of 1989. In that report criticisms were made of previous summer closures that had occurred at the Brandon General Hospital, and that those closures were found to be disruptive of the normal activities of the hospital.

I am just quoting from page 14 of the report: The lack of an effective bed management plan contributed to this disruption. Furthermore, the closures were not fully effective as a management tool for the avoidance of budget deficits.

The report goes on to talk about—in its recommendations, it goes on suggesting that rather than the hospital being required to engage in summertime closure to be able to manage with the operating funds it has been given by MHSC, that it consider scaling down the number of acute beds, the number of permanent beds. They recognize on page 16 of the report that on a population ratio, comparing BGH with the guidelines for urban general hospitals, that perhaps Brandon could afford to scale back on some of the number of beds to bring it more in line with the ratio for urban hospitals.

I can read parts of this, but I do not think it is necessary. I am sure the minister and his staff realize what I am talking about. At any rate, the conclusion was that there be a phased reduction in the number of acute care beds at Brandon General Hospital, and I understand that did take place.

The minister was very complimentary of this Peer Review Committee and of this report which urged that there be a phased reduction in the number of acute care beds. So there has been a reduction, as I understand it, a scaling back in the number of beds in the Brandon General Hospital. Then it goes on in this report to say that, and this is recommendation No. 4 on page 17: Large-scale seasonal bed closures should be avoided as a means of financial management.

In effect, the committee appointed by the minister was of the view, and I believe the personnel at Brandon General Hospital including the medical staff were of the view, that given this agreed upon scaling back of the number of permanent beds, that no longer would BGH be forced to engage in summer closure, but here we are back again to a closure of 56 beds for the summer period. Again, it seems to be a technique of, as I said, cutting back

on expenditures in order to cope with the budget that they have been given by the government through MHSC.

* (1650)

As a matter of fact, Mr. Acting Chairman, reference is also made to last year by Dr. Harold Silverman when he says that: Last summer we were told there were not going to be any temporary bed closures to help save money to meet our budget and to help reduce or prevent a deficit. I am quoting from a letter to the editor written by Dr. Silverman and appearing in today's Brandon Sun.

He said, and I am going on from this letter: Temporary bed closures did not happen last year. However, they did close approximately 60 beds last year for "painting." But at any rate, this in effect was not temporary bed closures in the government's mind, but in my mind, it absolutely was.

He goes on to say: Well, we had it last year for painting. Now we have it straightforward, 56 beds being closed this summer.

Mr. Acting Chairman, what I would like to know is, what was the point of the peer report? The peer report was to avoid future summer bed closures which the minister, himself, was critical of in the past. Why are we having summertime bed closures?

Mr. Orchard: Mr. Acting Chairman, there are a whole number of reasons for that, some of which my honourable friend might well know. My honourable friend might go on and indicate that the executive director of Brandon General Hospital indicated that there is not a financial crunch at the hospital and that beds are being closed to facilitate staff holidays. He also said there are less patients traditionally admitted in the summer.

There is no point keeping beds open and staff on when there are no patients, physicians are away and not admitting—that is one of the reasons. You know, my honourable friend quotes from the Peer Review Committee and he is correct. The large-scale seasonal bed closures should be avoided as a means of financial management, but it did not say that it should be avoided as a use of patient management. When your patient volume is down over the summer months, you do not operate a full-scale hospital with empty beds, and fully staffed. That would not exactly be prudent financial management.

In the point 3 that my honourable talks about, I think that he would know there has been no

permanent reduction in the number of beds at Brandon General Hospital since the forced closure of beds at Brandon General Hospital which occurred in 1987, I believe, when he was last in government.

Mr. Leonard Evans: Just for clarification, Mr. Acting Chairman. Are you saying there was no scaling back of the number of acute beds as recommended by the committee? In my understanding, there has been; this has taken place. There has been a reduction in the number of acute beds. Now, if the minister is saying that has not happened, I am surprised because I thought that had occurred as per the recommendation.

Mr. Orchard: Mr. Acting Chairman, the active treatment bed numbers today are the same as they were in May 1988. They were reduced by edict in 1987 by the previous government. My honourable friend might remember that, but there are the same number of beds in there. Our planning around the redevelopment of Brandon General Hospital does reflect fewer beds, yes, but the same number beds are operational today as they were in 1988 after the forced closures in 1987.

Mr. Leonard Evans: Mr. Acting Chairman, the minister quotes the executive director of the hospital saying, it is money saving, that there is no point in keeping the beds open in the summer because of holidays, and why waste money. Doctors Silverman and Friedlander are quoted as publicly saying that "the beds are being closed because the hospital has no money but won't admit it." Furthermore, another doctor, Dr. Mel Roberts, who is an orthopedic surgeon, said he had a surgery cancelled this week because there was not a bed, and Dr. Silverman said a lung cancer surgery was cancelled on Tuesday until he fought for it to go through. In other words, what the doctors are saying is that there are cases here that are not going to be looked after because of what amounts to a reduction in beds for this summer.

I just want to go on record, Mr. Acting Chairman, that obviously there is a difference of opinion, perhaps, between the minister and myself. Certainly, there is a difference of opinion between the director and the medical staff who say they cannot do their job because there are not enough beds being made available to them.

I realize we are running out of time here, so I would like to go on to ask another question to the minister about the Capital Program.

Mr. Orchard: Mr. Acting Chairman, before my honourable friend leaves the record without full information on the record, yes, Dr. Silverman indicated in a letter to the editor or was quoted in the paper in Brandon Sun, Thursday, July 4. Dr. Silverman, referred to as "he"—"He also said a surgery for a lung cancer patient was about to be cancelled for a second time on Tuesday 'until I raised a stink about it."

Mr. Acting Chairman, my honourable friend the member for Brandon East might be aware that the cancer case described by Dr. Silverman had admission delayed in order to accommodate Dr. Silverman's schedule, and the admission was originally planned June 26 and was put off to July 2. Dr. Silverman cancelled the own admission of his own patient because, as I understand it, Dr. Silverman was out of town at a clinic on his own volition. To try to make the case that it is because of budget or unavailability of beds that individual was cancelled was not exactly being accurate. I would give my honourable friend the memo I have from which I just quoted, which is signed by both the executive director of the hospital and the medical director of the hospital, so that I do not want any misinformation to be put on the record by my honourable friend from Brandon East.

Mr. Leonard Evans: I have not discussed this personally with Dr. Silverman, but I am simply going by public statements. I might add, Mr. Acting Chairman, that in the Brandon Sun of Friday, July 5, Dr. Silverman is quoted as saying, "The doctors are more than willing to re-arrange their schedules to operate in the operating room." Dr. Silverman said, "They cannot get the patients into the hospital." Then, as I said, there was reference made by Dr. Mel Roberts about a surgery cancelled. At any rate, I have this memo that the minister has tabled and, fine, I will read it over. Hopefully, I will be able to get a hold of Dr. Silverman to discuss it. Obviously, there are concerns by the medical profession in Brandon about these closures.

Mr. Orchard: Mr. Acting Chairman, yes, there are concerns, but in this case Dr. Silverman complained about the cancellation of a surgery, blaming it on a whole plethora of reasons, budget, summer closures, whatever, but in fact the doctor himself cancelled his own patient. Surely that must shed some different light on it and it is not I who is bringing that information to the committee, it is the executive

director and the medical director of Brandon General Hospital, to correct the record.

Mr. Leonard Evans: Mr. Acting Chairperson, as I said, I will pursue this with Dr. Silverman if that is possible. Because I realize we are pressed for time, I would like to ask very briefly, because he offered to discuss the Capital Program, I am very concerned about the Capital Program for Brandon General Hospital.

I have two questions. One is regarding Schedule III and what the meaning of it is. There is reference in Schedule III to the Brandon General Hospital; it is referred to as projects approved for construction and it refers to a building maintenance upgrade. Can the minister very briefly and specifically tell me how much money has been allocated for these projects, and briefly, what are those projects?

Mr. Orchard: The figure approximates \$300,000 and is for firecoat upgrades, some of the standards upgrades.

Mr. Leonard Evans: Then I referred also to Schedule IV, projects approved for architectural planning and reference is made to the Brandon General Hospital redevelopment and upgrading. Mr. Acting Chairman, I could refer you to Capital Programs for many years now, several years, to previous ministers as well, where BGH was listed as approval for architectural planning for redevelopment and upgrading. We never seem to get beyond the architectural planning stage.

* (1700)

People are asking out there, including members of the board, when, oh when, is the government going to approve money for the major overhaul of the BGH? The building looks fine from the outside, but as maybe the minister realizes and his staff realizes, it is antiquated in terms of operating room capacity, in terms of mechanical work, engineering facilities and so on in the hospital. We were talking about \$50 million. That was four, five, six years ago, and I am wondering what is happening. When will this redevelopment program take place? Obviously it is not going to take place this year, because there is no reference. We continue to stay in the architectural planning stage.

Mr. Orchard: Not unlike other facility upgrades, they are many years in the making. My honourable friend might recall, in the 20-some years that he has been elected to this House, Municipal Hospitals were talked about and planned about and designed

about, and successive governments did not make the commitment to construction because—well, I cannot answer for previous governments. In 1988 when we inherited government, we also had a complete redevelopment plan on the books ready to go for, for example, Municipal Hospitals. That was the purpose that was undertaken in the Extended Treatment Bed Review, wherein we analyzed what our needs were because some of those redevelopment plans were 20 years old and were inappropriate for today's needs.

Consequently, the redevelopment plan that Municipal Hospitals has taken on is a much more 20th Century planning mode, 21st Century planning mode, and the commitment to go ahead and construct is there, with 155 beds in terms of chronic and rehabilitative care in a single facility, along with meeting the more appropriate need of personal care homes. A similar planning process is underway for Brandon General Hospital. There are not plans which can be committed to construction, but work with the facility, with the board, with the administration, is ongoing in an effort to bring those plans to fruition.

Mr. Leonard Evans: Can the minister give us a time frame? When will those plans be brought to fruition?

Mr. Orchard: I am hoping that sometime in my term of government as Minister of Health we can make that happen.

Mr. Leonard Evans: It depends on how optimistic the minister is going to be. It could be a long time. It could be a short time, very short. Can the minister give me an estimate—this is my last question because I have been told we are short of time here—can the minister give me an approximate estimate of what the costs of upgrading this major redevelopment and upgrading will be? It was around \$50 million but that was five, six years ago.

Mr. Orchard: My honourable friend's number is on target but with the construction escalation costs of about 4 percent a year that we have to factor in.

Mr. Gulzar Cheema (The Maples): Mr. Acting Chairperson, I will now repeat some of the questions the member for St. Johns (Ms. Wasylcia-Leis) asked, but I would certainly ask one fundamental question. By combining these two departments, the Health Services Commission and the Manitoba Health, I have not seen any major difference in cost

saving in terms of administration. Can the minister tell me in which area they have saved any money?

Mr. Orchard: Mr. Acting Chairman, there was in total through the—the department was downsized by 56 or 57 positions. Not all of those were as a result of the amalgamation between the commission and the department, but there were—we have got some numbers. I know I have seen them in the past, and if I cannot dig them today, I will make sure my honourable friend gets them and the associated salaried savings. I will have staff dig that while we are waiting.

Mr. Cheema: This branch is supposed to set up directions for the hospitals and personal care homes and almost every medical program. I will ask a basic question: How did this department set up a policy in terms of the hospital where—for example, Dauphin Hospital has made a decision not to have any abortions performed in that given facility. How will that affect this administration's policy, for example, funding a given hospital?

Mr. Orchard: Mr. Acting Chairman, to answer the first question, there is approximately a \$2 million saving in administrative costs through the amalgamation within the commission and the department. Secondly, given the board decision at Dauphin General Hospital, that is a decision that each board facility has the right to make under our system of funding. As my honourable friend well knows, the Grey Nuns as a matter of policy, do not allow the procedure of therapeutic abortion to be undertaken within the St. Boniface General Hospital. A similar policy exists at Misericordia. The board of Dauphin General Hospital has the opportunity to make that similar decision in terms of the operation of Dauphin General Hospital. I understand that the issue is still being considered and debated in the community with a meeting coming up, the last time I talked to the MLA, in about two months time.

Mr. Cheema: Mr. Acting Chairperson, I do not think that is really going to solve any problem because if tomorrow the board member changes his or her mind, that means for a particular area we are going to put all those individuals, even though the numbers are very small for the services they may require. So they may change from time to time, but there has to be a policy from this administration to give at least some guidelines, so these people who need services, who require services, they will be provided services.

For example, now if some of the residents in the Dauphin area would need these therapeutic abortion services, where would they go? Who is going to pay for the services? For example, who is going to pay for their transportation cost, who is going to pay for their consultation fee, and who is going to arrange for their post-therapeutic abortion counselling? How is it possible to have these services made available?

Mr. Orchard: Mr. Acting Chairman, of course that is an individual choice as to where they want to have that procedure scheduled. Dauphin, if they decide not to provide the service, Brandon is the next closest alternative, and then there is Portage la Prairie, and then there are three Winnipeg hospitals. So there are five alternatives if the board of Dauphin, presumably representing a decision of the community, decides that is not a service they wish to provide. There is still opportunity for that service provision in other communities in Manitoba.

Mr. Cheema: Mr. Acting Chairman, on a related issue, in terms of the Morgentaler Clinic, for example, the material coming after the biopsies and for the pathological examination, that examination is not even covered, so there is a possibility that in some cases there may be early finding of cancer or some other disease. I think it is unfair that tissue examination is not being covered, and it could have a potential effect in terms of even a lawsuit to the government because somebody would say that I was a resident of Manitoba, I had the services here, even though that individual had paid for services. Still, if the tissue examination is not done, I think it is going to cause eventually some problems, and I would like the minister to tell us what is the policy of this administration for the tissue examination from such facilities.

* (1710)

Mr. Orchard: Our regulation, as we have discussed I guess two or three weeks ago with the member for St. John (Ms. Wasylycia-Leis), our regulation provides the payment under the fee schedule when therapeutic abortions are undertaken in a number of facilities. For reasons that have been often explained, we have not provided the insured coverage at the Morgentaler Clinic. It is, therefore, the responsibility of the Morgentaler Clinic to undertake the necessary testing of tissue around the procedure as part of their service provision because that is what is undertaken

in other facilities, other hospitals which undertake the procedure.

Mr. Cheema: Mr. Acting Chairperson, has the minister checked the legal obligation in terms of the tissue examination? I am not talking about the fee schedule; I am talking about a tissue examination coming out of any facility, where in those facilities, for example, the medical officers, if somebody is doing a biopsy, they are covered. If the tissue biopsy coming, for example, from the Morgentaler Clinic, why is it not being covered because it could have potential major problems for the person who is involved in the care? I am not talking about abortion as such; I am talking about the by-product, and if on medical grounds the examination is required. So where do you draw the line and what is the policy?

Mr. Orchard: That is where the regulation did draw the line, and those services are provided within a number of facilities that I mentioned earlier on.

Mr. Cheema: Mr. Acting Chairperson, I certainly do not think I got the answer from the minister. I think eventually there may be a legal challenge. After the Morgentaler decision is going to come down, somebody may challenge, for example, on the tissue examination grounds, and I think the minister should be aware of that.

My next question is in terms of how the decisions are made in terms of who should be licensed to open the personal care homes, and what are the procedures? Can the minister tell us how many applications were made this year to apply for the personal care home?

Mr. Orchard: Mr. Acting Chairman, if my honourable friend wants to refer back to Schedule 7, a number of those projects are applications around the personal care home. Many, many communities have proposals before government where they wish to sponsor the construction of a personal care home facility in the community. Specifically, in the northeast quadrant of the city, my honourable friend will find on—page 3 cannot be right, but on the last page of the capital Estimates. If my honourable friend went there, you would find that there were 15 sponsor groups that submitted proposals to the Manitoba Health Services Commission for construction of up to 230 personal care home beds as part of the announcement around the Extended Treatment Bed task force report of the Health Advisory Network.

Mr. Cheema: Mr. Acting Chairperson, my specific question is, how the decisions are made who should be given a licence to operate a personal care home? What are the guidelines in terms of setting up a personal care home?

Mr. Orchard: Anyone who is going to be granted a licence for the operation of a personal care home must prove to the commission and to the long-term care staff and the construction staff that they have the experience, the management ability and the managerial skills to provide the level of patient care that we have set in our standards. A number of groups, both proprietary and nonproprietary over the past two decades, have met those criteria for assurance of quality patient care in our long-term care facilities and, I would presume, will continue to do so. The criteria do not change from facility to facility. They all have to comply with what I think are probably amongst the highest, if not the highest, standards in Canada.

Mr. Cheema: Mr. Acting Chairperson, are there any criteria in terms of making sure that some of the cultural communities who want to open up a personal care home, that they are given due consideration, because I do have applications in front of me? They were sent to the Manitoba Health Services Commission and I will share with the minister. They were rejected and some of the reasons were not very clear. This particular proposal will deal with the specific community, whose population has grown up to 40,000, is by one of the Filipino group who has put together a proposal for the northeast part of the city. I will share with the minister some of the information. I think we should make some provision to make sure that some of the aspirations of the new Canadians are being also met in terms of having a licence to operate personal care homes.

Mr. Orchard: Mr. Acting Chairman, we try to be sensitive to those areas.

Mr. Cheema: Mr. Acting Chairman, I am not saying that the minister is not sensitive, I just want him to be aware of one of the applications. I think it will be worthwhile to review the process and see if something can be done. I am not advocating for one application, but I think the general perception is there that they are not being considered equally in terms given the full hearing process. I will share the information with the minister.

Mr. Acting Chairman, my next question is in terms of the question the member from St. Johns (Wasylycia-Leis) has raised many times inside the House and outside the House and in the committee in terms of the funding policy for the various hospitals and how much money they will be given each year. Given the statement made inside the House, and the minister has really denied that there has been any funding cut, but it was always said that the department has given direction that about \$80 million or \$90 million should be cut or whatever term you want to use. I want some guidelines from the minister that how, from next year, they are going to fund the hospitals because each and every hospital is going to put the proposals and their own demands. We hear from time to time that, for example, the summer closure that the member from Brandon East (Mr. Leonard Evans) has said and some of the other hospitals may not be able to express their opinion in public.

* (1720)

There is a fear that some of the financial restraints are having impact on health care delivery and that will have the impact on the basis of closure of summer beds, probably even extended closure of the summer beds as well as during Christmas holidays. The minister has made some comment that during this time traditionally the staff wants to go on holidays, patients do not want to come to the hospital but there are examples, for example, of Brandon Hospital which is clearly indicating that there is a patient load of almost 1,200 on the waiting list for some of the surgical procedures. I think we should have some flexibility in terms of the patient load of each and every hospital before the decisions are made. I would like the minister to tell us, what is the policy of this administration?

Mr. Orchard: Mr. Acting Chairman, we have discussed this on numerous occasions. Although people are forgetful, summer closures and seasonal closings have been part of hospital management for a number of years. My Associate Deputy Minister, Mr. DeCock, reminded me a year and a half or two years ago that in his earlier days in service with the ministry he was at Swan River Valley Hospital, and for about 20 years there had been seasonal bed closures there. That was long before we got into, shall we say, the annual controversy, as Mr. Warren would say, over summer bed closures. They are not a new phenomenon. They are a method of management of demand within the system.

Mr. Acting Chairman, the issue becomes what is it that drives our spending of health care dollars, and surely it has to be the goal of government to improve the health status of Manitobans. What we have in our health care system is different symbols of authority which are spread throughout the system, and one of the most commonly used symbols of authority and of power and of influence in the health care system is the number of beds. That sort of becomes the focal point. The second thing that becomes the focal point is, of course, the waiting lists. I understand the dynamics around that and the opportune politics around bed numbers and waiting lists.

Surely we ought to be concerned about what we do, not where we do it, and that fits with everything I have heard my honourable critics say over the last five weeks that we have debated Health Estimates. There has been consistent and constant urging that we move the system away from the institution into the community, and that we do. We had the very open discussion 10 days, two weeks ago, that when we do that, and we will, because the way we fund and the way we provide services is going to change very, very rapidly and very dramatically over the next decade. When we do that, my honourable friends are going to get what they want in terms of moving the system to the community. They are going to attempt to have their cake and eat it, too, and they are going to decry the fact we are closing beds which are the symbols of power to some individuals.

It is the same thing with waiting lists. I imagine that seven years ago there was a waiting list for tonsillectomy but, you know, we do not want to go into that one again, so that waiting lists -(interjection)- Seriously, when you take a look at the waiting lists, and we have done that in open heart surgery. We found such things as the same individual on both waiting lists, both major hospitals' waiting lists. We found individuals who were on the waiting list who should not have been on the waiting list. They had been looked after.

So a waiting list is a convenient tool to beat about the head government for more money, and it is used. I have to admit that occasionally I did stray off the straight and narrow and use it myself. What we are trying to do is understand what we do in the health care system and assure that appropriate service delivery is accomplished to improve the health status of Manitobans. As we change the system, there will be significant changes in where we provide

those services. I suggest to my honourable friend, that more and more of them will be provided in an ambulatory outpatient basis with less reliance on the acute care bed.

Mr. Cheema: Mr. Acting Chairperson, I was simply asking for a clarification in terms of the funding policies of this administration. Given the minister's statement that the number of beds are probably a power base of a hospital of a given community—I have seen this minister's statement. If we could go to the capital expenditure, \$450 million it is going to be in the initial stages. The minister has outlined many areas.

I wonder if the minister could tell us, on what basis, what statistics we have to build some of the new hospitals, given that the occupancy rate in some of those hospitals is not more than 50 or at the best 70 percent in the peak season, for example. What are the major indications, what are the major reasons why we are building new hospitals in some of those areas in that \$450 million plan?

Mr. Orchard: Well, Mr. Acting Chairman, in every capital-approved project outside of the city of Winnipeg—which I know my honourable friend and his Leader would not have built because they have made that point very clear, and I appreciate that—we have always replaced an acute care hospital with fewer beds. Always.

There have always been smaller hospitals built, but one of two things has happened—and I can speak only for the last three years that I have been responsible for the ministry and prior to that in 1977 and 1981—that where we replaced a hospital it was with fewer beds and with the ability to undertake some fairly complex surgical procedures within that facility.

I use the example of Carman as a very, very excellent facility built around the skills of a surgeon, and it is the old chicken and egg controversy. If the hospital was not there, I know the surgeon probably would not have returned from his surgical residency to Carman, but because there was the commitment to renew the facility which was opened in 1982, the individual is there. I have to tell you he does mighty fine work, he has made me look better than I did before my encounter with the tree, many have told me, my friends particularly.

What we attempt to do in central regions of the province is to renew the hospital facility with fewer beds, but with the opportunity to undertake some

significant surgical procedures which without that facility would further exacerbate problems in the city of Winnipeg in the urban hospitals.

Secondly, where the level of activity in the hospital—and these are some of the 50 percent activity levels you will find in an analysis of those hospitals, they have not had obstetrics, they have not had surgical procedures undertaken. When we replace those hospitals, it is with medical beds, no surgical capacity, no obstetrics and what we call a swing facility with community health. So that the public health nurse and other community functions are based out of one facility, an acute care hospital of six to eight beds, and then juxtaposed and attached to anywhere from 16 to 20 beds personal care home, because you will find the occupancy of a lot of those hospitals has been longer-term people and we are meeting the community need with that facility, but we have reduced the number of acute treatment beds in service to meet the needs every time, without question.

The only place we have not done that is when we have reconstructed in the city of Winnipeg where we have, for instance, built more.

Mr. Cheema: Mr. Acting Chairperson, one major concern among the patients is if the patient is being transferred from one hospital to another, and it is a very commonly done procedure. It is going to be done more and more given that the new policy—when you are going to combine the hospitals and the urban hospital is going to work on cutting back somewhere in psychiatry and eventually more and more patients are going to be transferred.

If the patient is transferred for 24 hours, it is my understanding that the hospital pays for it, but if it is not more than 24 hours, then the individual ends up paying the cost. I think it is unfair, given the circumstances, that it is not the patient's own fault, it is not the family's fault, if they live in a certain area and go to a certain hospital. I think it should be covered. That if the hospital makes a decision on the basis of they do not have availability of services, then it should be paid by the Manitoba Health Services Commission.

* (1730)

Mr. Orchard: You know, I appreciate my honourable friend's proposition, and again this is one of these decisions around budget, because certainly should we allow or should we fund the

interhospital transfers without the criteria that are currently in place, there would be a fairly significant budgetary cost to it.

As we have tried to point out with Manitobans, the ambulance service is not an insured service; individuals must pay their ambulance cost. We support it to the tune of approximately \$6 million in terms of grants to the various ambulance services but that only covers a portion of the cost. We urge Manitobans to carry insurance so they can protect themselves in the event of needed ambulance service. That would include, I believe, the interhospital transfers, as well, in that program.

It is a decision based on trying to balance many competing demands for more resource with limited resources, and we have come to the same conclusion that previous governments have come to, that we have to adhere to a more limited interhospital transfer policy.

Mr. Cheema: Mr. Acting Chairperson, just a final comment. I disagree with the minister because I think what you want to do eventually is to consolidate some of the services in some of the hospitals. For example, if you want to do a hip surgery in one hospital and you want to transfer somebody from, say, one end of the city to another one, I think it should be covered. They are basically subsidizing and helping taxpayers in going to other hospitals where the services are available.

I do not think they should be paying. Once you are going to—for example, the psychiatrist services are going to cut down some of the acute care beds in one hospital. Patients are still going to go to all the hospitals, and you will still end up transferring patients; you will still end up transferring patients for cardiac care.

It is being done very regularly, so I think it is unfair for a family to pay \$100 or \$150 for ambulance services where they should not be paying those services. I think, eventually, the minister will change his mind because it is going to be a practical demand.

Ms. Wasylycia-Lels: Just before I start a line of questioning, following up from the member for The Maples (Mr. Cheema), I just wanted to point out some of the things that the minister had promised he would table or information he would provide over the course of the Estimates. I will list those items and ask him if he could perhaps get us the information before Thursday.

He has indicated he would get us the latest information on the adult day care program. He has indicated he would provide the average daily costs of an acute care bed in a hospital, of a personal care home bed within a hospital, of a bed within a personal care home and home care cost.

He has indicated he would provide us with some information on waiting lists for different types of medical services, also information in terms of some of his policies to deinsure, particularly when asked about the question of reversal of sterilization. He said he would get us background on that.

He said he would table the 122 applications before the Health Services Development Fund. He said he would get information on the Heart Health Project at the Morden Tupperware plant. He indicated he would provide criteria for eligibility with the lifesaving drug program. He would get us an update in terms of the Pukatawagan proposal before his department, and that he would provide the details of what I considered or I understood to be a home care cutback, that of the Mamchuks in Fisher Branch.

There may be others but my quick perusal of Hansard for the last few weeks indicates that those are some of the issues that we need to deal with.

I would just like to ask a couple of questions on this issue of what appears to be a reduction, a cutback, to our urban hospitals. The figure \$19 million has not been refuted by the minister. It has been substantiated by the chief executive officers who attended a meeting with department officials on February 21. They were informed of what levels they might expect for 1991-92, and how overall targeted reductions might affect them if that was allocated on a prorated basis.

Today the minister indicated to the member for Brandon East (Mr. Leonard Evans) that he would table the prorated share for the Brandon General Hospital. I am wondering if he would table the breakdown if done on a prorated basis for all urban hospitals.

Mr. Orchard: Mr. Acting Chairman, because my honourable friend and I had a little agreement that we were not going to get into bickering, I am going to avoid getting into a bicker, except to correct my honourable friend on her constant misuse of the English language, i.e., cutback.

There is an increase in funding to hospitals of 5.4 percent this year, not cutback like my honourable

friend wants to paint. The difference between the 5.4 percent and what they requested is \$19 million. In other words, we did not give them \$19 million more than the 5.3 percent more, so there is not a cutback. There is more money in the hospital line. That is the whole reason why the Urban Hospital Council is coming around issues dealing with the budget, not from a narrowed individual facility perspective, but rather from a system-wide perspective, including the Brandon General Hospital.

I know that was not the case when my honourable friend was last in government. There was more individuality encouraged. Well, it was not encouraged, it was just a matter of fact. I have used the example that one of my first experiences with mid-year budgeting in one of the hospitals was that they were going to solve an anticipated deficit for the current year by curtailing chemotherapy treatment. All that would have done was transfer the cost to another hospital, not resolve a budgetary problem in the system. That is why the Urban Hospital Council is coming around that issue.

I will have both opposition critics provided with a copy of the Health Services Development Fund applications.

Ms. Wasylycia-Lels: My question to the minister was, would he table the breakdown of this targeted reduction exercise—I will not use the word cutback—for all urban facilities?

Mr. Orchard: I cannot table the targeted reduction because there were only global increases.

Ms. Wasylycia-Lels: I need some clarification. The minister just indicated to the member for Brandon East (Mr. Leonard Evans) that he would provide the member with Brandon General Hospital's share of this overall \$19 million whatever the minister wants to call it. So I am just wondering if the minister could extend that and do it for all urban facilities.

Mr. Orchard: I was going to provide my honourable friend for Brandon with the budgetary increase for Brandon.

Ms. Wasylycia-Lels: The minister has indicated the Urban Hospital Council is looking at ways to co-ordinate services and deal with the current fiscal restraints imposed upon them. However, he knows that hospitals individually are dealing with the financial constraints and are making decisions. I am wondering if the minister could provide us with

some information in terms of decisions being taken by hospitals. What bed closures, what decisions about bed closures have been made? What decisions about staff layoffs have been made?

Mr. Orchard: As far as I know, I have not been informed of any decisions on bed closures. There have been decisions at Victoria to open beds, I believe. In terms of the beds that were forced to be closed in 1987, they are now under a reorganization of long-term panelled patients in their hospital. They are proposing to open some of those beds to provide wings or wards of long-term care patients and staff appropriately. That is going to mean, I do not know whether the number is significant, but some more beds in service at Victoria Hospital, not fewer.

The only other decision that has been of a major proportion, like I cannot answer for day-to-day administrative decisions, but the other major decision was at Seven Oaks which was subject again to some controversy because of misunderstanding around the issue, but they also proposed to bring their panelled patient numbers together in specific wards, areas of the hospital staff accordingly, and that upon implementation. Of course, October 1, I think, was the implementation time. Within that period of time they are going to work with the MNU and affected unions to ensure an orderly transition.

However, there are going to be some layoffs of nursing staff to be replaced with additional hiring of support staff to accommodate the transition, for lack of an easier understanding, to provide care levels at the personal care home level on those specific wards where there is a consistency among patient count that they would be panelled patients.

* (1740)

Ms. Wasylycia-Lels: One of the concerns raised last week by the member for Flin Flon (Mr. Storie) in the House was with respect to the Health Sciences Centre and the news reports about bed closures. The minister indicated that these are, I think he indicated that they were summer bed closures, and I am just seeking a clarification in terms of the situation at the Health Sciences Centre.

Mr. Orchard: I think what was in the news about two or three weeks ago was the summer bed closure.

Ms. Wasylycia-Lels: Is the minister aware of any other bed closures or staff layoffs taking place at Health Sciences Centre?

Mr. Orchard: No, there has been no request, to my knowledge, made to the commission for anything additional. The summer closures are probably in vogue now in all of the major hospitals right now, because July 1 is approximately when the summer bed closures are traditionally undertaken. I think that is undertaken now. There have been no other decisions that I am aware of in terms of either extended length of time of summer closures, because that was part of a speculation that hit the news about three weeks ago. We have not been formally requested or notified that is an undertaking by any of the hospital administrations to date.

Ms. Wasylycia-Lels: Mr. Acting Chairperson, we have been, as the minister knows from the House, getting reports and some of it may be rumour only, but certainly there have been indications on a steady basis that hospitals are looking at finding ways to deal with the current financial situation and starting to trim beds, close beds, shut down wards, lay off staff, and that simply, I want to just put that concern on the table and ask the minister if that is happening, and it is indicated to be the case. Is the minister prepared to say to those hospitals, please put those decisions on hold until such time as the Urban Hospital Council reports?

Mr. Orchard: Mr. Acting Chairman, I think essentially that is exactly what the Urban Hospital Council's function is, to assure that individual facility decisions do not have an adverse impact across the system and simply transfer a potential problem from one facility to the other. That is why I speak so highly of the co-operation that is around decision making as evidenced in the Urban Hospital Council.

Ms. Wasylycia-Lels: I am wondering if the minister could give us some indication of waiting lists now for various types of medical services, surgery, therapies and so on, as one of our concerns has been, in hearing about some of these either bed closures or proposed bed closures, is that it is being done in the absence of a long-term plan and on a quick-fix basis and not taking into account the people waiting for services. I am wondering, is that information available? Can the minister provide us with anything in terms of at least urban facilities and the waiting list for different services?

Mr. Orchard: Well, the only way we can provide waiting lists is if we take the specific procedure and canvass the hospitals.

I realize that there is speculation around bed closures and there are allegations that are made in speculation and fears that are raised and sometimes inappropriately. Let me fill out some more information on the Brandon General Hospital instance, which was raised by my honourable friend's colleague.

Last year the summer bed closures totalled 4,040 bed days. This year they are proposing 3,360; in other words the same number of beds, but fewer actual bed days out of service this year over last year. Yet, there are the alarming statements made by individuals.

Dr. Silverman used an example of a patient that he himself cancelled, nothing to do with the—and I do not know what the motivation was for making that an issue in the news, because it was soon corrected by the medical director of Brandon General Hospital, to correct any improper opinion the general public might have gleaned from that statement in the newspaper by Dr. Silverman, because the physician himself cancelled his own patient and then complained about it.

Ms. Wasylycia-Lels: Mr. Acting Chairperson, with respect to the Urban Hospital Council, the minister had conveyed to him concerns on the part of several organizations about representation on the Urban Hospital Council. Certainly the MNU has expressed the concern. The MMA has specifically asked to be represented officially as an organization on the Urban Hospital Council. Some concerns have been raised by community clinics in terms of this whole exercise. Is the minister prepared at all to perhaps broaden the representation of the Urban Hospital Council so that it is certainly neither the reality nor the perception that administrators in conjunction with departmental officials are making some pretty critical decisions for our health care system?

Mr. Orchard: Mr. Acting Chairman, in both instances my honourable friend mentioned the MMA and the MNU. I had meetings with, in one case their president and president-elect and in the other case their president, their vice-president and their executive director, and explained that the Urban Hospital Council was not intended to be a broadly representative group of professional disciplines, but

rather the CEOs of the urban hospitals and Brandon General Hospital along with the Manitoba Health Organization's president and the director of regional services, City of Winnipeg, along with my senior staff from the commission and the ministry.

There was no intention from the onset—and that was mutually agreed to by the CEOs as well as government—to expand the membership at the council. There is, on each of the issues, the opportunity for membership by physicians, by nursing staff, depending on the issue. The various committees that are studying the different issues that are before the Urban Hospital Council certainly have representation from physicians, from nurses, from other disciplines within the health care system, but the council itself is restrained to the CEOs and the other individuals I mentioned, with no consideration of expanding beyond that.

Ms. Wasylcia-Lels: One of the other concerns raised by both MNU and MMA and probably many other groups and individuals has been around this government's decision to deinsure certain medical services, and it is a concern that we have been raising. I would just like to touch on it briefly.

I will try not to turn this otherwise very peaceful dialogue into a combative, argumentative session, but one of my concerns is that the minister has tried to deflect attention away from some serious issues here by focusing on tattoo removal and contact lens fitting.

Specifically, the minister said in the House and to the media and to the public that he was only deinsuring contact lens fitting when it came to coloured lenses. Now that we have the schedule and the Order-in-Council from this government, it is clear that, when it comes to deinsuring contact lens fitting, it is much broader than that pertaining to coloured lenses. In fact, it appears that, with the exception of the provisions for seniors and with respect to some serious medical conditions such as myopia, astigmatism and irregularities in the eyeball, all contact lens fitting has been deinsured.

I am wondering if the minister can indicate if that is the case, why he has tried to not give us the full picture and on what basis he is making this decision.

Mr. Orchard: Mr. Acting Chairman, on the basis of provision of medically needed services which are covered. The medically required fitting of contact lenses is covered. The list that my honourable friend sees covers the medical requirements, the

medically required needs, but we were paying for the fitting of contact lenses to change eye colour. Surely, my honourable friend would agree that that is not exactly a medically required service.

* (1750)

In the other areas, either the procedure was never an insured service and was improperly, if you will, billed, as was the case with psychoanalysis, or we can go through the other series of deinsured services, all of them nonmedical. I took my honourable friend for the The Maples' (Mr. Cheema) advice, and the reversal of sterilization has the opportunity for physicians to make application to the commission for compassionate grounds in the case of a sudden loss of a spouse or a child, its intention being that we will cover those instances of reversal.

I realize the MMA in their letter—and my honourable friend quoted from it—has talked about discouraging patients from seeking surgery for asymptomatic varicose veins, warts, and naevi that will in many cases result in more difficult treatment being required later on when complications have arisen to the patient's detriment. Sometimes the treatment will come too late and loved ones will be lost prematurely. That is absolute silly balderdash, and for Dr. Ross to sign his name to that as a physician makes him look like a silly person.

I am communicating that to him by letter because when the varicose veins are symptomatic and require removal, they are insured, and that is the physician's judgment. If a wart is going to be medically dangerous to the individual, the physician can bill for its removal. It is a medical judgment, but where it is cosmetic, no. Dr. Ross knows that, and to sign his name to that in terms of a medical professional opinion lowered his stature in the community significantly because it was a silly statement to make. It was more to do with Bill 69 than it was with deinsuring these services, because there were discussions with the executive director of the MMA and, although not in writing, agreement around the issue of deinsurance of nonmedical services which they were aware of.

Ms. Wasylcia-Lels: Is the minister saying that he has some medical findings he could table for us or tell us about which indicate that it is always possible to determine whether a particular wart or naevi or whatever has to be removed for cosmetic and not for medical purposes?

Mr. Orchard: That is what we train physicians to make that judgment in. That is what physicians come to the conclusion in terms of interviewing their patients. Where it is varicose veins and it is asymptomatic, some of the things you look for is pain, et cetera. Those are medical symptoms which a physician in his or her normal interview with the patient would determine to separate asymptomatic.

Let me again give you Webster's definition of asymptomatic which is what we are deinsuring: presenting no subjective evidence of disease, i.e., nonmedical. Where they are medical and are causing medical complications, they are an insured service. Dr. Ross and the MMA fully understood that prior to writing this letter which did not do him, as a practitioner, or his profession, a great deal of good.

Ms. Wasylycia-Lels: Mr. Acting Chairperson, I was hoping not to get into a debate with the minister, but I have to say that I think, in the final analysis, it will be the minister who looks foolish and not Dr. Ross and not the MMA.

I think that they are pointing to a very serious situation and asking the minister to seek some medical opinions and search the scientific evidence before he rushes into making those kinds of generalizations, because I do not believe that there is anywhere a definitive statement, any definitive evidence suggesting that one can always tell whether a wart or a naevi is a problem in terms of just cosmetic viewpoint or, perhaps down the road, in terms of a medical situation.

I think everyone is saying, err on the side of caution, ensure that we operate from the basis of prevention. I do not think anybody in the medical community or in the broader community feels that the minister is living up to that principle.

I want to ask him again. He said—again he made another deceitful statement in this set of Estimates. He again tries to leave the impression that he is only deinsuring contact lens fitting when it comes to coloured lenses. I do not know where the minister is getting his information. I do not know how he is making these statements when, in fact, fittings by ophthalmologists are for contact lenses.

People get their prescription. They make a decision in terms of coloured or not, and they pay accordingly. That has nothing to do with the fee schedule. We are talking about people who require corrective eye measures and choose either eye

glasses or contact lens fitting. The minister is saying by this Order-in-Council that they are now disallowing contact lens fitting.

In checking into this, it seems that the billings for contact lens fitting, on an annual basis, come to less than \$20,000 a year. So it is clearly not something that is being dealt with on a cost basis. This is not a big ticket item. We are talking about a small number of individuals who feel that contact lenses are best for their situation.

What is the real reason that the minister is doing this? Is it that he has adopted perhaps the Alberta solution again to dealing with our critical medicare situation? Is he, in fact, using this as a way to open up the door and perhaps look at the whole question of deinsuring eye examinations? Could the minister give us some explanation for this move, and would he once and for all stop deceiving the people and this Legislature and suggest that he is only dealing with people who want coloured lenses?

Mr. Orchard: Mr. Acting Chairman, there are two things I want to do. I want to table The Manitoba Health Services Commission Capital Program for '91-92. Before my honourable friend prattles on any longer on contact lens fitting, I want to read her what is covered: Contact lens fitting will not be insured except for any of the following conditions: firstly, aphakia, monocular and binocular; No. 2, high myopia, greater than nine diopters—

Point of Order

Ms. Wasylycia-Lels: We had that before as from the Order-in-Council, and the minister does not have to read it, but he could answer the question in terms of why he is excluding outside of these conditions, why he is deinsuring contact lens fitting.

The Acting Chairman (Mr. Relmer): The member does not have a point of order. It is clearly a dispute of the facts.

* * *

Mr. Orchard: Mr. Acting Chairman, greater than nine diopters, irregular astigmatism resulting from post corneal grafting or corneal scarring from disease states; No. 4, keratoconus, the initial fitting of contact lenses which includes the cost of the lens and services for six months for congenital eye disorders in infants, will continue to be insured for conditions such as congenital cataracts, aniridia and nerve palsy, because when my honourable friend first brought this up she said we were

deinsuring for the babies the contact lens fitting. Obviously, she did not have her facts straight at that time. She does not have them now.

Point of Order

Ms. Wasylycia-Lels: On a point of order, the minister should know that we were asking questions because the minister did not provide us with any information about what this meant when he first introduced it with respect to the budget. The minister could simply answer the question in terms of why they are, with the exception of all those things the minister has read from, why they are deinsuring contact lens fittings. What is the long-term agenda?

The Acting Chairman (Mr. Reimer): Order, please. The member does not have a point of order.

* * *

Mr. Orchard: Mr. Acting Chairman, the long-term agenda is not to pay for the fitting of contact lenses which change the eye colour for cosmetic purposes, as I have stated consistently. When I read out the conditions that are covered, for which contact lenses are being covered, they cover the medically needed conditions. Any little game of fearmongering my honourable friend wants to engage in, I welcome her to, but she was wrong when she raised the fear that it was infants that would be deinsured originally. She was wrong again and again and again, and I simply indicate to her, my honourable friend, that we are not going to ensure contact lens fittings for those individuals who wish to have their eye colour changed from Tuesday to Wednesday to Thursday to Friday. That is not medically required.

The Acting Chairman (Mr. Reimer): The time being six o'clock, committee rise.

SUPPLY—JUSTICE

Madam Chairman (Louise Dacquay): Order, please. Would the Committee of Supply please come to order. This section of the Committee of Supply is dealing with the Estimates for the Department of Justice.

We are on item 3, page 116 (e) Family Law: (1) Salaries. Would the minister's staff please enter the Chamber.

* (1620)

The minister has asked for a two-minute recess until such time as the staff can arrive.

* * *

The committee took recess at 4:22 p.m.

After Recess

The committee resumed at 4:25 p.m.

Madam Chairman: Order, please. We are on item 3.(e) Family Law, page 116.

Mr. Dave Chomlak (Kildonan): Just before proceeding, I want to ask the minister—during the last session the committee met, I asked a question about the salary provisions for the chairperson of the Law Enforcement Review Agency and I am wondering if the minister has those figures for us today.

Hon. James McCrae (Minister of Justice and Attorney General): Yes, Madam Chairperson, my department has kindly provided me with an answer I can give to the honourable member for that question he asked.

This is related to what is printed as a large increase in management salaries at the Law Enforcement Review Agency. The salaries for the managerial component have been overstated due to the difference between the classification of the position and the classification of the present incumbent. The position is classified and budgeted at Step 5 of the Senior Officers 6 range because of the former incumbent. The current incumbent is classified and paid from the professional officers series at the Professional Officer 8 level, fourth step. The position will be properly classified for the 1992-1993 fiscal year.

Mr. Chomlak: Madam Chairperson, I thank the minister for that response.

Returning to the subappropriation that we are now dealing with, I am wondering if the minister can outline for me to what extent the Family Law branch at a structural and an official level deals with other government departments that deal with family matters. I am thinking of matters of Family Services, perhaps the Department of Education, and other areas of the government, specifically in terms of the interaction between this branch, because it strikes me as most appropriate given where we are going in many areas, and perhaps Family Services and Education.

Mr. McCrae: Besides carrying out its function in regard to the Department of Justice, our Family Law branch indeed provides services to other

departments, notably the Department of Family Services. I know also that the Department of Labour has been served through our Family Law branch. I guess, as a general statement, it could be said, Madam Chairperson, that any time any department has the need of the kind of expertise that we have in our Family Law branch, the services are provided as it would be assigned through the Justice Division of the department. So we serve clients in the government as well as our usual services operating directly under the Department of Justice.

Mr. Chomlak: I take it from the minister's response then that the relationship is basically a client service as needed basis. Is there not any kind of interdepartmental regular interaction, at say the associate deputy minister level, between various government departments and this particular branch or this particular section of the Department of Justice; in other words, perhaps an associate deputy minister level intergovernmental body that deals with interjurisdictional issues?

* (1630)

Mr. McCrae: Our department, because we serve all the other departments, has a very co-operative ongoing relationship with all of those departments. The Family Law branch is called in, shall we say, whenever the expertise that we have is called for depending on the issues that arise. In addition, we have quite a role through this branch in our relationship with the rest of this country, the other provinces, the federal government. There is a bi-annual meeting of officials dealing with family law issues. This branch has served this and preceding governments well in the kind of policy development that has gone on serving, certainly, this government, the last one and also the one before that, and taking leadership in relation to other provinces.

I look at the plant behind the honourable member, and it is spinning, and I think to myself, my goodness, the honourable member for Kildonan (Mr. Chomiak) has quite an effect around this place.

In any event, this branch is very important to our department and, I suggest, to the whole government.

Mr. Paul Edwards (St. James): Madam Chairman, I asked the minister this question earlier and he indicated that he would be wanting to give further detail when we were on this appropriation. I asked him about The Dower Act and the commitment to review The Dower Act, and I think

that we got into it in some detail. Now that his staff is here from that area, can he make any further comment on the process that The Dower Act is undergoing in terms of review and when that process is likely to come to fruition?

Mr. McCrae: A lot of work has been done. Obviously, this item that the member identifies is a priority item for this branch and for this government. An issues paper has been prepared. It is in the process of translation and printing to go out to interested groups. I have met with some of them already to let them know of our proposal for proceeding on this. We would like to think that we could have responses from those groups who are interested in our issues paper some time in the fall—hopefully in October, I hate to be more precise than that at this point—all of which would bring forward their response and then our analysis of that response and then draft production of a bill. It is our hope at this time that we could be discussing a new Dower Act at the next session of the Legislature.

Mr. Edwards: Madam Chairman, the Minister of Family Services (Mr. Gilleshammer) has recently announced a unification of the Child and Family Services system in Manitoba. One of the things about Child and Family Services agencies is they require a lot of legal work. Each one of them on its own retained legal counsel, and they were kept very busy. In my experience, I never had the pleasure of acting for one, but certainly had the opportunity to be involved in child protection cases with them, and I know they were busy.

What is going to be the situation now that the unification is going to occur with respect to legal services? Is the Family Law branch going to be looked to or is the entire unit going to retain outside counsel, or are they going to create their own law department? What is going to happen in the interim? Indeed, are there any plans for the future, Madam Chairman?

Mr. McCrae: The honourable member would probably recognize right away that I am going to respond that the matter he raises is a matter more properly put to the Minister of Family Services (Mr. Gilleshammer). Of course, the Justice department maintains contact, discussion. We are there and at the service of that department and other departments as I have already said.

Certainly as to what plans the new regime will have with regard to its legal services is not something that I would be the person to answer.

Mr. Edwards: Has the Department of Family Services made any request to the Minister of Justice, the Family Law branch, to assist in providing those legal services to the new agency in an interim period or through any transition period indeed for future efforts? Have there been any requests, any discussions which have occurred along those lines with the Department of Justice?

Mr. McCrae: The issue, as the honourable member has raised it, is not before us in that way. The Department of Family Services has not approached us for that kind of service. We have been involved, however, in assisting the Department of Family Services, or the new agency, in certain legal matters not relating to the actual processing of cases or assisting with the legal matters relating to individual cases. That approach has not been made, although we are entering into a different way of delivering Child and Family Services or a different structure, shall I say, and I do not know if or when they might approach us for what kinds of services. I know that we are here and available, should we be called upon to work co-operatively with any department that enlists our services.

Mr. Edwards: I am just intrigued and perhaps it does not mean anything, but the minister indicated we are looking at a different way of delivering legal services in this area, that is, the area of child protection. I guess he is saying -(interjection)- He is mentioning to me now that he did not say that.

I will go on to my next question, but I would like to know if we are looking at a different way of delivering those. What are they? I do not necessarily disagree with that but it would be interesting for me to know if the Department of Justice and the Family Law branch were involved in those discussions. In any event, let me move on to my next question.

The relationship between the Child and Family Services agencies and the police, in terms of communicating abusive situations and what knowledge everybody has with respect to the potential for violence at home, I realize that this is—again, I am talking about Child and Family Services agencies. They tend to come up with the first-hand knowledge about potentially violent situations, and there has been an ongoing difficulty. It was illustrated in the Reid case, and I understand

some things may have happened since then to rectify it, about ongoing problems of communication, about abusive situations, about situations which may result in domestic violence.

* (1640)

From the Family Law branch's point of view, given their activities and the objectives of this branch as I read them, are they playing any role in the development of those procedures, the communication level between police and government agencies, whether it be Child and Family Services agencies or indeed the Family Law branch? Is there an effective communication link between the two? I read that one of the objectives of this branch is, indeed, to evaluate present Family Law procedures. I wonder if this would qualify as a Family Law procedure in which this branch may have any role or advice to give.

Mr. McCrae: Again, the honourable member is right, as usual. It is more properly a question for my colleague, the Minister of Family Services (Mr. Gilleshammer). The issue of communication between the agency or agencies and police authorities is a Family Services issue and our Family Law branch has not been involved in that particular, specific matter. I forgot what else I was going to say about that. My feeling is that we could probably improve on those communications referred to by the honourable member, certainly as a result of the recommendations coming out of the tragic Reid case, the inquest that followed. Communications, I am told and I understand and believe, would be something that could be improved under the new structure for Child and Family Services. That was one of the reasons referred to by the minister when the new structure was announced.

Mr. Edwards: It is indicated that one of the activities of this branch is to develop new programs. What new programs are presently being developed by the branch?

Mr. McCrae: At this time, the major projects that the Family Law branch is working on is, of course, the work toward the building of a new Dower Act. The Access Assistance Program brought in by this government is something that is being monitored, reviewed. The work is being done on that by the Family Law branch, and I think a very important matter is also our child support guidelines that we are now consulting the community about here in Manitoba.

The child support guideline issue has been the subject of a lot of discussion with federal and provincial authorities for some time now, and we are now to a point where there is an opportunity to consult on a provincial level here in Manitoba. Those are the three major projects that we are working on right now.

Mr. Edwards: What educational initiatives is the branch taking to increase awareness of family law issues amongst the general public?

Mr. McCrae: One of the lawyers in the branch spoke at the Child Find conference—that is a conference having to do with parent-child abduction. The acting director of the branch has addressed the Association of Family and Conciliation Courts conference here in Winnipeg. That was last year. I had occasion to address that group myself, more or less to bring greetings, but that was, I think, an important conference held here in Winnipeg.

In the last 14 months, our acting director has addressed the Law Society of Manitoba on family law related issues. She has been involved, on request, in delivering lectures at the Manitoba law school. She has also delivered lectures to the bar admissions course and provided materials for that, and we are updating and reprinting our family law booklet which is something for public distribution. It is a 1985 version and requires some updating because, well, the honourable member knows a lot of things have happened in family law in Manitoba since 1985. So those are some of the things that are happening in the educational field.

Madam Chairman: Item 3.(e) Family Law: (1) Salaries \$442,300—pass. (2) Other Expenditures \$50,700—pass.

Item 3.(f) Constitutional Law: (1) Salaries \$451,400.

Mr. Edwards: I am interested to know how the Constitutional Law branch decides which cases to intervene in and which cases not to intervene in. What is the process in place presently? Who makes the decision and essentially, how is it made?

Mr. McCrae: Probably in the same way that any other law firm would decide how to conduct its business. An issue arises in one way or another and the departments affected by such an issue would be consulted by the Constitutional Law branch. The branch would do a review of the circumstances and the law to decide what impact whatever the issue was would have on our

jurisdiction and on the clients served by the Constitutional Law branch.

Depending on the issue, sometimes instructions are given to the branch by our senior management level of the department, assistant deputy minister or deputy minister level, and in other cases sometimes the matter is taken to the political level and direction is given by the government or the minister.

Mr. Edwards: Madam Chairperson, it is not quite the same as a normal law firm, because the interesting thing about the Constitutional Law branch and provincial Attorney General is that there are numerous cases coming up all the time from many jurisdictions, and the branch would, I am sure, review those cases as they come up.

It keeps an eye on what constitutional issues are coming to the fore in other provinces and, of course, when matters end up going to the Supreme Court of Canada they have the option and are generally accepted as interveners should there be a reasonable provincial interest which would extend beyond the province actually involved. That was really the gist of my question. I think the answer has been made though, and I assume it is that the senior management level would be consulted and on occasion may go to the political level to make a decision to intervene.

I see the head of the Constitutional Law branch is with us now. The Oldman River case in Alberta or the litigation ensuing from that which we intervened in, I believe, or were involved in, arising the issue between the federal and provincial governments jurisdiction over environmental issues, can the minister tell us how that decision came to be made and what position we took in that litigation?

Mr. McCrae: The Department of Natural Resources basically made the direction to my department and the direction filtered through to the Constitutional Law branch, and that is how the decision was made.

Mr. Edwards: Was there a—

Madam Chairman: The honourable Minister of Justice, to complete your answer.

Mr. McCrae: I said the Department of Natural Resources, but in consultation also with the Department of Environment.

* (1650)

Mr. Edwards: Can the minister indicate what his position is, that of his branch, on the advisability of

the notwithstanding clause in the Constitution and whether or not—I realize it is essentially a political decision, but we have the Constitutional Law branch people here. What is the government's view on that clause as a tool available to the government of the day and indeed any government in this country?

Mr. McCrae: It indeed is a political question, and I see my good friend and colleague the honourable member for Crescentwood (Mr. Carr) raising his eyebrows and perking his ears no doubt to hear the answer.

The honourable member for Crescentwood would probably be the first to tell the honourable member for St. James (Mr. Edwards) that he and I, the member for Crescentwood, are colleagues on a very important project here in Manitoba, that is, to be part of the Constitutional Task Force to advise the government of Manitoba on any number of matters, but certainly flowing from public hearings that the member for Crescentwood and I were involved in.

So that discussion about the matter raised by the honourable member is probably best left to a later time at which time the Constitutional Task Force will be making its report, and we may or may not at that time have some comment to make on the question raised by the honourable member.

Mr. Edwards: When was the last time that the Constitutional Law branch took a position in favour of the notwithstanding clause, Madam Chairperson?

Mr. McCrae: The honourable member can check the record for himself on when certain things were said and by whom, but suffice it to say at this time, Madam Chairperson, the issue, I think from my point of view at least, is being considered by the appropriate people, that being the member for Crescentwood (Mr. Carr), myself and Professor Fox-Decent and others.

We have heard, for example, the member for Concordia (Mr. Doer), who is the Leader of the Opposition, saying he would not hesitate to use the notwithstanding clause depending on—in fact, I think it had to do with the drinking-and-driving legislation if my recollection is correct. I could be corrected if I am wrong about this; I do not mind at all. There have been various comments in public circles about the notwithstanding clause.

We all remember the use of the notwithstanding clause made by the Province of Quebec, and I do

not know if people were complaining so much about the notwithstanding clause as the nature of the use to which the Province of Quebec put it.

The honourable member will recall also—I guess it was last fall—some discussion about my not having ruled out the use of the notwithstanding clause for the purpose of the protection of our drinking-and-driving legislation in this province. Although I never gave the news reporter any more firm an answer than I am giving the honourable member for St. James (Mr. Edwards) right now, the licence was taken to raise the issue. So be it; that is fine.

We have found since that particular discussion that at least according to the majority, indeed, unanimous opinion of the Court of Appeal for Manitoba, that the resort need not be made to the notwithstanding clause in order to protect good legislation like Bill 3, which is there to protect people from drinking and driving. Those who raised the issue of individual rights and liberties as opposed to the rights of society to be safe from impaired drivers, those people are, I hope, assured of this matter having been canvassed carefully in the Court of Appeal for Manitoba, that bills like that, which are designed to protect the public, are indeed not necessarily the subject for consideration with regard to the notwithstanding clause.

Mr. Edwards: Madam Chairperson, the minister mistakes my question. I did not ask him for his opinion on the notwithstanding clause. What I asked him was, when was the last time the Constitutional Law branch on the part of the people of Manitoba took a position in support of the notwithstanding clause being used in an intervener capacity, if ever?

Can the minister perhaps consult with his director, the head of the branch, and answer that question?

Mr. McCrae: There seems to be some disorder in the committee this afternoon, Madam Chairperson.

Madam Chairperson: Order, please.

* (1700)

Mr. McCrae: There seems to be some disorder in the committee. -(interjection)- I see that the Leader of the Opposition (Mr. Doer) has apologized for his behaviour and I accept that apology, Madam Chairperson. I still have not figured out what that production was all about. Maybe somebody will tell me later and then it will be relevant, but it certainly is not now.

Madam Chairperson, the Constitutional Law branch does not take political positions. It does a legal job for the government of Manitoba. Any position like the one the member is referring to would properly be a government position. Maybe the honourable member can be more specific about what he is asking.

Mr. Edwards: Madam Chairperson, perhaps I will move on. What system is in place for tracking of constitutional cases as they come up across Canada within the Constitutional Law branch? Is there a high level of dialogue? I assume there is between the branches. How do Ministers of Justice and directors of branches make sure that they are fully apprised of all constitutional issues that come forward?

Mr. McCrae: Madam Chairperson, there are a number of ways this is done. At the provincial level under The Constitutional Questions Act, Section 7, notice is given to the constitutional law branch of those particular cases. There is an annual conference, and that is a federal and provincial conference. It was recently held on June 6 or 7. The federal Department of Justice collects data about this and shares that with the other jurisdictions and then, of course, the Supreme Court of Canada also gives a report on constitutional cases heard by it. So, in those three ways, information of the kind the honourable member is talking about is made known.

Madam Chairman: 3.(f) Constitutional Law: (1) Salaries \$451,400—pass; 3.(f)(2) Other Expenditures \$86,700—pass; 3.(f)(3) Constitutional Task Force \$280,000—pass.

Resolution 97: RESOLVED that there be granted to Her Majesty a sum not exceeding \$5,147,700 for Justice for the fiscal year ending the 31st day of March, 1992—pass.

Item 4. Corrections (a) Administration: (1) Salaries \$504,700.

Mr. Chomlak: Madam Chairperson, I believe in the last Supplementary Estimates the minister indicated in Hansard that there was going to be a decentralization taking place of this branch. Am I correct in that observation, and has that in fact taken place?

Mr. McCrae: I hope I understand the honourable member's question correctly. He wraps into it the issue of decentralization, and I think to make that

the thrust of what is happening would not characterize properly what is happening.

There is a review of our correctional service here in Manitoba as a whole. We have to look at our province as a whole, and therefore we have to look at the service we provide throughout the province too, so that if we find through our review that some service could be delivered better or more appropriately in places where it is not delivered right now, that I guess would amount to what you might call a decentralization from the present facilities that we have. In that context, maybe the honourable member is putting too much emphasis on the word "decentralization," but in the ordinary course of running a corrections service it is important to understand and assure ourselves that we are providing services appropriately throughout our province. That is the kind of process that is an ongoing sort of process and nothing specifically aimed at decentralization.

Mr. Chomlak: Madam Chairperson, I am sorry that I did not bring the specific code with me. Otherwise I would pursue this line of questioning a little further.

I am wondering if the Administration Branch has done any kind of analysis on a statistical basis, a cost-effectiveness basis, on the whole area of alternative corrections and incarceration versus alternative programs and if there is any kind of cost analysis the minister could provide me of the advantage or disadvantages of alternative measures to incarceration.

* (1710)

Mr. McCrae: We in the Department of Justice here in Manitoba are proud of our accomplishments in other areas as well as this area, never to say that we cannot do a better job, because obviously in corrections we are reminded every day in one way or another that we could be doing a better job if we had more resource, if we had this, that or the other.

We have about 3,000 youngsters a year who are able to benefit from an alternate form of resolution of cases that come before us. We have some 13,000 people annually who sign up for the Fine Options Program, a very fine option to having to go to jail, which is not very productive generally speaking and an expensive proposition to boot. We have 5,000 to 6,000 cases of probation in the space of a year.

We are contracting with various agencies for assistance with Community Corrections services,

not the least of which are contracts that we have with tribal councils.

When it comes to volunteers in Corrections, we have I suppose the largest ratio of volunteers in Manitoba of anywhere in this country. We have 500 to 600 people at any given time helping us in this province, people who care enough about their communities and care enough about the people in those communities who need help, to work for their communities on that volunteer basis.

Yes, we are pleased with all of those things, and alternative measures to incarceration are measures that interest me personally. I happen to have this philosophy that dangerous people should be out of the mainstream, but that there is a lot of good in a lot of people too, even those who commit offences, that can be brought out in better ways than just locking them up behind bars. Some things come up where that philosophy does not work very well, so we have to look at incarceration unfortunately, but certainly in this day and age, governments have to be mindful of the value of the investment that we can make sometimes in human beings when we can invest some dollars in alternative ways of dealing with people, so that they can be out and help pay for the jails that we have to keep people in, rather than being guests in them.

Mr. Chomlak: We can agree, I think, on most of the points that the minister raised. In a rhetorical sense and in a real sense, we often talk about the value of alternative sentencing options to individuals versus incarceration. In strict human terms, in social terms, I do not think there is any debate. We would all agree that is the route we should go. We should go toward less incarceration and more alternative methods, so we can agree on that.

I guess what I am trying to get at is, you know, Elizabeth Fry has indicated the statistics that it cost \$40,000 a year to house a female inmate. I suspect there are comparable figures, perhaps higher, perhaps lower, for male inmates. Talking strictly on economic terms there clearly is a cost benefit, on strictly economic terms, to doing that. I guess if you contrast that, and I can anticipate the response, but if you contrast that with the fact that agencies like Elizabeth Fry have had some of their funds cut, it does not make sense.

It does not make sense that Elizabeth Fry had \$13,000 cut from its budget vis-a-vis the cost of incarceration when you consider the kind of work

that an agency like Elizabeth Fry does, and that is where I am trying to get some kind of actual cost analysis. Is there any capacity in the department for a cost analysis to say, you know, on the strict and human and social terms alone, we clearly will agree, but okay, let us argue, let us look at the number itself, and on that basis surely we can go to the Minister of Finance (Mr. Manness) and say, Minister of Finance, clearly we should be doing more in this area, and we do need more money in this area, because even on a cost-benefit ratio on straight numbers, in straight accounting, this is the way we should be going?

Mr. McCrae: Well, you would think it was strange, Madam Chairperson, that the honourable member representing his party and me representing mine should be in such total agreement on an issue like this. I am really pleased that we are, and it is because I agree with that principle that we are making an investment in human beings, that in spite of the difficult times we are in and in spite of the very difficult circumstances that we face, we were able to preserve a good measure of the funding of the agency to which the honourable member refers.

We were able also to continue the employment program carried on by the John Howard Society, which we believe to be a valuable program. Of course it would have been good to retain or even increase funding to agencies like Elizabeth Fry or the John Howard Society. You know, we regret these decisions have to be made. We do not like them at all. I do not. Yet we are operating in a very, very difficult time.

Of course we can get into a real harangue and disagreement about the way we deal with the conduct of public affairs when times are tough. You know, the honourable member and I are not going to agree about that. We do agree on the value of the services provided by agencies such as the Elizabeth Fry Society. I am glad for that, because when better times return I will be keeping the honourable member's comments in mind.

Mr. Chomlak: There is much area to cover. I do not want to spend too much time on this, although it is extremely important. What I am trying to get from the minister is, does his department have the arguments down on paper? Can he go to the Minister of Finance (Mr. Manness) and say, look, over the next four years if we get an extra \$500,000 or \$400,000 into preventative programs we can save the province X amount of dollars in terms of

incarceration costs? That is what I am looking for, some kind of statistic that would lend strength to the minister's beliefs and members on this side of the House as well.

Mr. McCrae: It is because we agree with what the honourable member is saying that we do have resources and volunteers and others all in place so we can provide alternative measures to some 3,000 young offenders in the space of a year.

The Fine Options Program is not free. The government has to support that. We serve 13,000 individuals under the Fine Options Program in the space of a year. That costs government money. It is because we agree with the honourable member that we are spending those dollars.

When do you stop, and when do you stop the growth of the spending? I guess it is when you have zero participation in the justice system. In the real world that is not happening, so we continue to apply the kinds of funding that we can make available for all of these programs.

It is because I agree with the proposition being put forward by the honourable member that 5,000 to 6,000 people in Manitoba are able to benefit from probation services as opposed to sitting in the slammer. It is because I agree with the honourable member that we do contract with halfway houses, that we do contract with tribal councils to help us with community corrections in communities where people live. It is because I do agree with the honourable member that I very much encourage volunteerism in the corrections service. That is why I very much try my best to attend volunteer appreciation events put on for our volunteers in corrections, because that kind of service freely given is a real value, because it is usually given in the community by the people who live in the community and benefit offenders who live in the community.

While I agree with the honourable member, it becomes a question of how many dollars are we able to invest? If we had more dollars, then it would be easier for us to invest more dollars in this because the honourable member is right. I do not know if it is \$40,000 for an inmate; it is probably not too far off. What a waste of money. Really, if you can spend a fraction of that amount to help someone cease and desist a life of crime, boy, that is money well spent.

Unfortunately, it does not work in every case and we have repeaters. We have people who blatantly abuse programs that are there to benefit them. I mean, that is very upsetting to me and it causes me to feel sad that there are people out there who would abuse and would take advantage of opportunities that we are trying in all good faith to provide and they end up to be repeaters and commit criminal offences more than once. That is upsetting to me. It is matter of some despair.

* (1720)

I think the officials working in the Department of Justice know my despair about that and probably share in it that there are people who are unable to benefit from such things as, let us say, the employment program of the John Howard Society and there are failures there. It makes us really sad but we can also rejoice when we know of cases that are real success stories.

It is good news, bad news in this department. All too often it is bad news but we keep working in the direction of trying to improve the best in people who run afoul of the law. Lots of people commit one crime and they take advantage of these things and they do not become participants in the justice system in that way again. Those cases are worth celebrating, and it is thanks to the Elizabeth Fry Society and the John Howard Society and other caring agencies, thanks to them and our volunteers that we can claim the success that we do claim.

We do not claim 100 percent success, and to the extent that we can make dollars available as this investment in human nature and investment in human resources, then it is money well spent. I agree with the honourable member but where does it all end? When we get down to a zero level of crime in our communities, then we will have achieved our objective and our ideal. The ideal remains and our wish is to continue to support, to the extent that we can, those types of programs.

Mr. Chomlak: Madam Chairperson, I am sure the minister will agree with me that whenever one talks with individuals involved in any occupation they generally will indicate that their workload is too heavy and they work very hard, et cetera, and I agree with that. One striking feature of all discussions I have with probation officers is that they feel increasingly overwhelmed by the volume of work and the level of work that has been placed upon them.

All politics and rhetoric aside, I think that we can agree that is, in fact, the case that the demands of the court and that the judicial system are weighing very heavily on them. To that end I am wondering if, in a simplistic sense, we use Elizabeth Fry figures the \$40,000 per year could probably hire a probation officer. If we could get 10 more probation officers, et cetera, I mean we might keep 10 additional women out of—it is simplistic but I think there is some value in it—we might keep 10 people out of the system and we would have 10 extra probation officers.

Are there any specific measures that are being introduced to assist probation officers in terms of dealing with their very heavy workloads which impacts directly on what we have been discussing?

Mr. McCrae: The honourable member, I think, accurately reflects the feeling that many probation officers would have that their caseloads are heavy and that it would be great if there were more probation officers. I agree with that and I take this opportunity to pay tribute to the work done by people employed in the probation service. The people in the probation service also would be the first to acknowledge, as I do, that not all their cases are success stories. So many who benefit today from probation services are back and return. Those are the cases that I feel despondent about, and the honourable member would, too, if you were in my position. He probably does anyway.

So it becomes a question of resources. It becomes a question also of giving our probation service personnel the best possible opportunity, the best technology, the latest in educational opportunities available to people we have working with us so that they can keep ahead of what is going on in Correctional Services. So it becomes a question of resources.

I think all of the honourable member's questions seem to lead to resource problems that we have, but in three years and even in this year when times are difficult, this department as a whole—and I would have to break it out as to how corrections is doing—but this particular department, the Department of Justice, has done extremely well if you can dare to use such words in this place in terms of funding that has been available to it from the government of Manitoba.

The priority that this department has been given under this government has been encouraging, I

suggest, to people in the justice industry and encouraging to me that this department has been given some attention. To be nonpartisan as I can but also frank, this department has not received the kind of attention that I am pleased to say it has been given since I have been minister. I do appreciate that support.

It is hard to say more, so I will not except to say it would be great if this department had more money to hire more probation officers, because those probation officers also help us with our volunteers, help us in preparing our volunteers to help us and to help offenders. I know the point the honourable member is making, but we are doing better than we were, but it would be nice if we could do better still.

Mr. Chomlak: Madam Chairperson, I thank the minister for those comments. There is much area to cover, but I guess we should move on because of time in terms of the Estimates process.

Can the minister indicate that the STOPlifting program of Elizabeth Fry—I think all members will agree this is very much a success. Can the minister indicate that we will not have to go through the same process of march down to the deadline of the program before seeing whether or not it will be continued? Clearly, given its value, the minister will assure us that the STOPlifting program will be continued?

Mr. McCrae: I do not know, but it seems to me the honourable member should be reminded that was not a government-sponsored or funded program. The Elizabeth Fry Society was having difficulty keeping its program going past January 1 and approached this government for assistance so that they could get through to the end of March. Our concern was, well, what happens after the end of March? The feeling we got was that then we would be into financing or funding this program into the future.

You have to remember that we had not budgeted for that program for the last fiscal year, so the money was not available. It would have meant we would have to take money from some other program to provide funding for a program that was not financed to the end of our government's fiscal year. All I can say to the honourable member today is while we certainly appreciate the objectives of the Elizabeth Fry Society and the objective of their STOPlifting program, I can say today that these concerns will be

in our minds when we approach the budget process for the next fiscal year.

Mr. Edwards: Madam Chairperson, I want to ask some general questions in the Corrections area, and I would assume that the minister would, rather than hold me to the strict lines, just answer some general questions with respect to Corrections, given that we do want to speed things up as much as possible and get into other departments.

The remand centre is now starting to rise from the ground, which is nice to see. Can the minister indicate if the projections of finishing and cost are in fact accurate, or can he give us what the final cost is projected to be, and when occupation is scheduled to be available for inmates?

* (1730)

Mr. McCrae: Yes, Madam Chairperson, we appear to be on budget. The plan is that the building will be ready in the summer of 1992. That is a year from now. It will probably take two months or so to get all of the bugs out of the system, and we hope to be able to receive inmates by early fall of 1992.

Mr. Edwards: I am sorry. Did the minister give us a financial final cost?

Mr. McCrae: What I said to the honourable member was that we appear to be on budget, and my recollection is that we are talking about \$23 million for the building.

I am sorry, Madam Chairperson, but I am just seeking a little clarification here. As I say, we appear to be working to the budget that has been set, but that the honourable member has some detailed questions, we are a client here. We serve clients, we are also a client of the Department of Government Services whose responsibility is to build this building for us.

Mr. Edwards: Does the minister have any information as to what the additional cost was of cleaning up the gas leaks on the site, what that will end up in terms of cost, and indeed, any ongoing costs in terms of venting the building when it is completed?

Mr. McCrae: I hesitate to get into precise numbers because it is not my department, but on the other hand I am told that we are talking some \$300,000 to \$500,000 for dealing with this mitigation of this problem. As far as ongoing, I am not aware that it would be very expensive, other than whatever hydro it might take or whatever fuel is being used to run a

fan system that would keep these vapours out where they are not supposed to be.

I am sorry to say to the honourable member that those specific detailed questions should not be asked of me, but rather of the Department of Government Services.

Mr. Edwards: Part of the correctional system of this province is served by the Alcoholism Foundation of Manitoba and in particular with respect to those convicted of impaired driving they play a role in offering consultations, or they review whether or not a person has an alcohol problem. They charge 250 bucks for it, which is an additional penalty in a sense because you have to pay that before you get your licence back.

Can the minister indicate whether or not to his knowledge that fee is in fact a profitable venture for the Alcoholism Foundation of Manitoba, or does that equate to their actual cost of running that program?

Mr. McCrae: The honourable member asks interesting questions and valid and useful questions, too, but in terms of whether or not you have to get this AFM assessment, that is a matter for the Highways Department. The amount of the money that you have to put out, whether it covers costs or represents something more than the costs to the AFM, that is a question for the AFM or through the Health minister (Mr. Orchard). I do not know the answer to the cost question.

Mr. Edwards: We will have an opportunity to ask those questions when we go through the Highways Estimates which I am advised we have not gone through yet.

With respect to the youth corrections, can the minister indicate what the situation is with the open custody homes. It has been an issue in the past, and there were retainer agreements which were set up with some of the open custody homes. He will recall that discussion. Has the number of youth in open custody homes increased or decreased in the last year, and what is happening with that program generally? Is it proving to be a program worthy of expansion? It has always seemed to me to be a very good idea, one we should work at promoting and expanding within the system as a sentencing option for a judge.

Madam Chairman: Order, please. May I have the attention of the committee just for one moment? We have sort of deviated a little bit in terms of the routine passing line by line, and I just want to make sure it

is the will of the committee and also the minister because we were on 4.(a) and passed nothing under section 4 and we are now on 4.(c). I just want to make sure it is the will of the committee to progress in that vein and that the minister has the staff available to accommodate those questions.

Mr. McCrae: Madam Chairperson, I have Mr. Don Demers with me who is the assistant deputy minister responsible for Corrections. There are only three or four main headings here under Corrections. I am satisfied, since he is the only official whom I am going to rely on today, for the honourable members to ask all their questions and then if they agree, we can go through each appropriation and pass them all at that time.

Madam Chairperson, I think I can give the honourable member a relatively positive report about the open custody program. We operate 15 open custody homes in which there are 35 spaces. There has been an improvement in the situation in the North. We have seven or eight in Thompson. We have one in Gods Lake and one in Gods River. One of those specializes in female young offenders so there has been some progress. On the other hand, we are seeing a drop in sentences. I am not sure at this moment how significant that drop is but if there is a drop in sentences for open custody, there seems to be more longer-term, closed-custody type sentences coming forward.

The number of spaces being occupied at any given time depends not only on sentencing by judges but also there are times when operators of open custody homes want to close or suspend operations while they go on holidays or some such thing. Those things can be expected in the course of an ordinary year. I think that generally what I have said amounts to a positive report, a positive statement about the performance of this program.

Mr. Edwards: Madam Chairperson, what a thrill it was for us to see the new deputy minister be appointed who had written a report on Headingley jail in his prior careers. He is very talented, multitalented.

I have been out to Headingley a couple of times, not by order, but have gone of my own free will and viewed Headingley jail, and I can tell the minister—the minister knows, certainly his deputy knows it is a bit of an archaic facility. There have been ever since his report and before all kinds of plans to overhaul Headingley jail. I know Milner

Ridge was built to sort of take some of the lower-security inmates out.

* (1740)

What are the plans for Headingley jail? In particular, can the minister indicate whether or not there is any move to go back to the way it was with respect to it being a farm? Originally it had a farm component, and it had many more of its inmates involved in actual training. It has always struck me that you do not do an inmate any favour by taking them in, in the situation they are, which is oftentimes unemployable, oftentimes illiterate. At the end of the day you end up with someone who may as well be in the same position and not be able to gain a stake in society.

Are there any initiatives going on at Headingley to increase the number of people who are taking training at the jail site and come out with the opportunity to get a stake in society, thereby decreasing the chances that they will reoffend?

Mr. McCrae: Madam Chairperson, in Corrections we are making progress even though we are working with a very old building and I, too, spent a month there one day, and I know that it certainly is not an ideal place, but realities are realities in our system, too. We have adopted a unit management system at Headingley which has improved the atmosphere to a certain extent. It will result in staff at Headingley being more than just simply people who turn keys and act as guards. They also will be taking a more—holistic role, maybe, is a good word to use to describe the part that they are going to play in their work with inmates in the future.

There is a Headingley redevelopment plan underway. Those things require approvals and work, and questions need to be asked and answered. We are looking at Corrections as a provincial effort, not just something that happens only at Headingley. Indeed, Milner Ridge has been a welcome addition to our list of services provided in this department because that particular program does help to bring out what good there is in people and helps to develop the talents that people have.

We are reviewing our prison industries that we do have. The honourable member should know, though, that there are market gardening activities going on at Headingley and at Brandon. Some people call that farming—market gardening—where you grow vegetables and then you eat them. That is happening at these places, too. It is not grain

farming, I admit, and I do not know if there is a hierarchy of farming. I see the member for Springfield (Mr. Findlay) and the member for Lakeside (Mr. Enns) sitting here. One of them is one kind of farmer and another one is another kind of farmer, and I wonder in the pecking order, which—

Hon. Glen Findlay (Minister of Agriculture): The grass is always greener.

Mr. McCrae: Okay, the Minister of Agriculture says the grass is greener on the Minister of Natural Resources' pasture, I suppose, so maybe the Minister of Natural Resources (Mr. Enns) will have his own comment.

In any event, there are market gardening activities going on, and those have a therapeutic, rehabilitative effect, as well as providing food for inmates in our institutions.

Hon. Harry Enns (Minister of Natural Resources): The minister promised me to put something on the record that I have long yearned for. It will only be three minutes, but the minister refers to the fact that there is some farm background in my colleague and myself.

I also wish to remind the honourable current minister responsible for the institution at Headingley jail that it was with some reluctance that back in 1966 I, in fact, authorized the dispersal and the sale of the once-prized dairy herd that supplied that institution with its dairy requirements, partly because it had fallen into ill repute to insist on the inmates, on the guests of the institution, to rise promptly and to administer to the needs of the bovine species that need to be relieved of their abundant supplies of that bountiful food that we all know as milk.

More specifically, I wanted to lay this complaint to the minister. I can recall a particularly hot Saturday afternoon when there were no vegetables grown anywhere near the institution, but there was alfalfa growing on that land attached to the institution. I had leased it to put up hay which I was doing. There seemed to be some carnival going on in the inside of the walls. I saw balloons and music floating up through the walls on that fine Saturday afternoon when it was about 90 or 95 degrees outside.

I was then augmenting my meagre MLA's salary with my ongoing farming operation, but the thought did occur to me, what was I doing wrong? I mean, why was I working on a Saturday and on a Sunday

in the heat, cutting this grass beside your institution? Why did those who were not so gainfully employed seem to be having such a great time, in fact, to the accompaniment of music and carnival atmosphere?

Mr. Minister, your few comments about the institution prompted that jaded memory to put these few comments on the record, to suggest that perhaps, perhaps only, more of that alfalfa could be broken up. Indeed, more effort could be made with respect to the management of the institution to in effect provide greater sustenance for the welfare of its residents and, hopefully, both in the form of therapy that goes along with hard labour, gainful labour in what I am sure the Minister of Agriculture (Mr. Findlay) will call the noblest of professions, but brings us close to Mother Earth, the soil to grow those enriching things that are so needed in our society, at the same time provide some therapy on the part of the inmates involved.

Thank you, Madam Chair.

* (1750)

Mr. McCrae: The honourable Minister of Natural Resources (Mr. Enns) says there is no need to respond, but I insist on responding. Since he feels there is no need, I will keep my response very brief.

Of all the very, very fine, fine suggestions that I have heard today and last day from members of the opposition, of all those excellent, excellent suggestions about how we could do things better, I cannot think of one that was better than the one made just now by the honourable Minister of Natural Resources.

I know that in times of fiscal hardship as all of us are facing this year, no one would appreciate more than inmates of our institutions the opportunity to embrace and grasp the opportunity that the honourable member has spoken of, that being the opportunity to do useful work, either in or near our institutions of correction, because as the Minister of Natural Resources (Mr. Enns) says, there is something very therapeutic about doing a good day's work. I agree with that.

I say many, many of our inmates both at Milner Ridge and at our other institutions are indeed engaged in doing useful work for the good of themselves and for the good of the institution at which they happen to reside, temporarily although it be. We think that is good and would encourage more inmates to get involved in that type of activity.

Mr. Chomlak: Madam Chairperson, there were some discussions between the minister and various organizations regarding the centre known as Harmony Centre. I wonder if the minister can update us as to what the developments are with respect to Harmony Centre, the present status and the future steps and future developments he sees from here on in on that development.

Mr. McCrae: I think basically what the honourable member is seeking is probably an assurance that meaningful and useful work is still being done, as opposed to having been stopped in its tracks, which it appeared to have been at one point. I can give the member that assurance that useful discussions are going on. Ultimately, what we will come up with in terms of services provided I cannot say today. I do know that Mr. Demers and his staff are working in a co-operative way with representatives of the Interlake Reserves Tribal Council. Good work is being done, and we can sort of report progress. By no means is the matter a dead issue as some reports seem to suggest.

Mr. Chomlak: Does the minister anticipate an announcement of some kind within the next several months with respect to the funding for the project?

Mr. McCrae: It seems that every time this matter comes up the word "funding" is used. The word that I have used consistently, it is a hyphenated word, it is called "fee-for-service." We are still talking about that. Funding is something used by others, a word that is used by others. Yes, I suppose "fee-for-service" can also be defined as funding, but we like to think that people are going to benefit from funds that are made available from government. We are working hard to ensure that is precisely the result, that the product delivered from wherever it happens to be delivered is a product that will benefit people in our communities and in our province.

The word "funding," I am sorry, Madam Chairperson, sometimes irritates me a little bit because it means government just hands out money and does not really care what is done with it. Well, we do care. That is why we are government, because we do care about what happens to taxpayers' dollars. I do not mind saying so and I will say it as often as I have to: the taxpayers of this province do count, and their wishes and their views do matter. That goes for when we are looking at issues related to Piniemuta Place or any other issues in Justice or any other department.

That being said, we want very much to work with aboriginal people; we want very much to be culturally sensitive in our dealings with aboriginal offenders. We believe that there are too many aboriginal offenders and that maybe through our correction services there are ways that we can help reduce that number. None of this will ever get at the root causes, mind you, of what causes crime among aboriginal people in the first place. Those are issues that need to be addressed and addressed very seriously. I am very serious about finding solutions to problems and working together with aboriginal people, and I think we are working together with aboriginal people better now than we were a month or two months or six months ago.

Mr. Chomlak: The Supplementary Estimates book indicates that the Dauphin Correctional Institution has been downsized. Can the minister indicate to what extent it has been downsized and what the rationale was for that downsizing?

Mr. McCrae: In terms of maximum, medium, minimum security institutions in Manitoba, the Dauphin jail would have been considered one of the more on the side of minimum security with lots of inmates getting day passes and doing work in the community, one thing and the other.

When you take into account also our system of unit management, we have been able to bring about some efficiencies at the Dauphin jail which results in the reduction of the staff year complement there from 33 down to 22. That is a reduction of 11 staff years. Seven of those people involved have been accommodated in one way or another through assistance in finding other employment. Four actually have moved from Dauphin but have been employed in other institutions in the province.

Mr. Chomlak: Madam Chairman, just returning to the area of probation services for a second or that general area, does the minister have any indication as to the waiting list for line-ups for spousal abuse programs that are operated by the department or outside of the department for which individuals refer to under probation services?

Mr. McCrae: It is not the kind of thing you can measure in the way the honourable member might like to ask for. There are no line-ups. There is no, what you would call, backlog. If the judge orders probation to last a certain period of time, it lasts a certain period of time. We endeavour within that period of time through our probation services to

provide a level of services that we think to be appropriate for the recipient involved.

So, to the extent that you have a massive increase, for example, in people placed on probation, to that same extent the amount of service that our limited number of probation officers will be able to deliver the kind of quality that we would like to deliver services. So it is not a question of a backlog or a waiting list or something like that. Once your period of probation is over, it is over. In that time, we attempt to provide as best we can with the resources we have available.

Mr. Chomlak: I would indicate to the minister that my advice is that there is a four- to five-month waiting list for individuals who are ordered under probation to receive spousal abuse assistance.

Can the minister indicate whether the regulation regarding inactive probation supervision, revised in September 1990, is still in effect? That is the one that the minister might be familiar with. The matter came up in the House.

Is that regulation still in effect? If it is, what has been the result of it? Will it be continued?

Madam Chairman: Order, please. The hour being 6 p.m., committee rise. Call in the Speaker.

IN SESSION

Mr. Speaker: The hour being 6 p.m., this House is now adjourned and stands adjourned till 1:30 p.m. tomorrow (Wednesday).

LEGISLATIVE ASSEMBLY OF MANITOBA

Tuesday, July 9, 1991

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